

Planning Services

Gateway Determination Report

LGA	Lane Cove
RPA	Lane Cove Council
NAME	Planning proposal to permit seniors housing and amend height and FSR at 4-18 Northwood Rd, 274 & 274A Longueville Rd, Lane Cove (130 homes, 20 jobs)
NUMBER	PP_2017_LANE_C_001_00
LEP TO BE AMENDED	Lane Cove Local Environmental Plan 2009
ADDRESS	4-18 Northwood Rd, 274 & 274A Longueville Rd, Lane Cove
DESCRIPTION	Lot 1 and 2 DP857133 Lot 1 DP663462 and Lot 4 DP321048 Lot A, B, C, D and G DP307899 Lot A, B and D DP370042 Lot 1 and 2 DP445348
RECEIVED	18/07/2017
FILE NO.	17/09993
QA NUMBER	qA415580
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend the LEP to facilitate a seniors housing development on the site by permitting seniors housing and increasing the floor space ratio and maximum building height.

Site Description

The site forms part of the Northwood Neighbourhood Centre, located approximately 1km south of the Lane Cove Town Centre. The site has a total area of 5,050 square metres and a street frontage of 104 metres to Northwood Road. Existing built form on the site includes two detached residential dwellings, a service station, three 1-2 storey shops with residential above and ground level parking.

Most of the site is currently zoned B1 Neighbourhood Centre with an FSR of 1:1 and a maximum building height of 9.5 metres. 274 and 274A Longueville Road are zoned R4 High Density Residential with an FSR of 0.8:1 and a maximum building height of 12 metres. The site is located on a ridgeline running along Longueville/Northwood Road and the land falls steeply to the east to Lane Cove Golf Course and Gore Creek, which have a RE1 Public Recreation zoning (refer to Figures 1 and 2).

