

Ordinary Council Meeting 15 June 2020
NORTHWOOD SHOPS LEP GAZETTAL AND DCP PREPARATION

Subject: Northwood Shops LEP Gazettal and DCP Preparation
Record No: SU6464 - 30614/20
Division: Environmental Services Division
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Executive Summary

The purpose of this report is to advise Council of the outcome of the Northwood Shops Planning Proposal (PP29).

The Proposal sought to amend the current permissible uses in the B1 zone which would permit a 130-bed residential care facility above age-related retail uses for land at 4-18 Northwood Road and 274 and 274A Longueville Road Lane Cove. Height and floor space ratio were proposed to be increased. Council had refused the proposal in June 2018 (**AT-1 & AT-2**) and the applicant requested a review of Council's decision by the NSW Department of Planning, Infrastructure & Environment (the Department).

A fast-track assessment process by the State Government, identified this Proposal to be fast-tracked on 28 April 2020. On 20 May 2020, the Northwood Shops Planning Proposal was Gazetted by the Department, permitting zoning changes at the Northwood Shops (from B1 Neighborhood Shops to B4 Mixed Use). The decision permits residential aged care (nursing home accommodation) and retail on the site and amends the height and floor space ratio (FSR) controls for the site.

Council should take some comfort that the height controls are in line with the community's and Council's expectations (**AT-2**) that the building be limited to RL 66.25, which equates to 3 storeys above street level. The applicant had sought permission for RL 70.25, equating to 4 storeys above street level.

The FSR has also been set lower than originally proposed by the proponent. The applicant had sought Floor Space controls of 1:1.98. The control has been set at a maximum of 1:1.85, Council had called for an FSR of 1.5:1. A minimum commercial FSR has also been included for the site as requested by Council.

With the Planning Proposal fast-tracked and now Gazetted, the next stage in the process requires:-

- a. The finalisation of a Development Control Plan (DCP) that gives effect to the LEP amendment and Council's vision and requirements for the site; and
- b. the lodgment of a Development Application.

A draft DCP is currently being prepared to provide a satisfactory resolution of any concerns raised by Council and submissions from agencies and the community, which will be the subject of a further report to Council.

Background

Planning Proposal 29 sought to amend and extend the current permissible uses in the B1 zone which would permit a 130-bed residential care facility above age-related retail uses for land at 4-18 Northwood Road and 274 and 274A Longueville Road Lane Cove. Height and Floor space ratios were proposed to be increased.

Ordinary Council Meeting 15 June 2020
NORTHWOOD SHOPS LEP GAZETAL AND DCP PREPARATION

At its 20 February 2017 Meeting, Council resolved not to support the planning proposal. The proponent lodged a Rezoning Review to the Sydney North Planning Panel on 2 May 2017. The Panel determined that the Northwood Shops Planning Proposal demonstrated both strategic and site-specific merit and that it be submitted for a Gateway Determination.

The Gateway conditionally approved on 26 September 2017 endorsed the Proposal, subject to the Planning Proposal addressing several conditions. The applicant submitted amended plans on 3 November 2017, including a draft Development Control Plan. These were assessed by Council officers and found to have not addressed several Gateway conditions relating to SEPP19 bushland and to traffic assessments (reported 15 January 2018). The applicant resubmitted amendments on 24 January and 9 February 2018. The amended proposal and its supporting documents, including the Draft Development Control Plan (see **AT-3**) were publicly exhibited between 8 March and 19 April 2018.

Following public exhibition, Council's urban design consultant provided an assessment of the proposal and draft Development Control Plan and raised a number of concerns. These concerns were detailed in the report to the 18 June 2018 Council meeting. The applicant provided a response to this on 5 June 2018, however the concerns were only partially addressed.

At its 18 June 2018 meeting Council refused the Planning Proposal on town planning and urban design grounds. However, Council offered a set of modifications to the Planning Proposal which were considered necessary.

