



## PLANNING PROPOSAL REPORT

### Draft Amendment to Lane Cove Local Environmental Plan 2009

166 Epping Road Lane Cove West



Prepared By  
INGHAM PLANNING Pty Ltd  
For  
Epic Doncaster Pty Ltd  
Job No. 18098  
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Urban and Regional Planning, Environmental Planning and Statutory Planning  
Registered Office: Lyndhurst, Suite 19, 303 Pacific Highway, Lindfield N.S.W 2070  
Telephone: (02) 9416 9111 Facsimile: (02) 9416 9799  
email: [admin@inghamplanning.com.au](mailto:admin@inghamplanning.com.au)  
A.C.N. 106 713 768

# Executive Summary

This Planning Proposal seeks amendment of Lane Cove LEP 2009 to allow the subject land to accommodate a mixed use development to a height of 87m and an FSR of 4:1. The site is in a location that has been deemed strategically appropriate for such development by the former Planning Assessment Commission, as discussed in their report supporting the approval for the adjoining Meriton Development in August 2012. The Commission also recommended that Council and the State Government undertake a strategic review of the 3 remaining properties in the northern part of the Lane Cove West industrial area (including the subject site). This work has not been undertaken. Notwithstanding, the site is considered even more strategically located within the current planning framework as:

- It is located within the Eastern Economic Corridor of the Greater Sydney Regional Plan and within the area noted as being appropriate for additional housing in the North District Plan;
- It is within a short bus ride of a new Metro Station at North Ryde;
- It is consistent with the '30 minute city' objectives of the regional and district plans as the major employment centres of North Ryde/Macquarie Park, Chatswood, St Leonards/Crows Nest, Artamon industrial area, North Sydney and Sydney City are within 30 minutes by public transport;
- It will maintain and enhance the employment generating potential of the site, whilst providing for a significant number of additional dwellings to meet growing demand;
- It will provide 10% of the dwellings as affordable rental housing to assist in easing rent stress in the locality;
- The precedent for high density living in this precinct has already been established by Meriton and the viability of retail uses at Meriton and the subject site will be improved from the synergistic benefits;
- It is isolated from established residential areas which will minimise impact on existing lower density communities;
- It will contribute to the enhancement of the surrounding pedestrian network which includes the Great North Walk.

The indicative concept plans that have been prepared demonstrate that the site can be developed with a high quality urban form that meets and exceeds the design requirements of the Apartment Design Guide. The built form steps down with the natural topography, creating a transition from the higher Meriton tower down towards the Lane Cove River foreshore. Generous separation between the towers with a ground level public plaza, allows for permeability of the site and views through to the river and beyond as well as a high level of residential amenity. Connections to the existing walking trail network and upgrade to the system will provide opportunities for residents, workers and visitors to enjoy the bushland of the site and the adjoining foreshore area.

The proposal provides for the maintenance and expansion of the existing commercial floor space on the site, ensuring the employment generating capacity of the land is retained. Above the commercial podium, 316 apartments are accommodated in 2 medium scale streetfront buildings and two towers (north tower 14 storeys above podium and south tower 21 storeys above podium).

The development will contribute significantly to the local economy both during construction and from the influx of new residents and workers.

We are of the view that the Planning Proposal is a logical step in the strategic planning for this site and precinct, being consistent with broader strategic plans and providing much needed additional housing. The locational attributes of the site mean that impacts on established communities can be minimised and for this reason the need for a specific local strategy is not imperative. The walkability of the site to significant open space and access to transport means that other new infrastructure can be located elsewhere in the LGA, to the greater benefit of the broader community. The provision of over \$6m in developer contributions and an offer to provide additional contributions equivalent to over \$6.73M, for new and improved public infrastructure, will ensure that the demands of new residents and workers will be met.

It is recommended that the Planning Proposal proceed through the Gateway determination process and be placed on public exhibition.



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## Appendices

Appendix A –	Site Survey Plan
Appendix B –	Urban Design Study prepared by Bonus + Associates dated 2 August 2019
Appendix C –	Design Concept Plans, 3D Envelopes, Shadow Diagrams, Development Schedule and Preliminary SEPP 65/Apartment Design Guide Assessment prepared by ZONE Designworks dated 19 August 2019
Appendix D –	Traffic and Parking Impact Assessment prepared by Transport and Traffic Planning Associates dated August 2019
Appendix E –	Economic Assessment by Hill PDA dated July 2019
Appendix F –	Bushfire Constraints and Opportunities Report prepared by Building Code and Bushfire Hazard Solutions dated 16 August 2018
Appendix G –	Letter of Offer to enter into a Voluntary Planning Agreement
Appendix H –	Brochure of Potential Electric Bus for community use



# 1. INTRODUCTION

This Planning Justification Report has been prepared to support a Planning Proposal for land at 166 Epping Road Lane Cove West. The subject land is presently zoned IN2 Light Industrial and forms part of the Lane Cove West industrial area. The existing development is a 3 storey commercial building above 2 semi-basement parking levels.

The Planning Proposal seeks amendment of Lane Cove Local Environmental Plan 2009 ('the LEP'), to allow a mixed use redevelopment of the site including retention and expansion of the existing commercial floor space, retail space and around 316 apartments. Some serviced apartments or hotel rooms may also be provided.

The Planning Proposal also includes a range of public benefits provided to Council, by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 10% of "private" residential floor space and payment of an additional developer levy equating to over \$500K to allow for improvements to walking trails in the vicinity of the site including the Lane Cove Valley Walk and the Great Northern Walk.

This report has been prepared in accordance with the Department of Planning and Environment Guide for Preparing Planning Proposals. It considers the site and strategic planning context, traffic and transport considerations, environmental considerations, urban design considerations, economic considerations, social and cultural considerations, infrastructure considerations and other matters of relevance to the Planning Proposal.

The Planning Proposal Report also an indicative concept plan to demonstrate the type of development that would be facilitated by the requested amendments to the LEP. **Figure 1** below is a 3D view of the conceptual building forms with the Meriton Arise development to the right and Lane Cover River in the foreground.



Figure 1 – Photomontage of concept buildings viewed from south-west

Council's support is sought for the Planning Proposal to proceed through the gateway process and subsequent public exhibition. The Planning Proposal will ensure that redevelopment of the site is economically viable. As discussed in **Appendix E**, the existing commercial use of the site means that it is highly unlikely to be ever be able to be used in accordance with the land's light industrial zoning. Further, a large scale commercial development is also not likely to be a viable land use. The proposed use is consistent with the use of the adjoining land at 150 Epping Road which includes a small amount of commercial/retail use and 367 apartments and is known as Meriton 'Arise'. The Planning Proposal will provide for a significant improvement to the permeability of the site and facilitate a high quality urban design outcome for the land. As noted above there are also significant improvements to the public domain around the site that will flow from the proposal.

## 2. THE SITE, LOCALITY AND PLANNING CONTROLS

### 2.1 The Site and Locality

The subject site is known at No 166 Epping Road Lane Cove West and is comprised of Lot 13 DP 807958. It is irregular in shape and is located on the corner of Epping Road and a private access road that provides access to the property to the south (160 Epping Road – owned and occupied by SC Johnson) and also to the Meriton development to the south-east (150 Epping Road). The land falls from moderately to steeply down from the road frontages to the western boundary which adjoins the foreshore of the Lane Cove River (see site survey at **Appendix A**). The area of the site is 9,128sqm (see **Figure 2**).

The existing development comprises a 3 storey commercial building above semi-basement 2 level parking area. The carpark extends outside the building envelope toward the southern boundary (see **Figures 3, 4 and 5**). The building has a net leasable area of 7,129sqm and 235 car spaces.



Figure 2 Site





**Figure 3 – Existing commercial building**



**Figure 4 – western side of existing commercial building with 2 levels of parking**





Figure 5 – open car park to the south of the existing building

The land to the south and east forms part of the SC Johnson site however this part of the land is vegetated and generally free of development with the exception of the access road. The main part of this site containing the buildings on the site is to the south of Stringybark Creek (see Figure 6).



Figure 6 – Locality surrounding the subject site



To the north-west along the Lane Cove River is a large industrial development known as Ingridion, which manufactures and processes food related ingredients (see **Figure 6**). To the east and south-east is the Meriton Arise development as described above. This development includes 5 residential towers up to 24 storeys (see **Figures 6 and 7**).

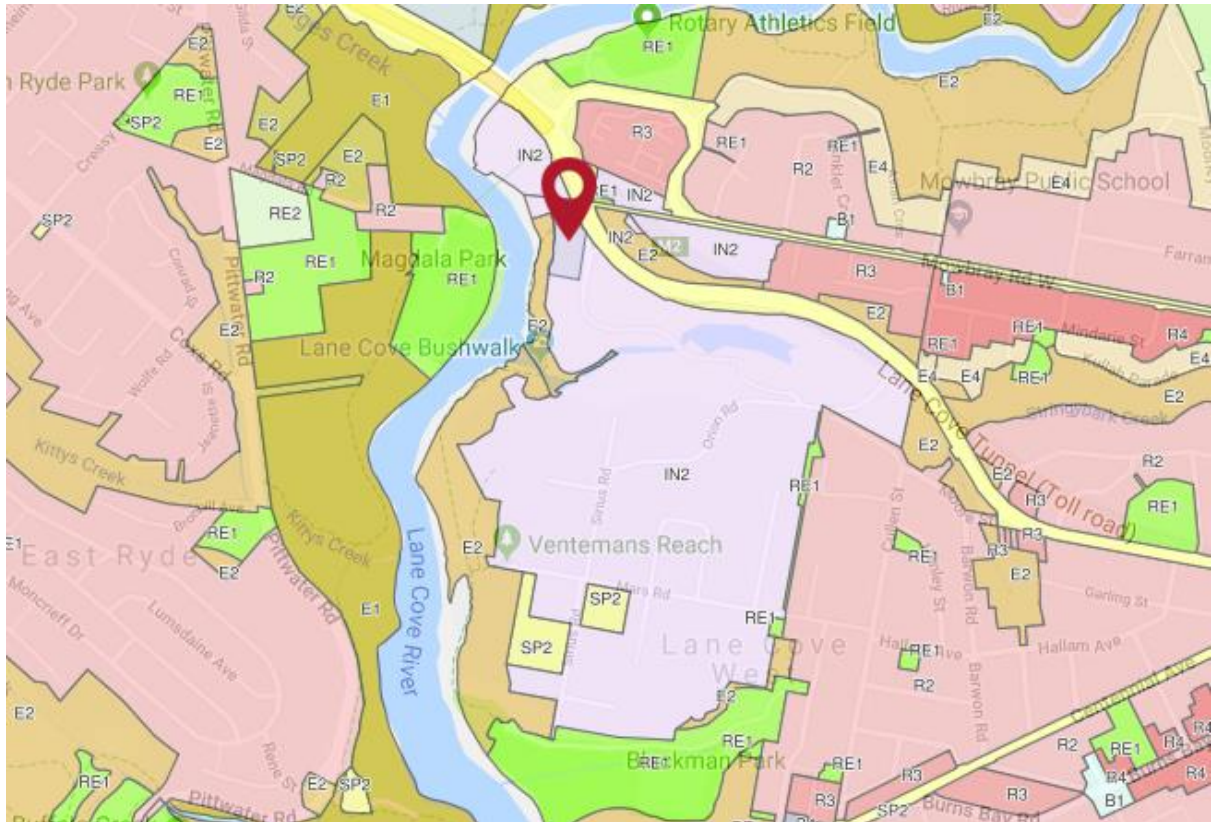


**Figure 7 – Meriton Arise as viewed from subject site**

The subject site, along with Meriton Arise and Ingridion, are wedged between Epping Road, the Lane Cover River and Stringybark Creek. These 3 properties are surrounded by significant areas of vegetation that separate them from adjoining properties. This precinct sits between the North Ryde redevelopment precinct that includes a new Metro station and the main part of the Lane Cove West industrial area (see **Figure 6**).