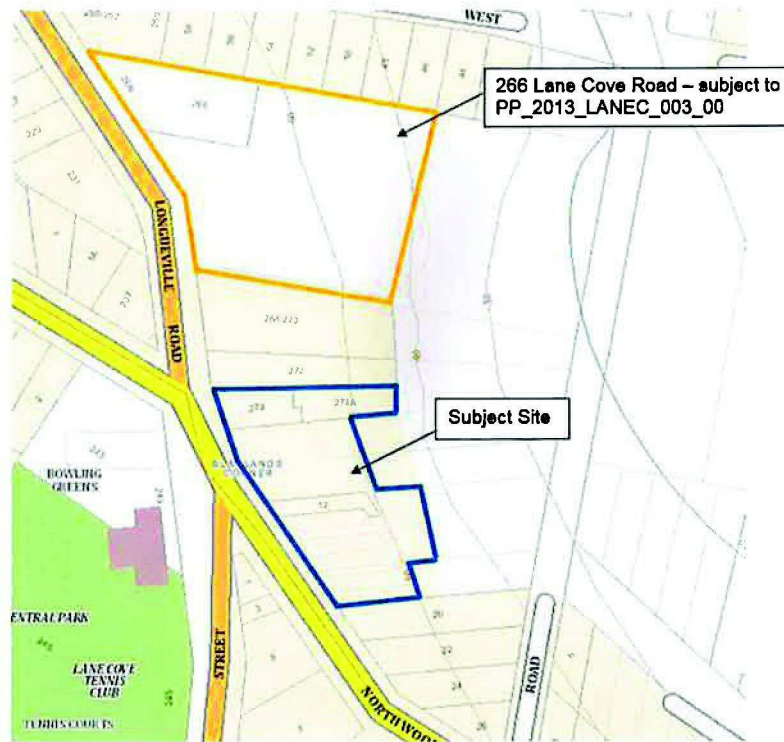


Figure 1: Location of subject site

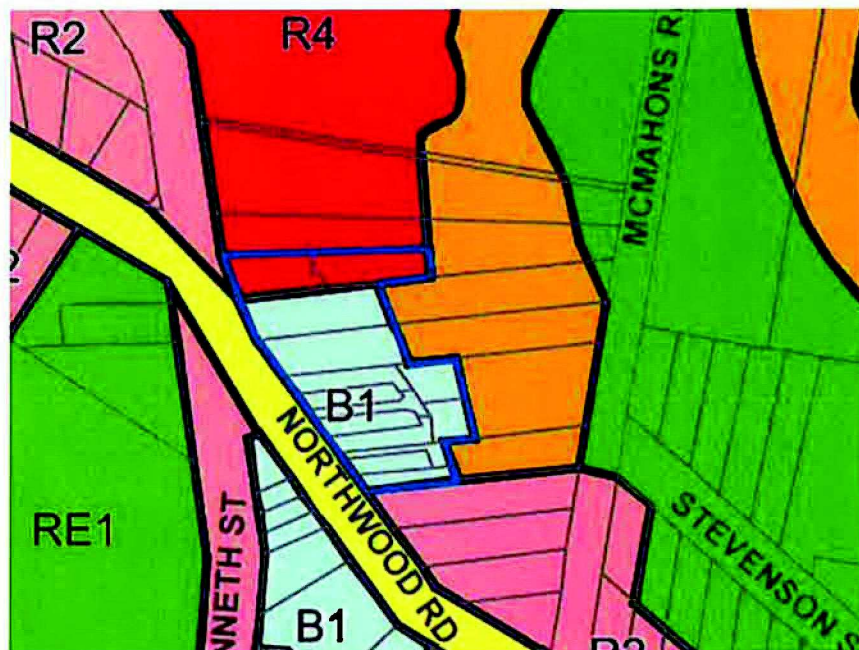


Figure 2: Extract from LEP Landing Zoning Map

A Gateway determination was previously issued for the site, on 8 March 2013, to facilitate the redevelopment of the site as a mixed-use precinct. Council sought a maximum FSR of 2.25:1 and a maximum building height of 18 metres (72.25RL) for the site. On 16 September 2013, Council resolved to withdraw this planning proposal as it considered:

- the scale of development would set an undesirable precedent and noted it is a greater scale than Lane Cove Village;
- the scale of the development would result in unacceptable traffic impacts;
- the scale is not justifiable on economic grounds based on Council's independent economic advice;

- there to be a lack of any substantial public benefit if Council were to consider a partial placement of the bush fire prone lands Asset Protection Zone (APZ) on public land;
- Council had already met its residential and jobs targets under the Metropolitan Strategy, within the existing LEP 2009; and
- there to be overwhelming community opposition to the proposal (93% of 493 submissions in opposition).

Lane Cove Council resolved not to support the current planning proposal on 20 February 2017. Council considered that the proposal was inconsistent with the scale of surrounding development; may result in unacceptable traffic, amenity and safety impacts; and that it challenges the primacy of the Lane Cove Town Centre.

The proponent subsequently submitted a rezoning review request on 27 February 2017. The Sydney North Planning Panel (Panel) considered the planning proposal on 2 May 2017 and made a unanimous decision that the proposal had strategic planning merit and should be submitted for Gateway assessment. The Panel also recommended that a site-specific DCP be prepared and exhibited alongside the planning proposal. Council accepted the role of the Relevant Planning Authority on 14 July 2017.

Surrounding Area

The site is surrounded by public recreation facilities, community uses, neighbourhood shops and residential development.

In July 2015, a planning proposal, initiated by Council and located on Council land, at 266 Longueville Road (two lots north of the site), was gazetted for residential development, which was predominantly intended seniors living. This proposal rezoned part of the site from RE1 Public Recreation to R4 High Density Residential and applied a maximum FSR of 1.1:1 and a maximum building height of RL 62.8 (6/7 storeys). The concept design for this development includes three storeys at the Longueville Road frontage and seven storeys adjacent to bushland at the rear of the site.

On 6 July 2017, the Department of Planning and Environment approved a Site Compatibility Certificate for 266 Longueville Road. The application involves the construction of 93 self-contained seniors dwellings and 70 aged care facility rooms. Council is yet to receive a development application for this site.

Summary of Recommendation

It is recommended that the planning proposal proceed, subject to conditions.

The planning proposal is considered to have strategic planning merit as it will assist in delivering housing supply and choice, particularly for an increasing number of seniors. The proposal will continue to allow for retail uses, consistent with the zone objectives of B1 Neighbourhood Centre, and will encourage employment growth.

The proposal will enable an appropriate built form that is sympathetic to surrounding development and does not have undue impacts on the adjacent properties. It will not change the zoning of the site and will retain the existing permitted uses and character of the locality.

PROPOSAL

Objectives or Intended Outcomes

The statement of objectives accurately describes the intention of the planning proposal. The proposal intends to amend the Lane Cove Local Environmental Plan 2009 (LEP) to ensure appropriate controls are proposed to allow for a residential aged care facility, whilst minimising any adverse impacts to the surrounding environment.

