

Ordinary Council Meeting 17 August 2020
DRAFT NORTHWOOD SHOPS DEVELOPMENT CONTROL PLAN

Subject: Draft Northwood Shops Development Control Plan
Record No: SU6464 - 38602/20
Division: Environmental Services Division
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Executive Summary

On 20 May 2020, the Northwood Shops Planning Proposal was gazetted by the Department of Planning, Infrastructure & Environment (DPIE), 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/medical and amends the height and floor space ratio (FSR) controls for the site. The next stage in the process requires the finalisation of the Development Control Plan (DCP) that gives effect to the LEP amendment and Council's vision and requirements for the site.

On 15 June 2020, Council resolved to prepare a draft Development Control Plan (DCP) for consideration by the Council, prior to public exhibition. Additionally, Council indicated its preference for the setbacks to the bushland to be as per its 2018 resolution.

The June report listed 15 amendments to the DCP originally submitted by the applicant with the Planning Proposal in 2017. These address design matters either as a result of the gazettal (reduced height, rear storeys, street setbacks) or as a result of consultation submissions by agencies and Council's urban design consultant, and by the community. These include a 10m rear buffer, protection measures for local vegetation, and traffic control measures. The attached DCP reflects these matters.

The Draft Development Control Plan is recommended to be publicly exhibited and reported back to Council for final determination.

Background

The original DCP relates to land at 4-18 Northwood Road and 274 and 274A Longueville Road, Lane Cove, known as the Northwood Shops or Northwood Neighbourhood Centre. It was submitted on 3 November 2017 in response to Gateway conditions for PP29. It is labelled as '*Locality 2*' in *Part D: Commercial Development and Mixed Use Localities* of Council's DCP.

Following public exhibition in March-April 2018, the applicant responded to concerns being expressed by residents and especially by the RMS and Dept of Environment & Heritage. The applicant submitted an amended DCP on 5 June 2018; this was refused as part of the Planning Proposal on 18 June 2018.

The June 2018 Resolution (**AT-4**) included references to the rear setback adjacent to the SEPP19 Bushland (of relevance to Council's June 2020 resolution):

That Council:-

1. Not support the Planning Proposal as exhibited on the following grounds:-

- a. The 3 metre rear buffer to the adjoining SEPP19 bushland (zoned E2) is opposed by NSW Office of Environment & Heritage (OE&H), and it has not been demonstrated that the adjacent bushland can be adequately protected by the proposed 3m wide buffer;*

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2. *Write to the proponent and request a new Planning Proposal and supporting documents be submitted to:...*
 - e) *...Require a minimum 10m rear buffer as per Council's DCP Part H be strictly adhered to, that the 10m be measured from the zone boundary not from the remnant bushland as commented by the OE&H and that the buffer area be replanted with native indigenous plants;*

On 1 August 2019, a meeting was convened and chaired by the DPIE in which Council and the applicant discussed areas of agreement and disagreement, with a view to moving Planning Proposal No 29 forward.

On 20 May 2020, PP29 was gazetted as part of the State Government's COVID-19 response fast-track assessment process. The height controls are in line with the community's and Council's expectations 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 the applicant had sought (1:1.85, instead of 1:1.98). A minimum commercial/medical FSR has also been included for the site as requested by Council.

At its Ordinary Meeting of 15 June 2020 Council resolved (**AT-1 & AT-2**) in response to the gazettal of Planning Proposal No 29 to:-

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.*
3. *Council indicates its preference for the setbacks to the bushland to be as per 2018 resolution.*

Discussion

In the June 2020 Council report, the original DCP submitted in November 2017, as well as the amended DCP of June 2018, were all seen as requiring modification to address design matters raised either as a result of the gazettal (height of building) or as a result of consultation submissions by agencies and Council's urban design consultant, and by the community. The amendments recommended in the June 2020 report are as 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 with 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.

These measures have been translated to the draft DCP (**AT-3**) for public consultation.

10m Rear Setback

In its resolution, Council indicates its preference for the setbacks to the bushland to be *as per 2018 resolution*.