## 2.2 Lane Cove LEP 2009 Planning Controls

Lane Cove Local Environmental Plan 2009 ('the LEP') is the local planning instrument applying to the subject land. The site is zoned IN2 Light Industrial under the LEP. Whilst it forms part of the wider Lane Cove West Industrial Area, it is physically separated from the main area to the south by the topography, Stringybark Creek and significant vegetation (see Figure 6).



**Figure 8 - Zoning Lane Cove LEP 2009**

The permitted FSR within this area is 1:1 and the permitted building height is 18m.

The uses that are permitted in the IN2 zone does not include commercial premises or office premises and as such the existing commercial use of the site is no longer a permitted use. This means that any redevelopment would be subject to the Existing Use Rights provisions of the EP&A Act and Regulations. Typically, significant increases in the intensity of an existing use, is not supported by consent authorities. This severely limits the development opportunities for the site. In any event the current development of the site uses the vast majority of the development potential of the 1:1 FSR and 18m height limit.



## 3. THE PLANNING PROPOSAL

### 3.1 The Planning Proposal – Amendment to Lane Cove LEP 2009

The Planning Proposal seeks to amend the LEP to facilitate the redevelopment of the site as detailed in the indicative concept plans. This will require mechanisms for permitting the uses which are not permitted in the IN2 zone (ie all the proposed uses) and changes to the currently permitted height and FSR controls. The proposed FSR limit is 4:1 and the height control is 87m.

There are a number of options in relation to how the LEP could be amended to accommodate the above:

#### 1. Amend the relevant LEP maps

This option would necessitate the rezoning of the land to a zone that permits the proposed uses. The most appropriate available zoning would be B4 Mixed Use. The LEP height and FSR maps would also have to be amended to permit the proposed height and FSR.

#### 2. Include the site in Schedule 1 of the LEP which relates to Additional Permitted Uses

There are presently 2 sites within Lane Cove LGA that are subject to Schedule 1. This option means the zoning of the site would not change, nor would the LEP height and FSR maps. The wording of the schedule could include permission for the proposed uses up to the relevant Gross Floor Area (GFA) or FSR and proposed height. This could also require a minimum GFA or FSR for the non-residential uses. Whilst typically Schedule 1 only deals with use, there are examples where numerical limits are also included.

#### 3. Include a specific clause in Part 6 of the LEP (Additional Local Provisions)

This could read as follows:

#### ***6.9 Development at Epping Road Lane Cove West***

*(1) This clause applies to Lot 13 DP 807858 at 166 Epping Road Lane Cove West.*

*(2) Development for the purpose of commercial premises, residential accommodation and tourist and visitor accommodation is permitted with consent on the subject land.*

*(2) Development consent must not be granted to any development on the land to which this clause applies if the granting of that consent would result in the total FSR exceeding 4:1, the FSR of the non-residential uses being less than 0.9:1 or the building height exceeding 87m*

The final method of amending the LEP could also use a combination of the above approaches. Also it is envisaged that the built form of the proposal would be subject to a site specific DCP, to be placed on public exhibition with any amendments to the LEP.

### 3.2 Planning Proposal Objectives

The objectives of the Planning Proposal are summarised as follows:

- (a) To maintain and enhance the environmental qualities of the site and surrounding area and improve access and usability of public open space including the dedication of part of the site to provide public access to the Lane Cove River foreshore;
- (b) To provide sufficient floor space and building height and appropriate land uses to allow for the feasible redevelopment of the site.
- (c) To allow for building heights that step down the slope from the adjoining development at 150 Epping Road down to the Lane Cove River and to create building forms that allow views through the site to the river;
- (d) To maintain and enhance the provision of commercial premises floor space on the site to ensure an ongoing contribution to the employment generating capacity of the land
- (e) To provide for a prominent and inspiring quality of building design at the western gateway to the Lane Cove LGA.
- (f) To enable more economic and efficient use of land with good access to public transport whilst taking advantage of its separation from residential and other land uses that can be affected by large scale development.
- (g) To facilitate the provision of affordable housing in the Lane Cove LGA.
- (h) To provide for a significant area of landscaped outdoor open space and plaza area that will be accessible to the general community as well as persons residing or working within the buildings and visitors to the site.
- (i) Provide for developer contributions over and above those required under Section 7.11 of the EP&A Act, to assist with funding of public infrastructure and in particular improvements to the environmental quality and accessibility of the public open space around the site and to ensure that the site has easy transport access to nearby facilities and services including the North Ryde Metro station;

### 3.3 Intended outcomes

The preparation of the Planning Proposal and potential building envelopes has been informed by a detailed analysis of the site's development constraints and opportunities and the recommendations of the North District Plan. This analysis has included site context, topography, aspect, relationship to neighbouring development, traffic, access, viability, development trends and market expectations. An Urban Design Study has been undertaken by Bonus + Associates (see **Appendix B**) to assist in developing the planning and design principles for the site.

The Planning Proposal would allow viable redevelopment of the subject land to provide for retention and enhancement of the site's employment generating capacity whilst also providing high quality contemporary apartment living, attractive to both investors and owner occupiers, particularly those households seeking to downsize. Providing more apartments suitable for downsizers has a positive outcome by increasing the supply of house available for families seeking a house and garden lifestyle.

The residential towers design facilitate district views for occupants and with provision of lifts, enhances accessibility for seniors and disabled persons, who are becoming a significant segment of the demand for apartment living.

The form of the proposed tower envelopes has been designed to minimise, as far as possible, increases in shadowing of residential properties. The potential for impact is minimal as there is only one site that is impacted – Meriton Arise. Further this development is to the south-east and so will only be affected in the late afternoon. Separation distances both within the development and also to Arise are much greater than SEPP 65 requirements (see **Appendix C**).

By including substantial public benefits in the Planning Proposal, such as affordable housing and additional developer levies, returns from redevelopment are reasonably shared between the developer and the community.

### 3.4 Public Benefits

As noted above, an important feature of the Planning Proposal is the provision of significant public benefits. Some of these will form part of a Voluntary Planning Agreement (VPA) as detailed in the letter offer by the proponent at **Appendix G**.

#### (a) VPA

The proposal includes the offer to provide:

- 10% of dwellings to be used for affordable rental housing (for a minimum of 20 years);
- \$500,000 for the upgrade of walking tracks in the vicinity of the site including the Great Northern Walk
- Dedication of 459sqm along the northern boundary for public open space and a walking trail connection;
- Monetary contribution of \$100,000 to Council for the purchase of a 12-15 seat electric bus for community use (see **Appendix H**);
- Monetary contribution of \$2M to be used by Council to improve public infrastructure facilities in Lane Cove.

#### (b) DCP/conditions of consent

It is intended to include the following requirements in the site specific DCP and that these requirements will be enforced through conditions of consent:

- Provision of a significant plaza area between buildings and a requirement that it be publicly accessible (see **Figure 9**);
- Provision of public art in various locations within the development.





**Figure 9 - View of the conceptual central plaza area looking west**

(c) Section 7.11 contributions

The proposal will result in an additional 572 people on the site as per Council's Contributions Plan. The current rate is \$10,332 per person resulting in a contribution of around \$5.9M. The additional commercial/retail floor space is 972sqm resulting in a contribution of \$120,510. Therefore the total contribution will exceed \$6M. This will be expended by Council for the benefit of the Lane Cove community including new residents and workers.

### 3.5 Concept Plans

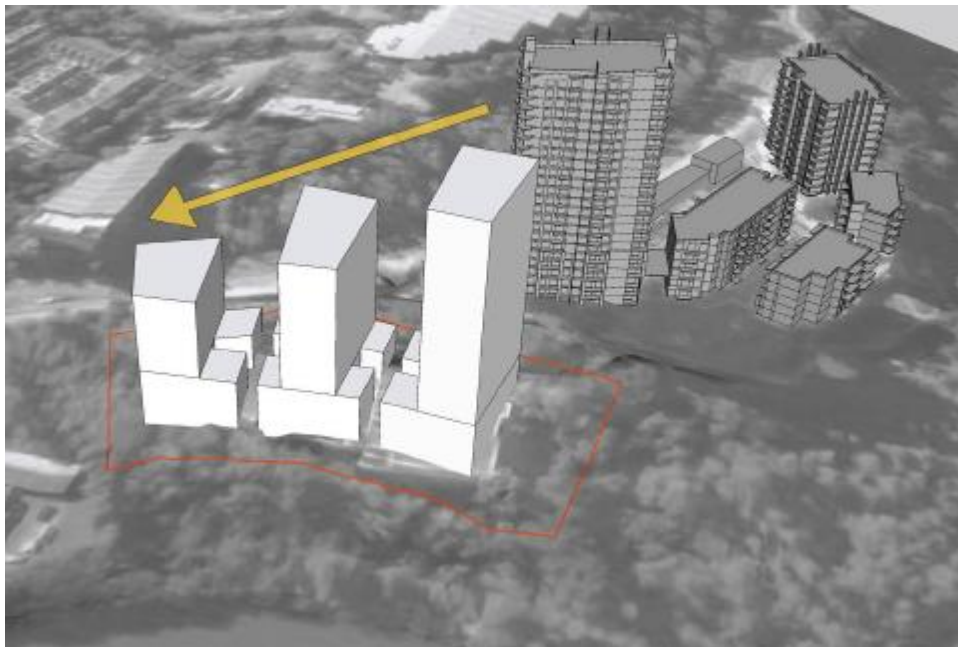
Concept plans have been prepared to indicate the form of development that can result from the application of the requested amendments to the LEP and future DCP provisions as well as the requirements of SEPP 65 and the Apartment Design Guide (ADG) (see **Appendix C**).

These plans have been based on the Urban Design Study that has been undertaken (see **Appendix B**). The main planning and design principles that have arisen from this process include:

- Maintaining development predominantly within the existing footprint to minimise impacts on vegetation and within the identified APZ to ensure bushfire requirements can be met;
- Provide stepping of building from the Meriton Arise 24 storey tower, down the slope towards Lane Cove River;

- Providing good tower separation to allow views through the site to the bushland and Lane Cove River and for superior residential amenity;
- Providing for good linkages to existing public open space and walking trails through the area;
- Providing permeability through the site at ground level.

The study included two and three tower options for the built form (see **Figure 10** and **Figure 11**) and further testing by the project architects, ZONE Designworks, has determined that superior outcomes result from the two tower option. These benefits include better separation between towers to allow for reduced overshadowing, improved internal solar access and better view retention/provision, a larger more usable area of public open space in the ground level plaza between the buildings and the provision of forms that are of comparable scale to the Meriton Arise development.