Explanation of Provisions

The following amendments to Lane Cove Local Environmental Plan 2009 are proposed:

- amend the floor space ratio from 0.8:1 and 1:1 to 1.98:1;
- amend the building height from 9.5 and 12 metres to 70.250 RL;
- permit 'seniors housing' on the subject site;
- introduce a savings provision for the site to allow any Development Application to be assessed concurrently with the planning proposal.

It is proposed to achieve these amendments by introducing a new clause to Part 6 Additional Local Provisions of the LEP. The clause would be site specific, allowing the development of seniors housing with a specified maximum building height and FSR. The planning proposal provides suggested wording to this effect.

Although seniors housing would be permitted on the site, the Seniors Housing SEPP would not be applicable to a DA for seniors housing. Clause 4 – Land to which Policy Applies, states that the Seniors Housing SEPP only applies if dwellings-houses, residential flat buildings or hospitals are permitted on the site, the land is zoned for special uses or the land is used as an existing registered club.

The majority of the site is zoned B1 Neighbourhood Centre, with the remaining land zoned R4 High Density Residential. The section zoned B1 Neighbourhood Centre does not satisfy the applicability criteria of the Seniors Housing SEPP. As such, even if Seniors Housing was added as an additional permitted use, the Senior Housing SEPP would still not apply.

This matter has not been recognised in the proposal, which in fact includes references about how future development on the land will be controlled by the provisions under the SEPP. It is recommended that the planning proposal is updated prior to exhibition to address this matter.

The proponent has indicated a willingness to prepare a site specific DCP, this would provide provisions to guide development over the site and ensure an appropriate built form that is sympathetic to surrounding development in the absence of the Seniors Housing SEPP.

Council has proposed a savings provision, with the intent that this would allow a DA to be submitted and assessed (but not determined) before the commencement of a new Plan. This is consistent with four other existing savings provisions contained in Lane Cove LEP.

Mapping

The proposal does not involve any changes to LEP mapping.

NEED FOR THE PLANNING PROPOSAL

As the planning proposal seeks specific LEP provisions, there are no other mechanisms, other than a planning proposal, to permit a seniors housing development on the site. The planning proposal is not the subject of any strategic study or report.

The proposal states that a planning proposal is required to implement the priorities and directions of *A Plan for Growing Sydney*, by providing a variety of housing options in an accessible location and providing employment opportunities close to existing homes. The planning proposal is also required to address the changing housing needs arising from an ageing population.

STRATEGIC ASSESSMENT

State

The planning proposal is broadly consistent with *A Plan for Growing Sydney*, in particular the proposal:

- supports the local economy through enabling a mixed-use development and providing approximately 20 jobs (Direction 1.6);
- provides health services to meet Sydney's growing needs with age-suitable housing and on-site support facilities (Direction 1.10);
- increases the supply of housing by delivering approximately 130 aged care beds in an inner-city location (Direction 2.1);
- assists in accelerating urban renewal across Sydney by replacing ageing buildings on underutilised land with a mixed-use development that will provide housing for the aged as well as employment (Direction 2.2 and 3.1);
- responds to increased need for housing diversity and choice (Direction 2.3);
- assists in creating a healthy built environment by providing aged care housing in an accessible location (Direction 3.3); and
- provides an urban renewal opportunity to the local community, generating employment opportunities during both the construction phase and the operation phase of the development (Priorities for north subregion).

Regional / District

The Draft North District Plan (District Plan) requires a precautionary approach to the rezoning of employment land or adding of additional permissible uses that would hinder their function. The exception being where there is a clear direction in *A Plan for Growing Sydney*, the District Plan or an alternative strategy endorsed by the relevant planning authority.

There is a clear direction in the District Plan to support the proposed changes to employment land. The District Plan states that the greatest proportion of population growth within the Northern District will be 85+ age group, which will almost double. Significant planning to create a more diverse supply of homes that will allow people to continue living in their local areas is required as well as supportive health services.

Allowing seniors housing as an additional permitted use on the site will retain the existing employment generating permitted uses of the neighbourhood centre. The proposed aged care facilities would also promote employment growth and create new jobs.

The proposal will need to be updated to demonstrate consistency with the District Plan, as it has not been addressed within the planning proposal.