The 2018 resolution, “requires a minimum 10m rear buffer *as per Council’s DCP Part H* be strictly adhered to”. Part H of the DCP (Section 5.2.1) describes that part of the site which separates bushland from the building area and known as the “buffer” area. It states that:

“f) The size of the area will depend on site area but a minimum depth of 10 metres should be taken as a guide. This area may increase if shallow bedrock occurs and/or the establishment of any works defined under part c) of this section [such as stormwater detention/absorption pits and bushfire fuel breaks] cannot be achieved.

g) Where there is insufficient space for a buffer due to the orientation, size or location of the site, then the applicant must show how the adjacent bushland can be adequately protected according to the aims and objectives of this Plan.”

In proposing less than a 10m buffer, the applicant will need to justify and achieve “adequate protection” of the adjacent bushland. The Objective of buffer areas is:

“to provide a transition area between the building and bushland area so as to reduce the impacts of development upon bushland.”

Furthermore, in their response to the PP27 in June 2018, the OE&H:

“...recommends that the planning proposal is amended to include a minimum 10m buffer as per the LCDCP provision and the Ordinary Council meeting recommendation [20 February 2017]. Where it is not possible to provide a 10m wide buffer, it is suggested that the applicant demonstrates how the adjacent bushland can be adequately protected as outline in Section 5.2.1(g) of the LCDCP”.

Traffic

Bitzios, in 2018 provided a Peer Review of traffic issues associated with the Northwood Shops PP 29 (32884/18). They raised several issues, including:

- a. Northwood Rd median extended south of the entry/egress driveway;
- b. Deceleration lane on Northwood Rd going south;
- c. Roundabout at Northwood/River Roads intersection;
- d. Assessment of impacts of setbacks on driver sight lines (as per AS3890.1); and
- e. Northwood/Kenneth intersection.

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These issues are generally appropriately addressed by the applicant at either the DA stage or have become broader than this site (e.g. the roundabout at Northwood/River Roads intersection).

Community Consultation

Statement of Intent

The consultation is designed to obtain community feedback on the Draft Development Control Plan. Any comments received will be reviewed and considered to help refine the plan's content.

Method

Level of Participation	Inform	Inform	Consult
Form of Participation	Open	Targeted	Open
Target Audience	Lane Cove Community and community groups	Government Agencies, adjoining Local Government Areas and affected property owners	Lane Cove Community and community groups
Proposed Medium	eNewsletter, and social media	Notification Letters	Website Exhibition
Indicative Timing	Aug – Sep 2020 (6 weeks)	Aug – Sep 2020 (6 weeks)	Aug – Sep 2020 (6 weeks)

Conclusion

Land at 4-18 Northwood Road and 274 and 274A Longueville Road Lane Cove has been rezoned from B1 to B4 to permit residential aged care (nursing home accommodation) and retail on the site, with amended height and floor space ratio (FSR) controls. Council resolved to prepare a site-specific Draft Development Control Plan for this land, known as the Northwood Shops area, under 'Locality 2' in Part D: Commercial Development and Mixed Use Localities.

The proposed Draft Northwood Shops Development Control Plan has been amended from the original 2017 DCP submitted. It reflects consultation submissions by agencies such as the OE&H and RMS, by Council's urban design consultant, and comment by the community. Therefore, it is recommended that Council approve the attached Development Control Plan amendment for 4-18 Northwood Road and 274 and 274A Longueville Road for public exhibition.

RECOMMENDATION

That:-

1. Council endorse the draft Development Control Plan attached at **AT-3** for purposes of public exhibition and undertake community consultation for a period of six (6) weeks in accordance with the consultation strategy outlined in this report; and
2. A further report be submitted at the conclusion of the exhibition.

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ATTACHMENTS:

AT-1 View	Report 15 June 2020 Northwood Shops	5 Pages
AT-2 View	Minutes 15 June 2020 Northwood Shops	1 Page
AT-3 View	Northwood Shops Draft DCP August 2020	10 Pages
AT-4 View	Minute 18 June 2018 Northwood Shops	3 Pages