**Figure 10 – 3 tower design option**

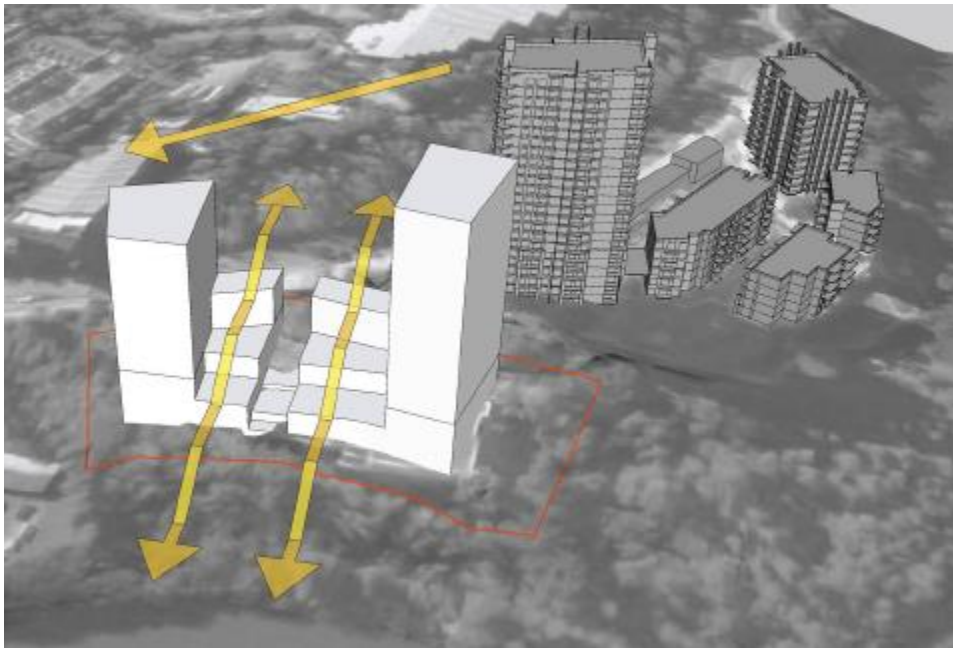
ZONE have prepared a concept design that responds to these principles to the 2 tower option. The overall concept can be described as follows:

#### *Building form*

Basement parking is provided over 5 levels. Due to the slope of the land and the desire to have the public space at the same level as the main entry point, part of the car park will sit above ground level along the western boundary. Indicative plans show 507 car spaces plus 3 loading docks. This is a similar outcome to the existing situation where two levels of parking and an undercroft are above existing ground level (see **Figure 4**);

Above the carpark is a 3 level commercial podium. The podium is split into a northern and southern section, separated by a large central public plaza running through the site on an east/west access. There are also northern and southern courtyards that provide ground level frontage for retail uses and outdoor dining opportunities. Each section of the podium has its own vertical circulation however there is a bridge proposed to link the two spaces at Level 2, allowing for direct access from the main pedestrian entry path from Epping

Road. The top of the podium (at RL30.8m) is slightly lower than the existing building parapet (RL30.97m). The total amount of commercial floor space (GFA) is 8,151sqm;



**Figure 11 – 2 tower design option**

Above the podium are northern and southern ‘street-wall’ buildings that step from 4 levels at the eastern boundary to 3 levels in the central part of the site. These buildings each have their own vertical circulation;

Above the podium and adjoining the street-wall buildings are the main towers, each of which have their own vertical circulation. The northern tower is 14 storeys and the southern tower is 21 storeys (above the podium).

The above forms are highly consistent with the requirements of SEPP 65 and the ADG as discussed in **Appendix C**. A total of 316 apartments are accommodated (95x1 bedroom, 144x2 bedrooms and 77x3 bedrooms).

#### *Access*

The vehicular access to the site will remain as existing however the porte cochere will be redesigned and lowered by around 2m. The traffic report at **Appendix D** suggests the provision of a deceleration lane on Epping Road to minimise the impact from the proposal on the efficiency of the road.

Direct pedestrian access to the building from Epping Road is problematic as the footpath is around 8m higher than the ground level on the site and there is inadequate height to have a bridge over the slip road that provides egress for vehicles to Epping Road. Therefore access must be further down the road where the slip road meets Epping Road with an elevated walkway providing access directly into the podium at Level 2. From here a bridge provides access over the plaza to the southern podium or down to the residential lobbies via lift.



## Open space

The proposal is located predominantly within the footprint of the existing building. There is some extension to the north to provide as greater separation as possible between the northern and southern elements, for the reasons discussed above. Overall the proposal reduces the landscaped area of the site to only 3% less than that existing. This and the other impacts from APZ requirements will be offset through bush regeneration within the site and adjoining reserve areas and the provision of green space within the public areas and on the roof tops of the buildings (2029sqm). Overall there will be a net increase in the planted areas on the site (refer to the discussion of the SEPP 65 Landscape Principle at page 36 of **Appendix C**).

As noted above the proposal includes contributions under a VPA as well as Council's standard requirements. One of the key features of the site is its proximity to the Lane Cover River and the many walking trails that run through its bushland. There is an existing pathway through the site that provides access to the trail system. This trail is not technically available for public use and so the proposal provides the opportunity to formalise this and to enhance the public experience of the local bushland. As can be seen in **Figures 12-14**, the existing trails are overgrown and unmaintained.

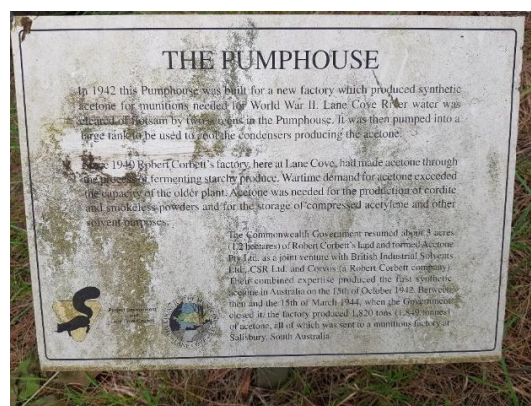


Figure 12 – unmaintained historical information plaque



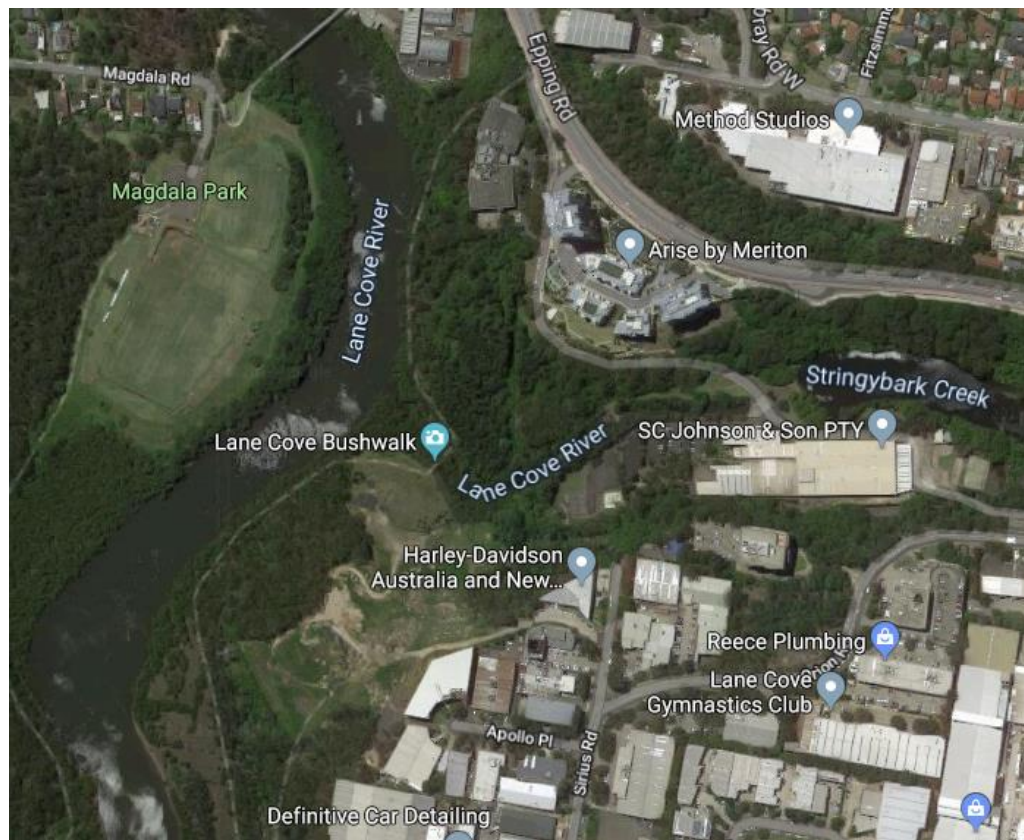
Figure 13 – unmaintained public walking trail near site





**Figure 14 – unmaintained public walking trail near site**

Ironically the suburb of Lane Cove turns its back on the Lane Cove River, with there being only one facility north of Burns Bay Road bridge located adjacent to the river - Blackman Park playground. The majority of the public foreshore area near the site is not of high quality and includes large disturbed areas (as can be seen in **Figure 15**).



**Figure 15 – public foreshore near subject site**



However, with the contributions from the proposal, there is the opportunity to significantly improve the environmental quality of this unique area and to provide innovative infrastructure to allow the public to appreciate it. In this regard as well as more traditional improvements, the possibility of providing an elevated, accessible ‘skywalk’ through the tree canopy directly from the proposed public plaza could be investigated (see examples at **Figure 16**), subject to Council’s agreement. This would provide a unique opportunity for the environment of Lane Cove to be more fully appreciated. A concept design has been prepared to indicate the possibilities (see **Figure 17**).



Figure 16 – example of elevated ‘skywalks’





Figure 17 – concept elevated 'skywalk' to Lane Cover River

## 4. JUSTIFICATION OF THE PLANNING PROPOSAL

### 4.1 Section A – Need for the Planning Proposal

#### 4.1.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. However, the PAC assessment of the Meriton proposal found that the redevelopment of that site had strategic merit and that Council and Department of Planning & Environment should undertake a review of the 'northern' part of the industrial area which includes Meriton, SC Johnson, Ingredion and the subject site.

*"The Commission strongly recommends that Council and the Department work together to clarify the future of this corridor to the north of the main industrial estate."*

This recommendation was made over 9 years ago and there has been no action by Council or the Department to address this strategic planning exercise. Given that there has been ample opportunity for these authorities to commence this process, the owners of these lands should not be penalised by the lack of further investigation. The fact that this area is unique and not part of an existing 'community' means that it can be redeveloped for greater intensity use with minimal impacts and minimal need for broad based improvements to infrastructure. Here, the funds flowing from a VPA and standard contributions can be appropriately utilised for new infrastructure for new residents and also the existing community.

Notwithstanding the above the Urban Design Study at **Appendix B**, provides some consideration of the manner in which the other sites in this precinct (ie SC Johnson and Ingredion) could be treated. The nature of these sites is such they do not need to be highly integrated or amalgamated. The 'glue' that binds the precinct is the foreshore open space and other bushland areas and each site (such as Meriton has already done) can contribute to improving this open space. The subject Planning Proposal includes elements that can make a significant difference to the environmental quality and public useability of this area. Dedication of land along the northern boundary of the site is also proposed so that public access from Epping Road can be improved.

The subject site is in a similar situation as the Meriton site, containing a use (in the case of the Meriton site, a service station) which is prohibited in the IN2 zone and one which cannot be viably be redeveloped. Therefore the justification that the PAC accepted to allow the Meriton proposal to proceed without a specific Strategic Study, can equally apply to 166 Epping Road. In fact with the new Metro Station at North Ryde now in operation and a new North District Plan in place, there is even more justification in present circumstances. This is further discussed in **Section 4.2.1** below.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – there is no better way. The requested change in permitted land use and variation to maximum building height and FSR is not possible under the existing planning controls. With no change, the site will not be able to be redeveloped.

There is no material advantage in deferring redevelopment of the site as in this case a Strategic Plan for the area would be of minimal value as the 'area' only contains 4 properties (one of which is already developed) and the integration with an existing community is not an issue as the area is isolated from other areas.

Also, whilst it would be possible for the rezoning to be contemplated through the upcoming comprehensive LEP review, this is considered to be a less desirable method as it would not allow detailed site master planning or consideration of public benefits alongside the changes to planning controls.

4.2 **Section B - Relationship to Strategic Planning Framework**

4.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The relevant plans and strategies are discussed below.

*A Metropolis of Three Cities – the Greater Sydney Region Plan (GSRP) March 2018*

The proposal is considered to be consistent with the objectives of the GSRP as outlined in the following table.

Objective		Consistency
1	Infrastructure supports the three cities	The proposal is located within proximity to public transport services including a 30 minute bus ride to the city and a 10 minute bus ride to the new North Ryde Metro Station.
2	Infrastructure aligns with forecast growth – growth infrastructure compact	The proposal aligns with population, employment and housing demand for Lane Cove LGA, facilitating additional commercial, retail and residential floor space.
3	Infrastructure adapts to meet future needs	The proposal will provide contributions that will allow new infrastructure to be provided by Council.
4	Infrastructure use is optimised	The proposal will facilitate greater use of existing infrastructure.
5	Benefits of growth realised by collaboration of governments, community and business	The Planning Proposal process is collaborative and the applicant will work with Council and State government to ensure the benefits of redevelopment are realised.
6	Services and infrastructure meet communities' changing needs	The proposal will provide contributions that will allow new infrastructure to be provided by Council.