Local

The proposal is generally consistent with Council's Community Strategic Plan 2025 as it acknowledges the need for more density and focuses on an ageing population, socially sustainable housing choice and consideration for accessible housing.

Section 117(2) Ministerial Directions

The proposal is consistent with the relevant section 117 Directions. This includes Direction 1.1 Business and Industrial Zones, which seek to encourage employment growth, protect employment land in business and industrial zones and support the viability of identified centres.

The planning proposal retains the existing B1 zoning and permissible business uses. The proposal states that it will result in approximately 20 full time jobs associated with the aged care facility. It also involves neighbourhood shops at ground level, which are expected to generate additional employment and provide an active street frontage. The proposal is therefore consistent with this Direction as it will encourage employment growth.

There are no inconsistencies with the Directions.

State Environmental Planning Policies

The proposal is consistent with the following SEPPs:

SEPP 55 Remediation of Land

There is an existing service station located on the subject site at 6-10 Northwood Road. Clause 6 of SEPP 55 requires consideration of whether the site is contaminated and the suitability of the land for the proposed use.

The proposal includes a Ground Water Testing Report, which concludes that the site can be remediated to a condition suitable for residential and retail land use (including seniors living), subject to remediation measures. Sufficient information has been provided as part of this planning proposal to demonstrate the suitability of the proposed LEP amendments.

SEPP 19 Bushland in Urban Areas

SEPP 19 applies to part of the site (see Figure 3). The planning proposal has not addressed consistency with the SEPP.

The SEPP requires that the preparation of an LEP must consider the general and specific aims of the Policy and give priority to retaining bushland, unless significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

It is recommended that the planning proposal is updated to address consistency with the SEPP.



Figure 3: Land Adjoining Bushland Map (Source: Lane Cove Council 2010)

SITE SPECIFIC ASSESSMENT

Social

Social Infrastructure

The area is in proximity to adequate health services, community facilities and transport to support seniors housing. It is adjacent to the Lane Cove Music and Cultural centre, opposite the Longueville Sporting Club, within one kilometre of Lane Cove Town Centre and within 2.5 kilometres of the Royal North Shore Hospital.

Housing diversity

As per 2016 Census Data, 95.1% of households within Northwood live in detached dwelling houses and 17.8% of residents within Northwood are 65 or over (compared to 16.2% across NSW). There is a growing need within the locality for greater housing diversity, providing seniors with the option to downsize and age in place while remaining within the community.

Public amenity

The provision of access to the adjacent bushland land and associated walking tracks will benefit the broader community. The proposed reduction in driveways along Northwood Road and widening of the footpath will also allow for a pedestrian friendly public space.

Environmental

Flora and Fauna

The site is adjacent to land zoned E2 Environmental Conservation. An assessment of the site's flora and fauna has been carried out and indicates that the proposed development is unlikely to have a significant impact on the long-term survival of any threatened species and/or ecological communities, if the recommended mitigations measures are implemented.

Given the largely developed state of the site, it is unlikely the proposal will adversely impact critical habitats, threatened species, populations or ecological communities or their habitats. However, two species considered to have the potential to occur on the site are listed as a vulnerable under the *Threatened Species Conservation Act 1995*. Consequently, consultation is recommended with the NSW Office of Environment and Heritage.

Traffic

A Traffic Impact Assessment (TIA) prepared by Traffix was provided, which concludes that the traffic impacts of planning proposal are acceptable based on the following:

- the proposal would reduce traffic generation when compared to the site's existing buildings;
- the proposal will reduce existing driveway crossings from five to two;
- the site is of a sufficient size to accommodate all parking demands generated by future development envisaged under the planning proposal;
- RMS indicated their preliminary acceptance of the proposed access arrangements.

Lane Cove Council commissioned an independent review of the TIA by Bitzios consulting. Based on the findings of the independent review, it is recommended that the TIA be updated to provide:

- analysis of signal and phase data for the combined intersection and network layout;
- details on the impact of permissible development on the surrounding intersections; and
- a traffic safety audit, including pedestrian desire lines.

The independent review also recommends that survey data of existing traffic generation would provide a clearer comparison of the traffic impacts of the proposal rather than the estimations provided based on the RMS *Guide to Traffic Generating Development* (Guide). Traffix confirmed that at the time of assessment three of the existing neighbourhood shops were vacant. Given that the independent review agrees that estimates based on the Guide are conservative and adequate, a traffic survey of the existing uses is not considered necessary.