On 1 August 2019, the Department requested a meeting with Council and the applicant to discuss the previous Planning Proposal. There was general agreement about changing the zoning to B4 Mixed Use, moving the egress to the southern end of the site and generally complying with the 10m setback to bushland. There was no agreement on the different views regarding height and FSR controls for the site.

As part of the State Government's response to the COVID-19 pandemic, a fast-track assessment process was announced in April 2020. Its purpose was to accelerate the assessment and determination of projects that inject investment into the NSW economy and keep people in jobs. In order to be considered for fast-tracking, a project must already be in the system, be able to demonstrate public benefit through new public open spaces or affordable housing, demonstrate an ability to create jobs both during construction and once complete, and must be able to commence construction within six months if it's a DA, or proceed to the DA phase within six months if it's a rezoning.

This Planning Proposal was identified and announced as a fast track assessment project – Stage 1, and the Planning Proposal was made on 20 May 2020. The site was rezoned to B4 Mixed Use with a height limit of RL 66.25 metres and 1.85:1 floor space ratio, only if a residential care facility or mixed use development containing a care facility is provided on site.

Discussion

Council has never altered its position, as expressed in the June 2018 Council Resolution, that:-

“...Council [would] consider supporting a more modest scale of development that provides public benefits (such as affordable places, and retail and community facilities) under the Seniors Housing SEPP. This involves rezoning to B4 Mixed Use which would permit, with consent, a ‘Seniors housing’ development, with an uplift in height conditional upon the site being developed for ‘Seniors housing’ only, while an FSR bonus would only apply if the provisions of the SEPP (including public benefits and affordable places) are utilised.”

Ordinary Council Meeting 15 June 2020
NORTHWOOD SHOPS LEP GAZETTAL AND DCP PREPARATION

Council is now finalising with the applicant on the details of the draft Development Control Plan prior to public exhibition. Elements of changes to the original draft DCP (**AT-3**), some of which were agreed to by the applicant in June 2018 and August 2019 and some of which are Gazetted, are to be amended to the following:-

1. Reduce maximum building height to RL 66.25 metres;
2. Reduce maximum number of storeys along Northwood Road to 3 storeys;
3. Reduce maximum street wall height along Northwood Road to 2 storeys;
4. Reduce maximum number of storeys at the rear of the site to 5 storeys;
5. Reinstate rear setback of 10 metres. (However, 6 metres is considered where it would allow an appropriate amount of space for established trees, offset native indigenous plants, and drainage that adequately protects the adjoining bushland);
6. Replace on-site all indigenous trees removed by development;
7. Replace site entry mid-block off Northwood Road and egress further south with a limit of one entry/egress at the southern end of the site;
8. Provide in the basement a seniors' entry separate from commercial /retail use, ensuring uncompromised emergency service vehicle access into the site;
9. Add through-site links and view corridors of width 4.5m, but a preference for 6m width;
10. Add to inactive edges and blank walls the provision of screening, public art or 'green' walls;
11. Require adequate soil depth along the side and rear boundaries to permit tree planting;
12. Consideration of other measures such as drainage protection of the downslope soil and landscape in the adjacent reserve. Also, sustainability measures such as solar panels and natural ventilation;
13. Provide new street trees and permeable paving to the existing Northwood Road verge and within the 3m setback to the proposal, and require that street front awnings do not compromise street trees;
14. Increase the area of the roof garden; and
15. Updated plans and elevation.

Conclusion

The Northwood Shops Planning Proposal No. 29 was Gazetted to permit rezoning of the Northwood Shops site from B1 Neighborhood Shops to B4 Mixed Use. The decision expands permissible land uses to include residential aged care (nursing home accommodation) and retail on the site and amends the height and floor space ratio (FSR) controls for the site.

A draft Development Control Plan is currently being prepared to provide a satisfactory resolution of the concerns raised by Council and the community.

RECOMMENDATION

That Council:-

1. Note the Gazettal of Planning Proposal 29 for the Northwood Shops site; and
2. Prepare a draft Development Control Plan for consideration by the Council, prior to public exhibition.

Michael Mason

Executive Manager
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ATTACHMENTS:

There are no supporting documents for this report.