Objective		Consistency
7	Communities are healthy, resilient and socially connected	The Proposal will establish improved pedestrian connections and links to the existing trail network around the site. Existing trails can be improved through contributions which will make Blackman Park to the south more accessible. .
8	Greater Sydney's communities are culturally rich with diverse neighbourhoods	The proposal provides the opportunity to live in a high density environment in a bushland setting. Such accommodation is uncommon and will attract a greater diversity of people to the area.
9	Greater Sydney celebrates the arts and supports creative industries and innovation	The Proposal will provide opportunity for public art and sculpture works within the site.
10	Greater housing supply	The concept plans indicate the provision of an additional 316 dwellings that will contribute to housing supply in the Lane Cove LGA. Further this housing can be provided without disturbing the fabric of existing neighbourhoods as it is separated from such areas by bushland and main roads. This issue is discussed in further detail following this table.
11	Housing is more diverse and affordable	<p>The proposal will deliver a mix of housing types across the site including 1, 2 and 3-bedroom apartments, contributing to housing diversity.</p> <p>The proposal also allows for the provision of 10% of the accommodation to be affordable housing for a min period 20 years which is at the higher end of the range suggested in the GSRP.</p>
12	Great places that bring people together	The proposal provides a public plaza that will create a great space for people to gather.
13	Environmental heritage is identified, conserved and enhanced	NA
14	<i>A Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities	The proposal provides housing and significant employment opportunities on the site. Further major centres are within 30 minutes of the site by public transport services.

Objective		Consistency
15	The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	The site is within the Eastern Economic Corridor (see <b>Figure 18</b> ). This corridor is diagrammatic and in reality the corridor is logically centred on the main road (ie Epping Road), not the area directly between West Ryde and Chatswood as these areas are generally low density residential zones. There is already high density development along the main road as well as the Lane Cove West industrial area, within which the site is located.
16	Freight and logistics network is competitive and efficient	NA.
17	Regional connectivity is enhanced	NA.
18	Harbour CBD is stronger and more competitive	The site is within a 30 minute bus ride from Sydney CBD and so provision of workers within this catchment will support CBD growth.
19	Greater Parramatta is stronger and better connected	NA.



Figure 18 – location of site within the Eastern Economic Corridor

Objective		Consistency
20	Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Sydney	NA.
21	Internationally competitive health, education, research and innovation precincts	NA.
22	Investment and business activity in centres	The proposal will increase expenditure in the area assisting the growth of the nearby centres of Lane Cove Village and North Ryde.
23	Industrial and urban services land is planned, retained and managed	The site is within an industrial zone, however it is not used for industrial purposes. The proposal will retain and slightly increase and diversify the employment generating use of the land.
24	Economic sectors are targeted for success	As indicated in the Economic Assessment at <b>Appendix E</b> , the economic use of the land will decline unless redevelopment can occur. Redevelopment under the current controls is not viable and so the proposed rezoning is necessary to ensure the success of the site in contributing to economic growth.
25	The coasts and waterways are protected and healthier	The proposal can contribute to improvements to the quality of the adjacent Lane cove River through bushland regeneration between the site and the river.
26	A cool and green parkland city in the South Creek corridor	NA
27	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The proposal will result in a small amount of tree loss however the overall loss of green space on the site is negligible and the overall area available for planting will be increased. Contributions can ensure that the environmental quality of the bushland adjoining the site is improved.
28	Scenic and cultural landscapes are protected	There are no important public views that will be affected by the proposal. Whilst the proposed towers will be visible, the site sits below the level of Epping Road and significant existing vegetation will be preserved, ensuring that podium is no more visible than the existing development on the site.
29	Environmental, social and economic values in rural areas are protected and enhanced	NA



Objective		Consistency
30	Urban tree canopy cover is increased	As noted above the proposal will provide for more planted areas that presently exist and the number of canopy trees can be increased subject to bushfire requirements.
31	Public open space is accessible, protected and enhanced	The site adjoins foreshore public open space that is comprised of bushland with a number of walking trails. The proposal involves dedicating the northern part of the site to Council to provide a pedestrian link through the site and the walking trails through the adjoining Council land. Whilst there is an existing link there is no formal public access. The proposal will provide this. Also contributions are to be used to improve the existing trails and bushland areas near the site.
32	The Green Grid links parks, open spaces, bushland and walking and cycling paths	The proposal will provide links to surrounding open spaces and walking and cycling paths.
33	A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The site is highly accessible and the proposed electric bus will allow access to transport and services with very low emissions. The proposal will be designed to achieve 'better than BASIX' sustainability outcomes.
34	Energy and water flows are captured, used and re-used	The proposal will provide uses that will enable WSUD and ensure water is appropriately drained across the site.
35	More waste is re-used and recycled to support the development of a circular economy	The proposal will facilitate a mix of land uses that can utilise recycled water for landscaping and provide complementary heating and cooling service. These measures will be explored further at DA stage.
36	People and places adapt to climate change and future shocks and stresses	The site will be affected by climate change impacts such as sea level rise and warmer temperatures will be mitigated by the bushland location and the maintenance of vegetation on the site.
37	Exposure to natural and urban hazards is reduced	The proposal provides the required setbacks to minimise bushfire threat. This site is not subject to any other specific hazards.
38	Heatwaves and extreme heat are managed	Warmer temperatures will be mitigated by the bushland location and the maintenance of vegetation on the site.
39	A collaborative approach to city planning	The applicant will work with Council and State authorities to ensure a high quality outcome for the site.
40	Plans refined by monitoring and reporting	NA.

### *Greater Housing Supply*

Whilst the subject site is not within a centre and it is not within an identified Growth Area, Urban Renewal Corridor or Planned Precinct, the GSRP notes that these are only the preferred locations for future housing. The site is within the Eastern Economic Corridor as noted above. This acknowledges that the site has easy access to major centres, with Macquarie/West Ryde, Chatswood, St Leonards/Crows Nest, North Sydney and the Sydney CBD all being within 30 minutes of the site by public transport.

The section of the GSRP titled 'More housing in the right locations' (p61 within the Housing the City Chapter) does not focus on growth in centres or specific areas, but rather on utilising existing and future infrastructure. It states:

*Creating capacity for new housing in the right locations requires clear criteria for where capacity is to be located. Accommodating homes needs to be linked to local infrastructure – both to optimise existing infrastructure and to maximise investment in new infrastructure. Opportunities for capacity that aligns with infrastructure can be realised by urban renewal, local infill developments and land release areas (refer to Figure 17).*

The subject proposal represents urban renewal and the following table assesses the proposal having regard to the locational criteria for urban renewal investigation opportunities contained in this part of the GSRP.

Criteria	Comment
Alignment with investment in regional and district infrastructure which acknowledges the catalytic impacts of infrastructure such as Sydney Metro Northwest and Sydney Metro City & Southwest, NorthConnex, WestConnex, CBD and South East Light Rail, Parramatta Light Rail, Northern Beaches Hospital	The site is around 1.2km from the North Ryde Metro Station. Whilst this is beyond normal walking distance technological advances in 'last mile' transport will make access to the station fast, affordable and most importantly sustainable. Such options include e-bikes, e-scooters and e-motorbikes. The proposal includes an offer to make a contribution to Council to purchase an electric 12-15 seater minibus that can be used to transport commuters to North Ryde Station. Whilst logically this could serve the subject site and Meriton during peak times, at other times Council can utilize it for a wider range of services. Such a bus is also new technology, with an Australian company SEA Electric citing it as a world first (see <b>Appendix H</b> ). The site is only a 5 minute ride away from the new Metro station.
Other possible future investments such as Western Harbour Tunnel and Beaches Link and Sydney Metro West and opportunities created by enhancements to existing infrastructure such as upgrades to schools, open space including sporting facilities and transport	The North Ryde Station Precinct not only provides transport but also the following infrastructure: <ul style="list-style-type: none"><li>• more than 2.4 hectares of parks and open space – 20 percent of the entire precinct</li><li>• new homes and jobs within a 10-minute walk of North Ryde Station</li><li>• more than \$17 million in transport upgrades</li></ul>

Criteria	Comment
	<ul style="list-style-type: none"> <li>• a new pedestrian and cyclist bridge over Delhi Road to improve access to the station</li> <li>• \$6 million in Precinct Support Scheme funding towards Council's delivery of a new public park in Macquarie Park</li> <li>• public plazas and a multi-purpose community facility</li> <li>• bush regeneration.</li> </ul> <p>The other local infrastructure that will result from developer contributions including improved walking trails will also contribute to the site being a livable and connected community.</p>
Accessibility to jobs, noting that over half of Greater Sydney's jobs are generated in metropolitan and strategic centres	The site provides over 8,000sqm of commercial floor space, providing the opportunity to live and work in the same location. Also, the site is only 30mins to the Sydney CBD by bus and 5 minutes to North Ryde Station and then a further 6 minutes to Chatswood. Further, Macquarie Park, Artamon industrial area, St Leonards and North Sydney are also all within 30 minutes of the site on public transport. The main Lane Cove West Industrial area is within walking distance.
Accessibility to regional transport, noting that high-frequency transport services can create efficient connections to local transport services and expand the catchment area of people who can access regional transport	The proximity of North Ryde Metro and Sydney CBD makes regional links including Chastwood and Epping easily accessible.
Catchment areas within walking distance (up to 10 minutes) of centres with rail, light rail or regional bus transport	The site is not within walking distance of a centre but is, as noted above, very well served by public transport (see <b>Figure 19</b> ).
Efficient interchanges with a comprehensive walking and cycling network	The site is on a regional bicycle path that links into the M2 motorway. There are also numerous cycle paths in Lane Cove LGA that are accessible from the site (see <b>Figure 20</b> ). The site has access to a wide range of pedestrian paths and walking trails (see <b>Figures 21 and 22</b> ). These paths provide links can provide access to North Ryde Metro Station and Blackman Park to the south of the site along the river, which has a wide range of sporting facilities.
Areas of high social housing concentration where there is good access to services, transport and jobs	NA
Distance from special land uses such as ports and airports.	The site is a short car ride or 30 min bus ride of Macquarie, RNS and Mater hospitals and numerous schools.