Bulk and Scale

The preliminary concept design provides the intended development outcome for the site and includes:

- a 6-storey development incorporating retail uses at ground level (café, medical centre, convenience retail and veterinary clinic) and a residential aged care facility comprising 130 beds;
- maximum 4-storey frontage to Northwood Road and 6-storey to the rear of the development;
- external open space to provide building separation at side boundaries and landscaping opposite bushland to the rear of the development; and
- basement level car parking with vehicular entry provided at the intersection of Northwood Road and Kenneth Street.

As shown in Figure 4, the land immediately adjoining to the north of the subject, at 272 Longueville Road, has a maximum building height of 11.5 metres, which would allow for a maximum RL of 67.5 at the street frontage. The existing roof of the residential flat building on that site has an RL of 62.9.

The land adjoining immediately to the south of the subject site, at 20 Northwood Road, has a maximum building height of 9.5 metres, which would provide for a maximum RL of 62.5 at the street frontage. The existing building on that site is single storey, with a roof at RL 58.9.

The proposal presents four storeys to the street, at a maximum RL of 66.75 and steps up to six storeys to a maximum RL of 70.25, as the land falls to the east. The proposed upper levels are setback 5 metres from the front boundary (refer to Figure 4).

Given the context, the proposed scale is considered suitable as it will provide adequate amenity to surrounding development. The proposed height at the street frontage is consistent with the maximum permissible height of adjoining development. As the site falls to the east, the slope absorbs part of the height increase, reducing the impact on the streetscape and amenity of adjoining properties.

The planning proposal provides indicative built form controls within the Urban Design Report for inclusion in a site specific DCP. As per the recommendations of the Sydney North Planning Panel, a site-specific development control plan should be exhibited with the proposal to support the management of the bulk and scale of the proposal and to protect the amenity of neighbouring properties.

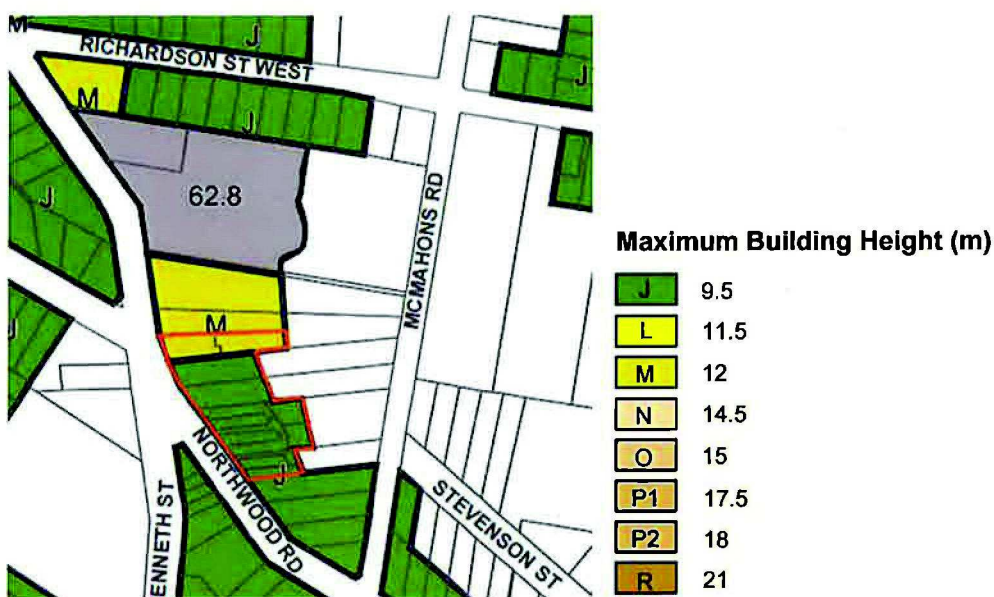


Figure 4: Height of Buildings Map (Source: Lane Cove Council 2010)

