

DATE OF DECISION	27 April 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Deborah Sutherland
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

2020SNH002 – Lane Cove – RR_2020_LANCE_001_00 at 166 Epping Road, Lane Cove West (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel concurs with the view of Lane Cove Council that the proposal fails the strategic merit test as it is inconsistent with the following strategic plans:

- The Greater Sydney Region Plan A Metropolis of Three Cities, including Objective 23 which is to preserve and manage industrial and urban services land;
- The North District Plan, including Planning Priority N11 which is to retain and manage industrial and urban services land;
- The Lane Cove Community Strategic Plan, as the proposal is not consistent with the community priorities and actions of Objectives 8 and 21 regarding housing supply and the retention of commercial land; and
- The assured Lane Cove Local Strategic Planning Statement (LSPS), including Planning Priorities 3, 5 and 7, as the site is not identified in a strategic precinct, nor is it considered an appropriate area for housing. Further the Lane Cove West employment lands are specifically identified under the LSPS to be protected and managed for industrial and urban services.

The Panel also considers the proposal fails the site-specific merit test, as the rezoning of the site compromises potential future IN2 (Light Industrial) uses in the precinct and would likely result in land use conflicts with surrounding industrial properties. The proposal would reduce the amount of employment

floor space to less than the current maximum permissible FSR of 1:1 – resulting in a net loss of employment floorspace, which restrains future employment growth.

Additionally, the site is isolated from social and community infrastructure, both existing and planned, and not located within an accessible commuting distance of a strategic or local precinct.



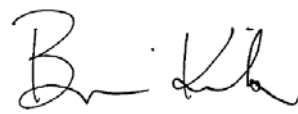


From a transport perspective, the proposal fails to demonstrate that vehicular access arrangements are safely achievable. The Panel does not support the proposed deceleration lane across a newly constructed bus transit lane in a busy section of Epping Road. Further, the site has only one entry/egress route, which is a risk to emergency vehicles under NSW Rural Fire Service policies, and only one entry for pedestrians into the site.

The proposal would also compromise district views from adjoining local government areas, including the National Park.

While acknowledging the neighbouring Meriton development, the Panel notes that the Planning Assessment Commission recorded in its 2012 Determination Report that it was hesitant to approve that proposal without an established strategic direction for the corridor of land, which the site is part of, and recommended that the Department and Council work together to clarify the future of that corridor. The subsequent strategic planning framework provided by the Metropolis of Three Cities and the North District Plan provides this framework. The North District Plan, which is supported by the LSPS, and the Greater Sydney Commission's assurance of the LSPS, clearly identifies the priority of retaining and managing industrial and urban services land.

The Panel also acknowledges the current commercial building and use are within the IN2 (Light Industrial) zoning but recognises that commercial uses could continue and that a number of light industrial, high tech industrial and other compatible uses are possible.

Finally, the Panel is conscious of the fundamental problem of the loss of industrial zoned land and the potential for conflict between residential and surrounding industrial uses. The Panel considers the retention of this site for future employment growth is a higher priority than providing more residential land.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Eugene Sarich
 Deborah Sutherland	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF – ADDRESS	2020SNH002 – Lane Cove – RR_2020_LANEC_001_00 166 Epping Road, Lane Cove West
2	LEP TO BE AMENDED	Lane Cove Local Environmental Plan 2009
3	PROPOSED INSTRUMENT	The proposal seeks to amend Lane Cove Local Environmental Plan 2009 (LEP) to permit a mixed used redevelopment of land at 166 Epping Road, Lane Cove West. Specifically, the proposal seeks to permit the uses of Residential Accommodation, Commercial Premises and Tourist and Visitor Accommodation at the site and seeks a maximum building height of 87m and FSR of 4:1.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning, Industry and Environment • Proponent submission prior briefing: 20 April 2020 • Council submission prior briefing: 21 April 2020
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Briefing with Department of Planning, Industry and Environment (DPIE): 23 April 2020 at 9.30am <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Deborah Sutherland ○ DPIE staff in attendance: Nick Armstrong, Bailey Williams • Briefing with Council & Proponent: 23 April 2020 at 10.05am <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Eugene Sarich, Deborah Sutherland ○ DPIE staff in attendance: Nick Armstrong, Bailey Williams ○ Council representatives in attendance: Chris Pelcz, Michael Mason, Lara Fusco ○ Proponent representatives in attendance: Brett Brown, Adrian Hack, Beng Kay Tan, Geoff Bonus, Jeffery Cheah