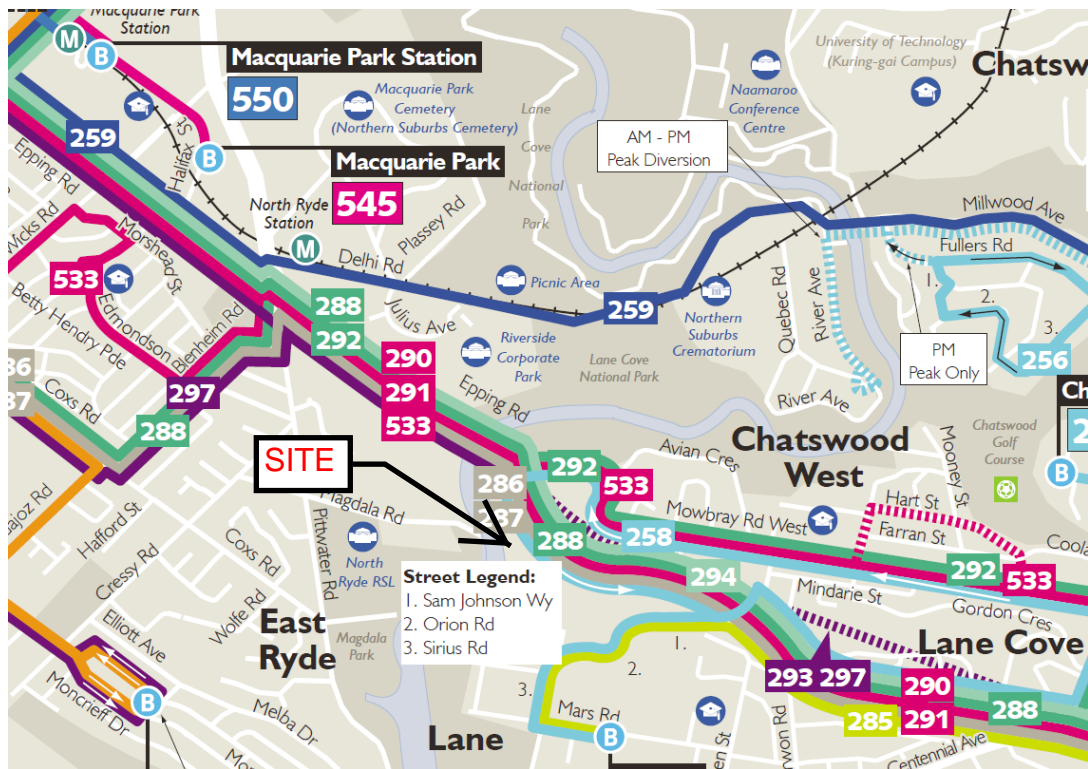


Figure 19 – nearby bus services and Metro Stations

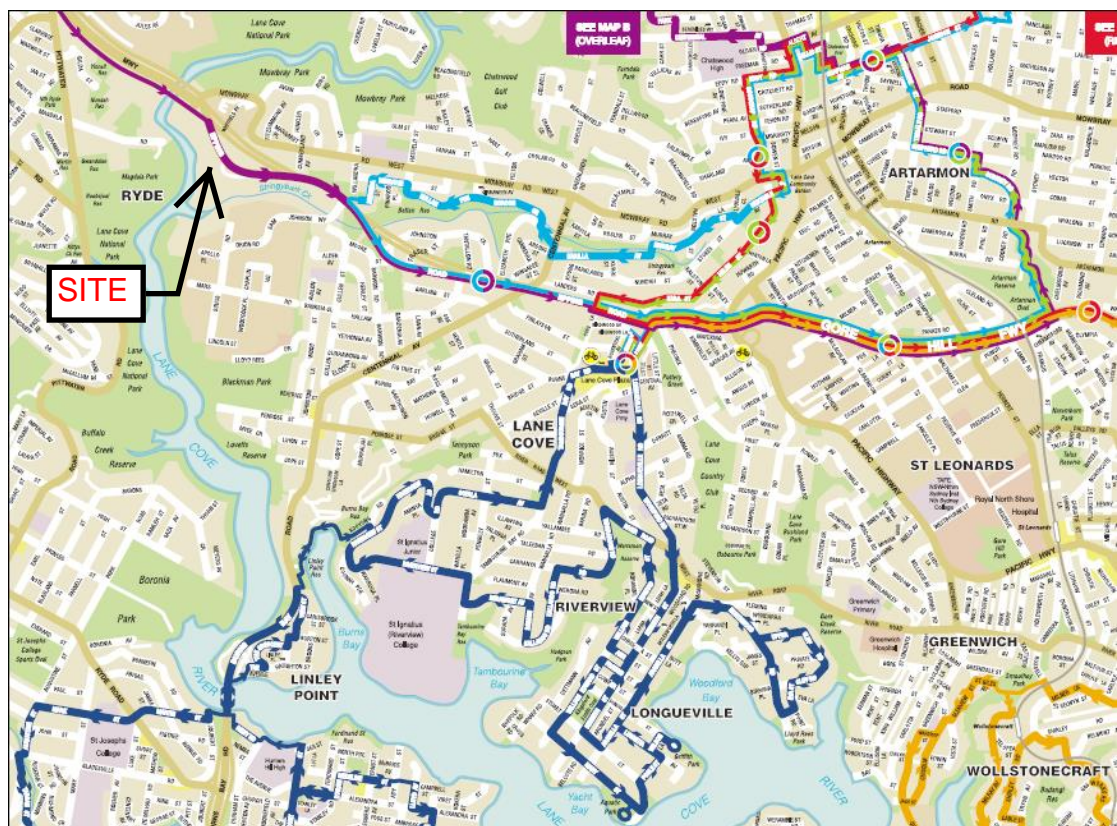


Figure 20 – Lane Cove Bike Trails

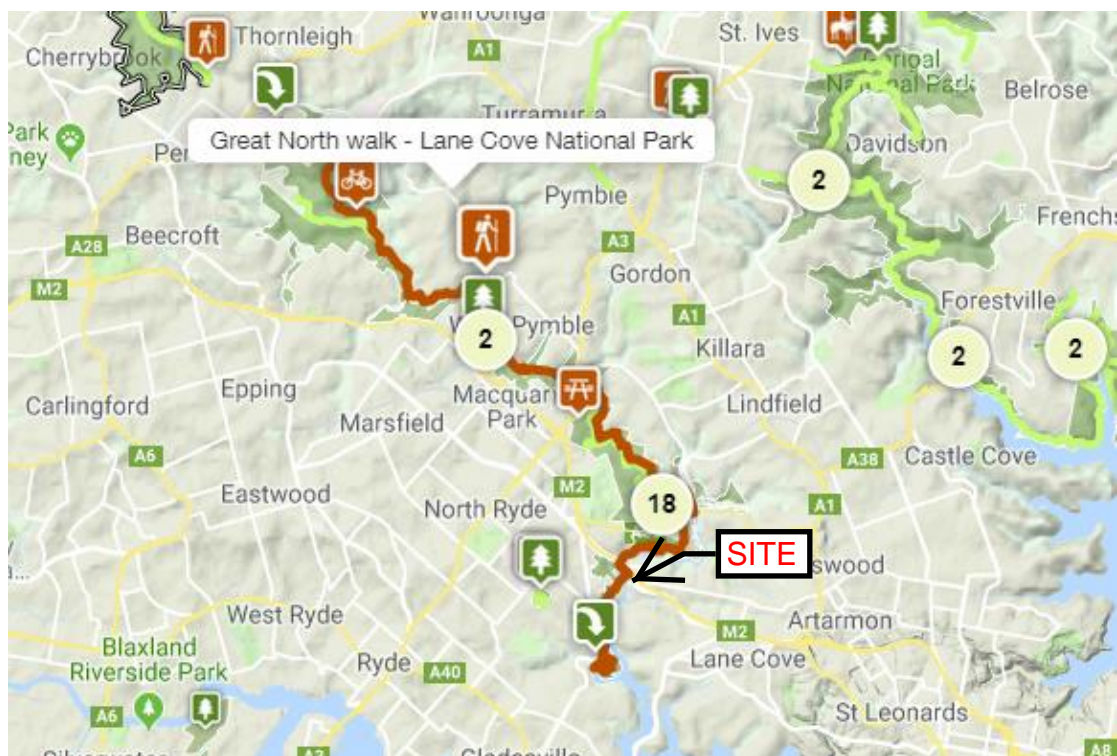


Figure 21 – Great Northern Walk in relation to site

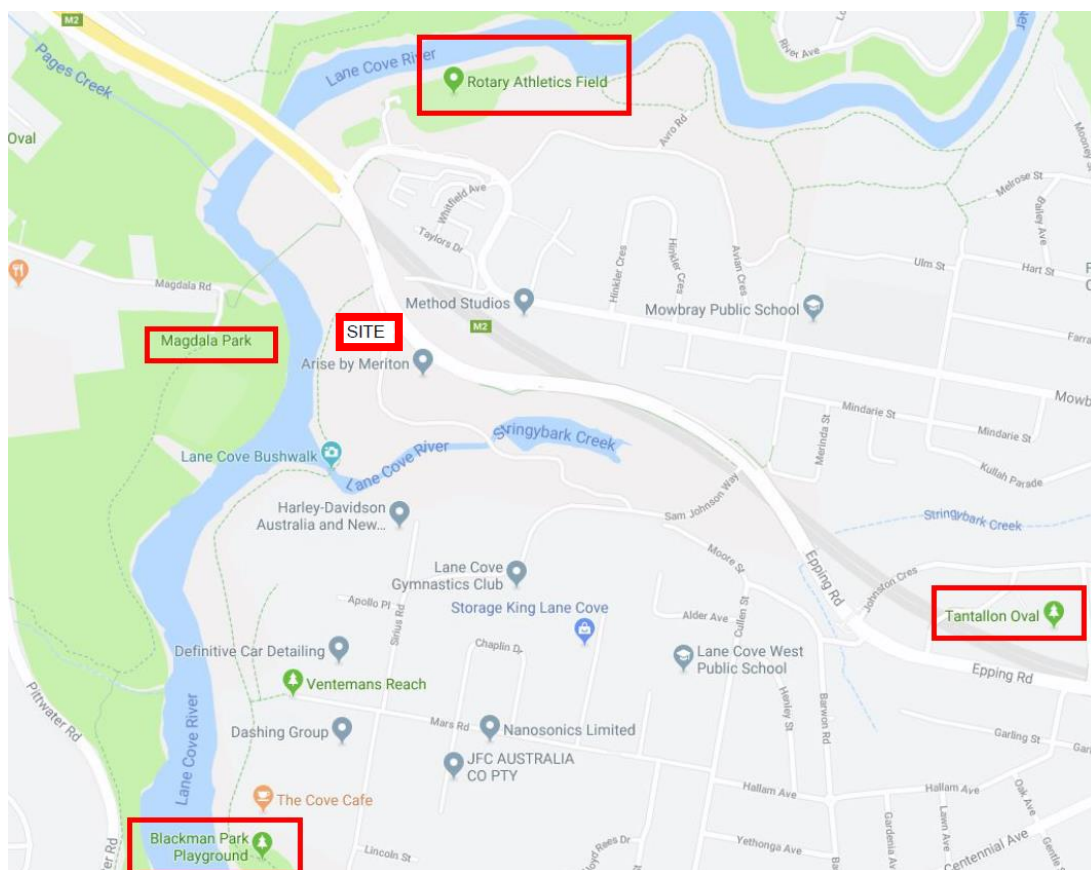


Figure 22 – walking trails in the vicinity of the site



### *Future Transport Strategy 2056 – March 2018*

The Future Transport Strategy 2056 (Strategy) is a 40 year strategy, supported by plans for regional NSW and for Greater Sydney. It is a high level document however one of the main objectives is to reduce private vehicle use. The proposal is consistent with this objective as:

- Parking provision is limited to one car space per dwelling (consistent with Council's DCP rates for shop top housing) which will discourage private vehicle use;
- The site is on regional cycle route and there are numerous other cycleways in the vicinity of the site as noted above;
- The site is within 400m of Magdala Park and 800m of North Ryde Priority Precinct. It is also within the Lane Cove West industrial area and will provide significant employment opportunities on site. There are existing walking trails through and around the site that will be improved through contributions arising from the proposal. This provides high quality opportunities to walk to jobs and recreation areas;
- As previously noted, access to public transport is very good with 5 major employment centres being within a 30 minute trip on public transport.

### *North District Plan (NDP) March 2018*

The NDP is consistent with the GSPR but provides more detail. The following comments are made on issues for which there is further detail.

#### *Planning Priority N5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport*

The NDP indicates a housing target for Lane Cove LGA of 1,900 additional dwellings in the 2016–2021 period. It is stated that: *"The five-year targets are generally consistent with known housing approvals and construction activity. These are minimum targets and largely reflect delivery potential under current planning controls."*

Part of this capacity relates to the St Leonards–Crows Nest Planned Precinct which includes the new Crows Nest Metro Station but also land within Lane Cove LGA including the South St Leonards Masterplan area. The draft Plan for St Leonards and Crows Nest was recently on public exhibition. It provides for 7,525 additional dwellings in the precinct. However it is not clear what proportion of these are in Lane Cove. Documentation for the South St Leonards Masterplan area indicate a yield of between 2000-3000 dwellings for this area.

It is unlikely that the above can be included in the housing target in the period ending 2021, however Council has provided correspondence that indicates that the estimate for additional housing in the 2016-2021 period is 2,490 which exceeds the target noted in the NDP. Notwithstanding this, the analysis undertaken by Economic consultants Hill PDA (see **Appendix E**), indicates that there remains an undersupply of new housing in Lane Cove compared to population growth. This contributes to the lack of affordability of housing within this area. The Hill PDA report concludes that the proposal will assist in meeting the demand for housing that exists in the area and in particular the most needed form of housing.



