

2 December 2013

Mr Richard Pearson
Acting Director General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Pearson

150 Epping Road, Lane Cove – MP10_0148 MOD 1

I refer to the Executive Director's letter dated 13 November 2013 referring the above application to the Planning Assessment Commission for determination under Ministerial delegation.

Ms Abigail Goldberg and I constituted the Commission for the Project. I chaired the Commission. The Commission carefully considered the application and the Department's Assessment Report and associated documents.

Government agencies provided comments which have been addressed through the assessment resulting in no significant objection to the proposed modification application.

During consideration of this project the Commission met with senior staff from Lane Cove Council, including the General Manager. Council advised the Commission that it had three residual issues, two of which have subsequently been resolved through discussions with the proponent.

The two resolved issues relate to the deletion of the pedestrian bridge with the proponent providing two million dollars in lieu towards public domain works, and a revision to the condition relating to affordable housing to be provided. The recommended Instrument of Approval has been amended to reflect these changes.

Council's unresolved concern relates to the change to the concept plan from the proposed elliptical design of the two towers to the current concept plan design.

The Commission understands a design competition was held and the winning design is the subject of this application. While the Commission acknowledges Council's remaining concern, the Commission is of the opinion that the approval of this application will not prevent Council's input into the final design outcome for the towers through the development application process, which will be managed by Council.

The Commission also acknowledges that a number of public objections were received raising concerns including traffic and access; health; design quality; Section 94 contributions; site suitability; density; bushland and affordable housing. The Commission considers these concerns were adequately addressed within the Department's assessment report.

The Department's Assessment Report identified the following key issues for assessment:

- Deletion of a commitment to provide a pedestrian bridge over Epping Road;
- Road safety; and
- Section 94 contributions.

On balance, the Department considered most of the modifications reasonable, recommending the modification be approved subject to conditions.

The Assessment Report also concluded that insufficient justification had been provided for the modification of future environmental assessment requirements for contamination, groundwater, riparian land vegetation management, bushfire, hazard analysis and Section 94 contributions. The Department recommended the application in respect of those requirements not be approved.

The Commission agrees with the conclusion in the Assessment Report subject to the modification of Schedule 3, Condition 26 (d) and Schedule 4, Condition B8 to insert the following:

Schedule 3, Condition 26 (d)

*At the discretion of the proponent in consultation with Council, 4% of units to be dedicated to Council as affordable housing **OR** 10% of units to be allocated as Affordable Housing for a period of 10 years that is consistent with the State Environmental Planning Policy Affordable Rental Housing 2009, which allows for housing within the National Rental Affordability Housing Scheme. A diversity of unit sizes is to be provided in either option.*

Schedule 4, Condition B8

In lieu of the pedestrian bridge, the proponent will contribute two million dollars (\$2,000,000) to Lane Cove Council prior to the issue of the first Construction Certificate to improve public infrastructure facilities in the Council area.

The Commission is satisfied that the Department's recommended conditions, with the modifications identified above, have adequately addressed the identified issues and the recommendation to grant conditional approval is reasonable.

The file and signed instrument of approval are returned.

Yours sincerely



Paul Forward
Chair
Planning Assessment Commission

cc. Mr Brad Hazzard MP
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Minister Assisting the Premier on Infrastructure NSW
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