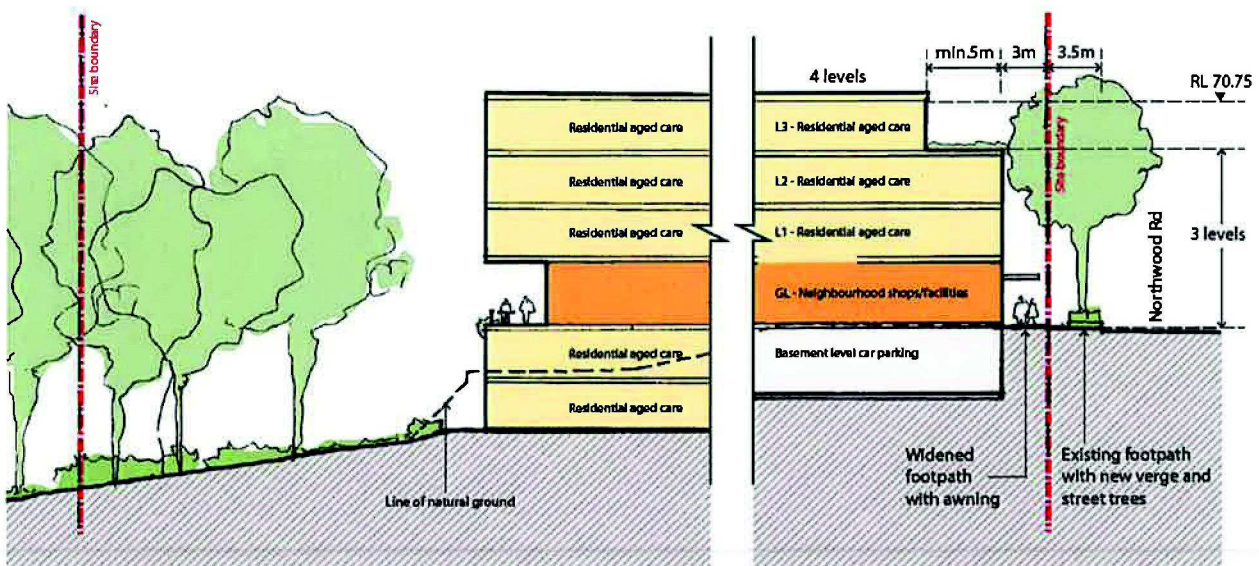


Figure 5: Proposed section AA (Source: Planning Proposal Urban Design Report)

Building Separation and Setbacks

The proposed building envelope provides a suitable interface with the low-density properties to the south with a minimum 10 metre setback from the southern side boundary

from Ground Level to Level 2, stepping in a further 2 metres at the third level (refer Figure 5).

The proposal provides setbacks of 6 to 9 metres from the northern boundary, adjacent the residential flat building at 272 Longueville Road. While the Apartment Design Guide recommends a building separation of 9 to 12 metres, this can be addressed at the DA stage when there is sufficient design detail to assess the amenity impacts of the proposal.