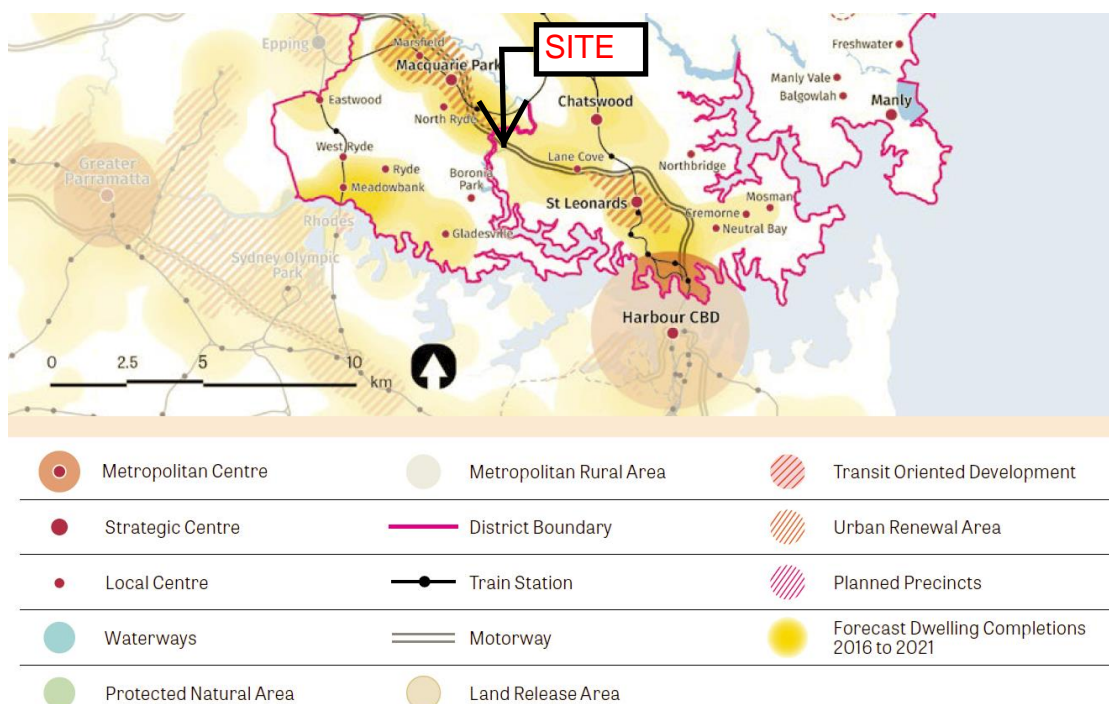
It is also noted that the NDP includes the Section on 'More housing in the right locations' from the GRSP. The accompanying map (Figure 11 of the NDP) titled 'North District future housing supply' highlights orange areas where additional dwelling completions will occur. Interestingly, the orange area appears to include the industrial land along Epping Road including the site, but not the remainder of the Lane Cove West industrial area (see **Figures 23 and 24**). Whilst the map is somewhat diagrammatic there appears to be a clear intention to exclude the bulk of the Lane Cove West industrial area but include the area along Epping Road. This may be an acknowledgement of the Meriton development and the PAC comments about this area possibly being suitable for uses other than industrial. In any event it can be concluded that the proposal is consistent with the NDP in terms of locations for additional housing.

In regard to affordable housing, the proposal will provide for 10% of dwellings as affordable housing (for a minimum of 20 years). This is at the higher end of the range suggested in the GSRP. As indicated in **Appendix E**, the proposal will also reduce rent and mortgage stress through easing housing demand.

As noted above the proposed housing will have very good access to job, services and public transport.

*Planning Priority N8 - Eastern Economic Corridor is better connected and more competitive*

As noted previously the site is within this economic corridor and the retention of employment generating uses and housing for new workers, will enhance the competitiveness of the corridor. The new Metro system within the corridor will further strengthen its economy and any development within reasonable proximity of its stations will improve the viability of this major infrastructure.



**Figure 23 – North District Future Housing Supply Map**



**Figure 24 – North District Future Housing Supply Map (zoomed to show site)**

*Planning Priority N11 - Retaining and managing industrial and urban services land*

The site is within an industrial zone, however it is not used for industrial purposes. The proposal will retain and slightly increase and diversify the employment generating use of the land.

*Planning Priority N19 - Increasing urban tree canopy cover and delivering Green Grid connections*

The Lane Cove River and its foreshores are part of the 'Green Grid' identified in the NDP. These are areas that will be focus of increased spending an infrastructure to benefit local community both in terms of creating a healthier urban environment and places for recreation. In relation to Lane Cove River the NDP notes:

**Priority Corridors**

**① Lane Cove National Park and Lane Cove River**

enhanced open spaces along the Lane Cove River foreshores to create unique recreational experiences, linking the Lane Cove National Park to Macquarie Park, Macquarie University, Chatswood and Epping. Funding has been granted towards flood mitigation of a heavily used crossing point of the Lane Cove River, linking Ku-ring-gai and Ryde local government areas, and connecting to the Great North Walk. The project will create design options to improve track accessibility under wet conditions along the Browns Waterhole Track, North Epping and South Turramurra.

The proposal seeks to maintain the existing tree canopy as much as possible with only a 3% reduction in deep soil area. This will be further supplemented by over 2000sqm of above ground and rooftop planting. The developer contributions from the proposal

will assist in meeting the objectives for this 'Priority Corridor' through the upgrade of walking trails and bushland regeneration. This will also assist in achieving Planning Priority N20 - Delivering high quality open space. As indicated on **Figure 22**, there are numerous open space areas in close proximity to the site.

*Planning Priority N21 - Reducing carbon emissions and managing energy, water and waste efficiently*

The location of the proposal will promote achieving this outcome as it is well served by public transport. Further, the proposal is committed to 'better than BASIX' outcomes for water reuse and energy conservation.

*Other considerations – Strategic and Site Specific Merit*

The DP&E's Guide to Preparing Planning Proposals includes Assessment Criteria to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. The North District Plan does not have Sustainability Criteria. These criteria are the same as the 'strategic merit' and 'site specific' merit criteria noted as applying to the review process for Planning Proposals in the DP&E 'Guide to Preparing LEP's'. In relation to the review process this guide notes that : *"There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.* In this case, the subject LEP is 10 years old but in any event, the consideration of the criteria is required by the Preparing Planning Proposals Guide and so are noted and commented upon below.

*a) Does the proposal have strategic merit? Will it:*

- *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

The proposal will give effect to the North District Plan as discussed above. It is within an area noted as appropriate for additional housing and is highly accessible by public transport, providing access to 5 major centres within 30 minutes.

There is no relevant local strategy because Council and DP&E have not undertaken one, contrary to the recommendation of the PAC in the determination of the Meriton development. In any event a local strategy is not considered necessary as the site is not within the fabric of an existing community. The site is isolated and has minimal impacts for this reason. The site is also already located in an area with high amenity and access to open space and the proposed contributions can be used to improve these areas and to provide additional facilities where deemed necessary by Council.



The Planning Proposal responds to the new investment in the Metro infrastructure as North Ryde Station is only 5 minutes bus ride away. Given the overall focus of the GSRP and NDP on utilising existing and proposed infrastructure, it is no surprise that the site is within the area shown as appropriate for additional housing in the relevant mapping (**Figures 23 and 24**).

*b) Does the proposal have site-specific merit, having regard to the following?*

- the natural environment (including known significant environmental values, resources or hazards); and*
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The site has significant existing vegetation and is subject to bushfire hazard. Application of the current bushfire regulations, whilst improving the existing protection levels on the site, will result in tree loss. However the overall deep soil area on the site is reduced by only 3% and so new areas are available for replacement planting. Further over 2000sqm of above ground and roof top planting is provided and bushland regeneration will be undertaken in the adjoining open space areas.

The existing commercial use of the site is a non-conforming existing use – as was the case with the adjoining Meriton development. This was one of the main issues for the decision of the PAC in relation to that development. The PAC also acknowledged the unique nature of this area being isolated from the remainder of the Lane Cove West industrial area and recommended a strategic investigation be undertaken by Council and the Department. This area, as well as the subject site, includes SC Johnson (160 Epping Road) and Ingredion (170 Epping Road).

SC Johnson has ceased manufacturing operations and now may (lawfully or not) be a non-conforming land use. This leaves Ingredion as the only industrial use within this area. This site has direct river frontage and because of the nature of the use – manufacture and process of food related ingredients, there is the potential for adverse impacts on the water quality of the river. The EPA licence for the site does not permit any pollution of the river and in the past, pollution notices have been issued. Redevelopment of this site for non-industrial purposes would remove a source of potential impact on the environment and amenity of the area. Whilst the PAC acknowledged these impacts, including odour, they concluded that they were not such that residential use was inappropriate.

The proposal provides for a similar use as the adjoining Meriton development. This development was considered by the PAC to have strategic merit. The proposal has been designed to ensure that the impacts on this development are minor and not unreasonable. Views and solar access will be reasonably maintained.

The Urban Design Study at **Appendix B**, shows the site in the context of the potential redevelopment of the other sites in the PAC ‘study’ area. Therefore it is considered that the proposal has had appropriate regard for ‘likely future uses in the vicinity of the proposal’.

In regard to services, the proposal includes an offer for a VPA (including 10% affordable housing, \$2.6M in monetary contributions and dedication of open space land) and will result in a requirement for over \$6M in Section 7.11 contributions. This can be used to provide additional local services and facilities. In relation to State services, the relevant authorities including the Department of Education, will be consulted as part of the Planning Proposal process and any shortfall in facilities can be the subject of appropriate contributions.

Having regard to the above, it is considered that the Planning Proposal adequately satisfies both the Strategic and Site Specific Merit Tests.

#### 4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Lane Cove's Community Strategic Plan is *Liveable Lane Cove 2035*. The Strategy sets out key strategic directions for the LGA until 2035 which are based on the principles of sustainability, community, creativity and best value.

The key issues are noted and addressed in the following table.

Key Issue	Comment
<b>Our Society</b>	
Young People	The proposal will be designed to increase resident interaction and includes a communal public plaza for meeting and gathering. This will help social isolation experienced by some young people.
Staying active	The development will be highly accessible making it ideal for seniors. It also improves the options for downsizing.
Recreation	The proposal will provide recreation opportunities by being linked to the surrounding walking trail and bicycle network.
Higher density living	The proposal will assist in meeting the growing demand for this type of living. The design will provide a safe environment and provide passive recreation spaces.
Cultural diversity	The type of accommodate is broad and likely to appeal to a wide range of family types and different cultural backgrounds.
<b>Our Built Environment</b>	
Sustainable development	The proposal is founded on evidenced based planning as demonstrated by this assessment. It is located in an ideal position for the proposed mix of uses.
Infrastructure	The proposal includes dedication of open space and contributions for other community infrastructure.
Housing density	The proposal responds to the noted need for <i>"more flats with lifts, adaptable and accessible housing, and proximity to shops, community facilities and transport to minimise car use."</i>
Public domain	The proposal provides for a large 'public' plaza area that will allow access to the adjoining public open space – possibly through an elevated walkway that will allow the feeling of being in the tree canopy to be experienced.
Traffic and parking	The proposal limits parking on site so that public transport use is encouraged.
<b>Our Natural Environment</b>	
Climate change	'Better than BASIX' sustainability outcomes will be achieved which will reduce greenhouse gas emissions. Also as noted

Key Issue	Comment
	above, the site is very well serviced by public transport thereby minimising private vehicle trips.
Waste management	The proposal will provide waste management in accordance with Council requirements which include recycling facilities.
Creeks and rivers	The proposal will facilitate the regeneration of bushland on the site and adjoining public open space along the river, which will assist in improving water quality.
Bushland	The proposal will assist Council in its role in preserving and maintaining important bushland areas especially those adjoining the site.
Street trees	The site has significant 'street' trees on the access road servicing the development which will be retained.
Wildlife	Improved management of the adjoining bushland could assist in increasing biodiversity in the area.
<b>Our Culture</b>	
Changing demographics	The type of accommodation is broad and likely to appeal to a wide range of family types and demographics.
Creative economy	The proposal maintains and enhances the employment generating capacity of the site and provides opportunities for the establishment of creative businesses.
Connection to place	The proposal can provide public art to assist in place making within the site and in particular the public plaza area.
<b>Our Local Economy</b>	
Partnerships	The proposal will retain and enhance employment opportunities on the site and allow for partnerships with local business to occur.
Sustainable economy	Increased local employment opportunities will foster a sustainable community.
State Government Targets	Whilst there are no specific targets outside of St Leonards, the proposal is consistent with the objective to maintain the urban services capacity of industrial land.

The proposal is not contrary to any of the provisions of Lane Cove LEP 2009 apart from the matters of land use, height and FSR previously discussed. The proposal is supportive of the aims of the LEP by providing additional housing (including affordable housing) in a highly accessible location and in manner that maintains character and minimises environmental impact.

#### 4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

##### *State Environmental Planning Policies*

The only State Environmental Planning Policies (SEPPs) relevant to this planning proposal are SEPP 55, SEPP (BASIX) 2004, SEPP 19 and SEPP 65:

SEPP	Consistency
<b>SEPP 55 – Remediation of Contaminated Land</b>  This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.	The site has a history of use as commercial offices which are not likely to result in any contamination. Further the site has been excavated to accommodate this development. The proposal will result in further excavation of the site and if any contamination is present, it is likely to be removed as part of this process. This matter would be further investigated as part of the Planning Proposal process.



SEPP	Consistency
<b>SEPP (BASIX) 2004</b>  Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption.	This SEPP will apply to future proposed apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site. As previously noted, a 'better than BASIX' outcome is sought to be achieved.
<b>SEPP 19 Bushland in Urban Areas</b> Technically this policy does not apply as the adjoining land is not zoned for open space but rather E2 Environmental Conservation.	In any event, whilst the proposal will result in the loss of some bushland, this is intended to be replaced both within the site and through bushland regeneration within the adjoining and adjacent E2 zoned lands.
<b>State Environmental Planning Policy No 33—Hazardous and Offensive Development</b> This SEPP may apply due to the proximity of adjoining industrial uses.	The adjoining Meriton development was approved following careful consideration by the PAC including the impacts from the food processing operations of Ingredion (or Pacific Starch as it was then known) at 170 Epping Road and also SC Johnson at 160 Epping Road (where chemical manufacturing has ceased). The PAC concluded that the proposed residential use was not incompatible with the nature of adjacent industrial uses. This matter will be further investigated as part of the Planning Proposal process.
<b>SEPP 65 – Design Quality of Residential Flat Development</b>  This SEPP aims to improve the design quality of residential flat development including better built form and aesthetics and amenity and reduced energy consumption. The SEPP also aims to better satisfy housing demand and the needs of a wide range of people.	This SEPP will apply to the proposed residential component of the future mixed-use buildings. The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Guide and full compliance with the primary design standards as discussed in <b>Appendix C</b> .
<b>State Environmental Planning Policy (Infrastructure) 2007</b> This SEPP is relevant as the site adjoins a classified road – Epping Road.	Pursuant to this SEPP consultation with RMS would be required for the development outlined in the concept plans at DA stage. The Traffic Report provided at <b>Appendix D</b> indicates that the proposal would not affect the efficient operation of Epping Road or nearby intersections.  Also whilst the site will be subject to traffic noise from Epping Road, appropriate design and construction can ensure the relevant amenity standards would be met.
<b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</b> Whilst not technically relevant at this stage, this SEPP will apply when application is made to remove vegetation.	As noted above, whilst vegetation will need to be removed to facilitate the proposed concept scheme, these plans will also allow for replacement vegetation to be provided on site. Further it is proposed to provide contributions that can be used to improve the environmental quality of the adjoining bushland areas.

### *Regional Environmental Plans*

The only relevant Regional Environmental Plans (REP's) applicable to the site is Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. This REP and accompanying DCP are relevant to the proposal. However, the proposal will maintain and enhance the environment of the site and adjoining foreshore area as discussed elsewhere in this report. Due to the existing vegetation, the proposal will not be highly prominent in views from the bushland foreshore areas. The towers will be visible from certain foreshore locations, however this will be consistent with the existing character of

the area where the tall towers of Meriton and also on the land across Epping Road near the ridgeline are prominent. The tall towers of North Ryde precinct area also visible.

#### 4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

This planning proposal has been assessed having regard for the Section 117 Directions issued to Councils under s9.1 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), relevant to this planning proposal. The findings were as follows:

DIRECTION	CONSISTENCY Yes/No or Not Applicable
<b>1. EMPLOYMENT AND RESOURCES</b>	
<b>1.1 Business and Industrial Zones</b> The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	YES - The site is zoned industrial however the existing use is commercial. In any event the proposal seeks to retain and enhance the employment generating capacity of the land consistent with this direction. Further, being within 30 minutes by public transport of 5 strategic centres will support the viability of these centres.
<b>1.2 Rural Zones</b>	Not Applicable
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	Not Applicable
<b>1.4 Oyster Aquaculture</b>	Not Applicable
<b>1.5 Rural Lands</b>	Not Applicable
<b>2. ENVIRONMENT AND HERITAGE</b>	
<b>2.1 Environment Protection Zones</b> The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas.	YES - The adjoining land is zoned E2 Environmental Conservation. The proposal will not have any direct impacts on this land and appropriate methodology can ensure adequate protection during construction. Also the proposal will facilitate improvements to the bushland areas and provide better public access so these areas can be enjoyed more fully by the community.
<b>2.2 Coastal Protection</b>	YES - The proposal can potentially improve water quality entering the Lane Cove River, improving the coastal environment.
<b>2.3 Heritage Conservation</b> The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Not Applicable
<b>2.4 Recreation Vehicle Areas</b>	Not Applicable
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>	
<b>3.1 Residential Zones</b> The objectives of Direction 3.1 are:	

DIRECTION	CONSISTENCY Yes/No or Not Applicable
<p>To encourage a variety and choice of housing types to provide for existing and future housing needs;</p> <p>To make efficient use of existing infrastructure and services.</p> <p>To minimise the impact of residential development on the environment and resource lands.</p>	<p>YES – The proposal will facilitate the provision of over 300 new dwellings, 10% of which are intended to be 'affordable'. This increase in population will allow better use of existing infrastructure including the new North Ryde Metro station which is in close proximity to the site.</p> <p>The site is located well away from sensitive land uses and as such can be redeveloped with minimal adverse impact.</p>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not Applicable
<b>3.3 Home Occupations</b> The objective of this direction is to encourage the carrying out of low-impact small businesses in dwellings.	NO – it is not proposed to specifically permit home occupations however this could be done as part of the Planning Proposal process.
<b>3.4 Integrating Land Use &amp; Transport</b>  The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the nominated planning objectives e.g. improving access to housing, jobs and services, reducing dependence on cars and supporting efficient public transport.	YES – the proposed increase in development density will improve access to housing in a location which is within convenient walking distance of public transport services that provide access within 30 minutes of 5 major centres and the Lane Cove Town Centre.
<b>3.5 Development Near Licensed Aerodromes</b>	Not Applicable
<b>3.6 Shooting Ranges</b>	Not Applicable
<b>4 HAZARD AND RISK</b>	
<b>4.1 Acid Sulphate Soils</b>	YES – the subject site has a low risk rating in relation to acid sulphate soils.
<b>4.2 Mine Subsidence and Unstable Land</b>	Not Applicable
<b>4.3 Flood Prone Land</b>	Not Applicable
<b>4.4 Planning for Bushfire Protection</b>	YES – the site is bushfire affected, however with the establishment of appropriate APZ's in accordance with <b>Appendix F</b> , the site can be development in a manner that reduces bushfire risk.
<b>5. REGIONAL PLANNING</b>	
<b>5.1 Implementation of Regional Strategies</b> This only applies to South Coast Regional Strategy (excluding land in the Shoalhaven LGA) and Sydney–Canberra Corridor Regional Strategy	Not Applicable
<b>5.2 Sydney Drinking Water Catchment</b>	Not Applicable
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	Not Applicable



DIRECTION	CONSISTENCY Yes/No or Not Applicable
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	Not Applicable
<b>5.9 North West Rail Link Corridor Strategy</b>	Not Applicable
<b>5.10 Implementation of Regional Plans</b>	YES - As noted above, the proposal is consistent with the relevant strategic plans.
<b>5.11 Development of Aboriginal Land Council land</b>	Not Applicable
<b>6. LOCAL PLAN MAKING</b>	
<b>6.1 Approval and Referral Requirements</b> The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	YES- the proposal does not include requirements for the concurrence, consultation or referral of DA's to a Minister or Public Authority and does not identify any development as designated.
<b>6.2 Reserving Land for Public Purposes</b>	Not Applicable (no land is proposed to be reserved for public purposes)
<b>6.3 Site Specific Provisions</b> The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.	YES – whilst the specific method of amending the LEP is yet to be determined, the options discussed in <b>Section 3.1</b>
<b>7. METROPOLITAN PLANNING</b>	
<b>7.1 Implementation of the Metropolitan Plan – A Plan for Growing Sydney 2014</b> The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan – A Plan for Growing Sydney 2014	YES – the proposal is consistent with the implementation of the Metropolitan Plan albeit the latest version of the Plan as detailed in <b>Section 4.2</b> of this Planning Proposal Report.

### 4.3 Section C – Environmental, social and economic impact

#### 4.3.1 Environmental Considerations

##### 4.3.1(a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site and adjoining lands do not contain any areas of critical endangered ecological communities (CEEC). Whilst some vegetation will require removal it will be replaced and the proposal will only reduce deep soil area on the site by 3%. Overall habitat will be increased through supplementary above ground planting. This matter will be further investigated during the Planning Proposal and DA process.

##### 4.3.1(b) Are there any other likely environmental effects because of the planning proposal and how are they proposed to be managed?

Many potential impacts have been discussed above. Those that have not been addressed and discussed below.

### *Solar access*

The indicative Concept Plans aim to demonstrate that a development designed having regard to the ADG can meet its solar access requirement of 2 hours for 70% of dwellings at midwinter. As documented in **Appendix C**, 75% of apartments will achieve the required solar access.

Shadow diagrams have been prepared by ZONE, illustrating the shadow impact of the concept plans. In accordance with SEPP 65 and the ADG, the vast majority of apartments in the adjoining Meriton development will retain a minimum of 2 hours solar access. However it is noted that the DA for that development was approved notwithstanding that 70% of apartments did not achieve the minimum 2 hour requirement. In the case where the ADG requirements are not met, the ADG specifies that the impact should be no greater than 20%. As indicated in the submitted Concept Drawings (see **Appendix C**), the only notable impact is at 3pm when a maximum of 15% of apartments are affected.

### *Privacy Impacts*

The separation distances between the towers (51.5m) and to the Meriton buildings (32m) are all much greater than the 24m minimum required by the ADG. The separation of the streetwall buildings is greater than the 12m required and in any event these apartments are designed with orientation away from the other buildings.

### *View and Visual Impact*

The proposed increase in density and building height will only affect one development to any notable degree – the adjoining Meriton development. Further, within this development only the apartments on the western/northern side of Building A will be affected to any notable degree. However, the concept design shows that building can be configured to minimise impacts. In this regard:

- the 51.5m separation between the towers will allow views through the site towards Lane Cove River and areas beyond;
- the 'street wall' buildings are kept low in scale to allow views over them – the top of these elements are the same height as the podium element of Building A of Meriton;
- the towers have a narrow profile that has a reduced impact on views.

Visual impact arising from the increase in building height and density, within the building envelopes proposed, is acceptable in the context of the height and scale of the adjoining Meriton development and other buildings of scale in the vicinity. In this regard there are also tall and visually prominent buildings across Epping Road (see **Figure 25**), to the south within the Lane Cove West industrial area (see **Figure 26**) and also around North Ryde Station where buildings up to 99m are permitted (see **Figure 27**).