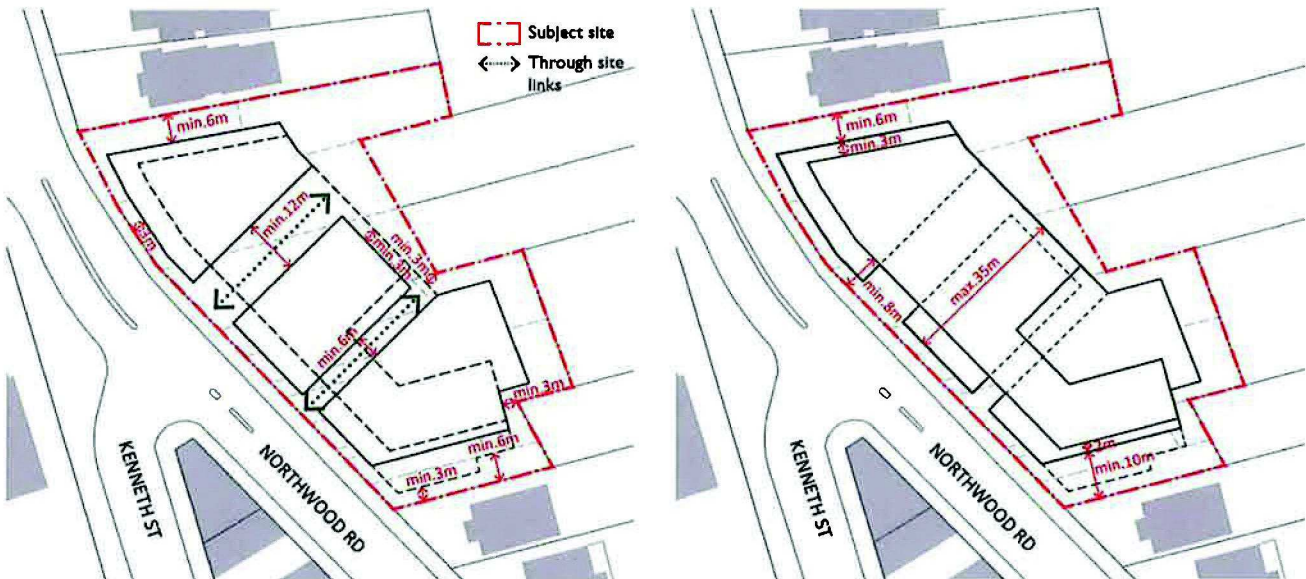


Figure 5: Setbacks and Separation – Ground and Lower Ground Levels (Left) – Upper Levels (Right) (Source: Urban Design Report)

Overshadowing

The Urban Design Report provides an assessment of the solar access impacts of the proposal. The shadow diagrams demonstrate that the adjoining property to the south will receive at least two-hours mid-winter full solar access to its living areas, with 50% of one north-facing window receiving 3 hours. Given the constraining effect of the lot orientation on solar access and that the southern adjoining property will maintain solar access to its east facing windows, the solar access impacts are considered acceptable.

Economic

The proposal will provide employment in the local community and within the Global Economic Corridor, with approximately 20 jobs associated with the aged care facilities. It will also provide employment associated with the construction phase of the proposal.

CONSULTATION

Community

The proposal does not provide a suggested exhibition period for the planning proposal. A 28-day community consultation period is considered appropriate.

Agencies

Consultation with the following public agencies is recommended:

- NSW Roads and Maritime Services;

- Department of Health and Ageing;
- Transport for NSW; and
- NSW Office of Environment and Heritage.

TIMEFRAME

The planning proposal indicates the anticipated timeframe for preparation of the LEP amendment to be 12-18 months. The proponent has written to the Department to confirm that this timeframe relates to the entire planning proposal process, including pre-lodgement consultation. The proponent has requested a 9-month timeframe to complete the LEP post-gateway. The Department considers this timeframe to be appropriate and the planning proposal will need to be updated to reflect this.

DELEGATION

Delegation of this planning proposal is not recommended, nor requested by Council, as it was subject to a Rezoning Review.

CONCLUSION

The planning proposal is considered to have planning merit as it will permit new seniors housing opportunity on a suitable site, without limiting potential neighbourhood centre uses.

The proposal will provide an appropriate transition from the R4 High Density zone to the R2 Low Density zone. It is of an appropriate scale and massing for the locality and does not have undue impacts on the adjacent properties.

As the proposal does not involve a change in the land zoning, it will maintain the character and existing permitted uses of the B1 Neighbourhood Centre. It will promote employment growth through new jobs associated with the age care facilities, as well as those associated with neighbourhood shops at ground level, designed provide an active street frontage.

The planning proposal has not recognised that the Seniors Housing SEPP would not apply to the site. In the absence of the provisions of the Seniors Housing SEPP to guide development on the site, and per the recommendations of the Sydney North Planning Panel, a site-specific DCP has been proposed by the proponent to support the management of the bulk and scale of the proposal and to protect the amenity of neighbouring properties. It would be suitable that this DCP be exhibited concurrently with the planning proposal, should Council agree to its preparation.

It is recommended that the proposal proceed subject to the conditions outlined below.

RECOMMENDATION

It is recommended that the delegate of the Secretary agree the proposal is consistent with the relevant section 117 Directions.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.

2. Consultation is required with the following public authorities:
 - NSW Roads and Maritime Services;
 - Department of Health and Ageing;
 - Transport for NSW
 - NSW Office of Environment and Heritage
3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. The timeframe for commencement of the community consultation period is to be 2 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be authorised to exercise delegation to make this plan.
6. Prior to community consultation, the planning proposal is to be updated to:
 - (a) correctly describe the relationship with the Seniors SEPP;
 - (b) demonstrate consistency with the Draft North District Plan;
 - (c) demonstrate consistency with SEPP 19 (Bushland in Urban Areas); and
 - (d) amend the accompanying Traffic Impact Assessment to provide:
 - i. analysis of signal and phase data for the combined intersection and network layout;
 - ii. details on the impact of permissible development on the surrounding intersections; and
 - iii. a traffic safety audit, including pedestrian desire lines; and
 - (e) include Lane Cove Council's logo on the front cover.



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