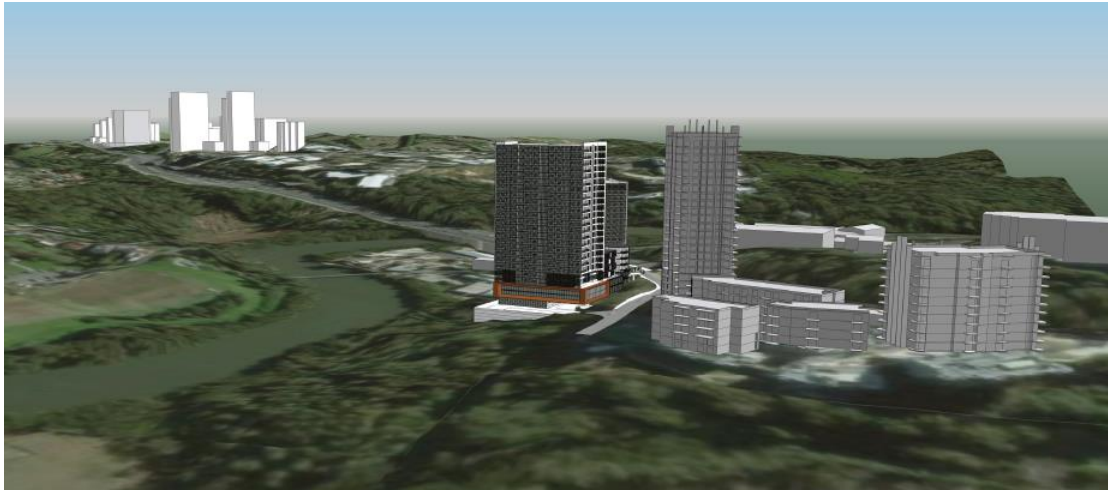


Figure 25 – view looking east from Lane Cove River bridge



Figure 26 – 18-20 Orion Road Lane Cove West industrial area





**Figure 27 – 3D view subject site and Meriton with North Ryde Priority Precinct redevelopment in background**

Approaching the site from east along Epping Road, the site is obscured by the curve in the road. Then as one gets closer (see **Figure 28**), the existing Meriton buildings obscures the view of the southern tower and it is not until one gets to the site that both towers will be visible. From the north along Epping Road, the proposed towers will be visible above the tree canopy along the road, but with the large Meriton buildings as a backdrop, the new buildings will not be overly prominent (see **Figure 29**). There are also large bulky buildings on top of the escarpment on the northern/eastern side of the road that are evident in the western/northern approach (see **Figure 25**), further reducing the visual presence of the new buildings. In views from other areas including the pedestrian bridge over Lane Cove River which runs through the Ingression site as seen on **Figure 30**, the new buildings will be visible to a similar extent as the Meriton tower building but lower, reflecting the sloping topography. The proposed podium, as with the existing building on the site, will be screened by existing vegetation on the site and in the adjoining public reserve.



**Figure 28 – view from east on Epping Road (only northern tower is visible)**



Figure 29 – view from north on Epping Road (only northern tower is visible)



Figure 30 – view from pedestrian bridge over the Lane Cover Rive which passes through the Ingham site

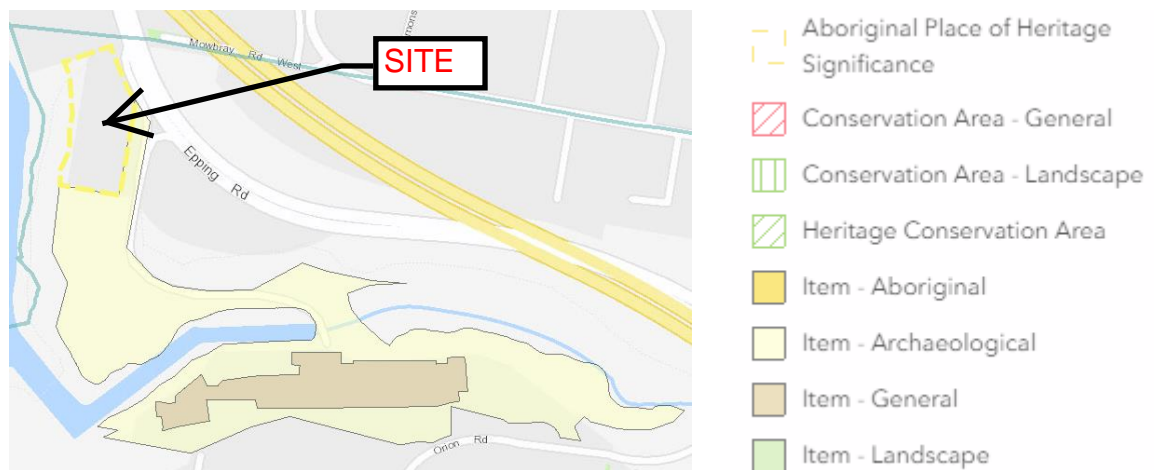


### *Wind Impact*

Any wind impacts will be internal to the site and can be reviewed and mitigated at the detailed design stage.

### *Heritage*

The site is adjoined by a heritage item and site of potential archaeological significance – 160 Epping Road (also known as the SC Johnson site) (see **Figure 31**). However the proposal does not include any works that affect the archaeological potential of that site and the heritage item itself is well removed from the subject site. As such there will be no heritage impacts from the proposal.



**Figure 31 – LEP heritage map**

### *Traffic and Parking*

The Planning Proposal is accompanied by a Traffic and Parking Report prepared by TTPA addressing local traffic, public transport, cycling and pedestrian movement and car parking demand. This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading. A copy of this report is attached at **Appendix D**.

The proposal will result in an increase in peak hour traffic compared to the existing situation, but the level of increased traffic is only a small proportion of the existing traffic on Epping Road and will not unreasonably impact on the function of this road. To further minimise impact it is suggested that a deceleration lane be provided leading up to the access road (see **Figure 32**).

The traffic consultant confirms that vehicular access off the shared access road is appropriate and suitably designed car, motorcycle and bicycle parking in accordance with the requirements of Council, Australian Standards and SEPP 65 can be provided in 5 basement parking levels. Trucks can enter and leave the basement loading docks in a forward direction.

In relation to the potential for use as tourist accommodation, as detailed in **Appendix D**, the parking requirement would be less than noted above and traffic movements also less intensive (ie lower peak movements).





Figure 32 – Conceptual plan showing deceleration lane

#### 4.3.2 Economic and Social Considerations

Has the planning proposal addressed any social and economic effects?

##### *Economic effects*

The economic effects of the proposal have been addressed in the Economic Impact Assessment prepared by Hill PDA at **Appendix E**. This report concludes that the proposal will have a number of economic benefits including:

- Maintaining and enhancing the amount of employment generating uses on the site
- Investment stimulus in the local area both during construction and from the influx of new residents and workers
- Provision of more jobs closer to home
- Contribution towards increasing local housing supply
- Assisting housing diversity and affordability
- Provision of more housing within 30 minute commute time of major employment zones including North Ryde, Macquarie Park, Chatswood, St Leonards, North Sydney and Sydney CBD
- Provision of more housing with a strong level of public transport services – mainly frequent bus services along Epping Road between Macquarie Park and Chatswood thereby improving transport sustainability

##### *Social effects*

The proposal will not result in any adverse social impacts. As discussed in **Section 4.2.2** above, the proposal will assist in addressing the key issues discussed in Council's Community Strategic Plan. The proposal include an offer to create a VPA with Council to ensure that in addition to standard contributions towards social infrastructure, that the proposal will provide for specific community benefits including contributions towards an electric bus which can transport the less mobile members of the community in a sustainable way and improvements to the walking trails in the vicinity of the site.

The provision of 10% of the dwellings as affordable housing will also provide a social benefit in reducing mortgage and rental stress as discussed in **Appendix E**.

#### 4.4 State and Commonwealth Interests

##### 4.4.1 Is there adequate public infrastructure for the planning proposal?

###### *Transport*

As noted previously the site has excellent access to public transport with 5 major centres being within a 30 minute bus ride. The site has direct access to the regional road and bicycle systems providing numerous transport options for future residents and workers. Only a minor upgrade to the road network (deceleration lane) is suggested to minimise traffic impacts as discussed in **Appendix D**.

###### *Site Services (Water, Sewer and Drainage)*

The site is located within an existing developed area that is well catered for in terms of service infrastructure.

We understand that there is capacity within existing service systems for the proposal, subject to appropriate augmentation as necessary. Such augmentation is typically undertaken at the developer's cost and through service charges.

###### *Education and Health Services*

With 5 major centres being within a 30 minute bus ride, a wide range of education and health facilities are easily accessible. Locally, the site is a 16 minute walk to Mowbray Public School and 25 minute walk to Lane Cove West Public School.

###### *Open space and recreation*

The need for additional open space is typically dealt with by way of Council's Contributions Plan and the proposal will result in additional funds paid to Council for this purpose. Additionally, there is a network of walking trails in the vicinity of the site including part of the Great Northern Walk. As detailed above, these trails are in poor condition and additional funding is proposed by way of a VPA, to allow upgrade to these facilities.

In addition to the above, there are a wide range of sporting opportunities a short distance away at Magdala Park (9 minute walk), Lane Cover River Kayakers and Rotary Athletics field (8 minute walk), Blackman Park (17 minute walk along the river foreshore) and Tantallon Oval (24 minute walk)(see **Figure 22**).

##### 4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

#### 4.5 Community Consultation

Under the Gateway process the level of community consultation is tailored for each planning proposal by the initial Gateway determination. The proposal has been designed to minimise environmental and amenity impacts on neighbouring properties, having regard to the context of the site which is well separated from established residential areas.



## 5. CONCLUSION

This Planning Proposal seeks amendment of Lane Cove LEP 2009 to allow the subject land to accommodate a mixed use development to a height of 87m and an FSR of 4:1.

The proposal has been assessed pursuant to the relevant guidelines and in particular has been found to have both general strategic merit and site specific strategic merit. In this regard it is:

- located within the Eastern Economic Corridor of the Greater Sydney Regional Plan and within the area noted as being appropriate for additional housing in the North District Plan;
- within a short bus ride of a new Metro Station at North Ryde;
- consistent with the '30 minute city' objectives of the regional and district plans as the major employment centres of North Ryde/Macquarie Park, Chatswood, St Leonards/Crows Nest, Artamon industrial area, North Sydney and Sydney City are within 30 minutes by public transport;
- will maintain and enhance the employment generating potential of the site, whilst providing for a significant number of additional dwellings to meet growing demand;
- will provide 10% of the dwellings as affordable rental housing to assist in easing rent stress in the locality;
- responds to the precedent for high density living in this precinct and will improve viability of retail and childcare uses at Meriton and also on the site, which will be subject to the synergistic benefits of adjoining Meriton;
- isolated from established residential areas which will minimise impact on existing lower density communities;
- will contribute to the enhancement of the surrounding bush trail network which includes the Great North Walk.

This location has already been deemed strategically appropriate for such development by the former Planning Assessment Commission, as discussed in their report supporting the approval of the adjoining Meriton development in August 2012.

The indicative concept plans that have been prepared demonstrate that the site can be developed with a high quality urban form that meets and exceeds the design requirements of the Apartment Design Guide. The development will contribute significantly to the local economy both during construction and from the influx of new residents and workers.

We are of the view that the Planning Proposal is a logical step in the strategic planning for this site and precinct. The locational attributes of the site mean that impacts on established communities can be minimised and for this reason the need for a specific local strategy is not imperative. The walkability of the site to significant open space and access to transport means that other new infrastructure can be located elsewhere in the LGA, to the greater benefit of the broader community. The provision of over \$6m in developer contributions and an offer to provide additional contributions equivalent to over \$6.7M, for new and improved public infrastructure, will ensure that the demands of new residents and workers will be met.

It is recommended that the Planning Proposal proceed through the Gateway determination process and be placed on public exhibition.