



# Lane Cove Council

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Ms Carolyn McNally  
Secretary,  
NSW Department of Planning and Environment,  
320 Pitt St,  
SYDNEY NSW 2000

Attention: Carina Lucchinelli

Dear Ms McNally,

**Re: REQUEST FOR GATEWAY APPROVAL TO EXHIBIT: PLANNING PROPOSAL 29 for 274 & 274A LONGUEVILLE ROAD and 4-18 NORTHWOOD ROAD, LANE COVE**

A Planning Proposal was lodged with Council on 11 November 2016 in relation to land at 4-18 Northwood Rd, 274 & 274A Longueville Rd Lane Cove. The purpose was to amend the current permissible uses in the existing B1 Neighbourhood Centre zone in order to permit a 130-bed residential care facility above age-related retail uses on the site.

The planning proposal seeks to:-

- Retain all existing Land Use zonings on site;
- Insert an additional permissible use to allow 'seniors housing' on the subject site.
- Increase the height limit to RL 70.250 (height to underside of top level ceiling);
- Increase the floor space ratio of the entire site to a maximum of FSR 1.98:1; and
- Introduce a savings provision for the site to allow any DA to be assessed concurrently with the Planning Proposal.

This Proposal was initially refused by Council and was subsequently referred to the Sydney North Planning Panel for a Rezoning Review on 2 May 2017. It was determined that the Proposal should be submitted to NSW Planning & Environment for a Gateway Determination (**AT-1**).

Council has advised NSW Planning & Environment that it seeks to remain the relevant planning authority for this matter. Therefore, Council submits the attached Planning Proposal 29 with attachments (**AT-2** to **AT-12**) to the Department for Gateway Determination.

However, Council requests that a number of technical matters within the Planning Proposal are considered by NSW Planning & Environment and the Gateway Panel.

## Background

At the Lane Cove Council meeting of 20th February 2017, Council resolved to not support the Planning Proposal. The Council report (see **AT-13**) highlighted the following differences between the current and the proposed controls:

|                          | Current Planning controls  | PP29 – Northwood Shops   |
|--------------------------|--|--|
| <b>Zoning</b>            | R4 – the northern two lots<br>B1 – the commercial lots   | No change (additional use only)  |
| <b>Proposed use</b>      | B1 Neighbourhood Centre zone – can permit low scale commercial/retail with some shop-top housing above.                      | Seeking an additional permissible use for “Seniors Housing” (130 bed residential care facility). |
| <b>Height</b>            | R4 – 12m<br>B1 – 9.5m  | 14m – 22m front-to-rear (RL70.25)  |
| <b>Floor Space Ratio</b> | R4 – 0.8:1<br>B1 – 1:1   | 1.98:1   |
| <b>Parking</b>           | Needs to comply with SEPP & DCP Part R. (Applicant’s Traffic Report: Shop top housing, shops and Medical Centre – 88 spaces) | 46 spaces  |

While Council listed its reasons for refusal (**AT-14**), the Report did conclude that an alternative Proposal of a more modest scale (height and FSR) could be considered once the issues raised had been satisfactorily addressed.

These and other issues were submitted (see **AT-15**) to the Sydney North Planning Panel as part of the Rezoning Review process.

#### Technical matters for consideration

- Inconsistency with existing Planning Controls for B1 Neighbourhood Centre zone

The proposed Northwood Road street frontage is four storeys. Viewed from behind it appears as six storeys. The proposal is described as providing, ‘appropriate scale and massing for the locality’. The proposed bulk and scale is out of proportion with the surrounding 1-2-storey context of the area. It is also inconsistent with the existing planning controls for the B1 Neighbourhood Centre zone which envisage potentially three storeys, fronting Northwood Road.

Council’s Development Control Plan for the site (Part D – Localities, pages 27-28) states that shop-top housing of this scale is more suited to Kenneth Street. The reason is that the traffic (State Road) divides the B1 Neighbourhood Centre and discourages north-south pedestrian movement.

Therefore Council’s view has always been and remains that the B1 Neighbourhood Centre should be focussed on Kenneth Street. As stated in Part D of Lane Cove DCP:

*The existing commercial/retail uses on the other [north] side of Northwood Road could continue but should be encouraged to become commercial/retail uses rather than uses with high pedestrian visitation. (p29).*

For this reason, it is difficult to agree that the proposal, “provides for local amenities of a neighbourhood centre” when Council’s DCP identifies this

northern side of Northwood Road as suitable for retail uses “to activate the street edge”. Above ground-floor residential uses are identified as more suitable for Kenneth Street.

- Challenges the Primacy of the Lane Cove Village CBD

If endorsed this Proposal would have unintended consequences for all other B1 Neighbourhood Centre zones within the Municipality. At four storeys and 1.98:1 FSR, the building bulk and scale challenges the established primacy of the Lane Cove Village CBD (at 9.5m and 2:1). This would set an undesirable precedent for other B1 Neighbourhood Centre zones in Lane Cove, by sending mixed messages that higher density is appropriate within established low-scale centres.

- Lack of social benefit

Where residential flat buildings are permitted, Clause 45 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 permits a bonus floor space of up to 0.5:1. This bonus applies if “on-site support services for residents” are provided and ‘10% of the dwellings will be used for affordable places’.

According to the Planning Proposal, it intends “to trigger the provisions and development standards of the Seniors SEPP” (page 23) but ensure that “the proposed FSR and height controls only relate to a ‘seniors’ development and not for any other development type currently permissible within the zone” (page 23). It also seeks to:

*“Ensure it does not trigger any of the bonus provisions within the Seniors SEPP” (page 23).*

From this, it is clear that the provisions of the Proposal will circumvent these SEPP bonus provisions without providing any social benefit in the form of affordable seniors housing. A development of such large scale (130 beds) should be providing some affordable places.

Based on these technical matters, Council would seek that the Gateway considers a more modest proposal in keeping with the planning concerns of Council and the Community as follows:

1. Rezoning the site to B4 Mixed Use (which permits seniors housing and residential flat buildings) rather than an additional permitted use.

This would prevent the undesirable precedent of allowing such a large scale seniors housing development in our B1 Neighbourhood Centre zone, which would set a regrettable example for other B1 areas to double their densities and increase heights.

2. An FSR of 1.5:1. By invoking the bonus provisions of the Seniors Housing SEPP, this permits a resultant FSR of up to 2:1. This also represents a compromise between B1 (1:1) and B2 (2:1) zones. It also triggers provision of some affordable (seniors) housing, which will provide a greater public benefit.

3. The street-facing height be one storey in excess of Council's own nearby seniors housing (266 Longueville). That is, two storeys, transitioning to three-storeys, set back 3 metres from the street.

This is consistent with Council's controls for the precinct.

## **Conclusion**

By potentially rezoning the site to B4 Mixed Use, reducing the FSR (to 1.5:1) and the height (to two storeys transitioning to three storeys back 3 metres from the street), it would provide a seniors housing development of some merit.

This would also achieve the same objectives or intended outcomes envisaged by the Planning Proposal to allow for a residential aged care facility, whilst minimising any adverse impacts to the surrounding environment.

Please feel welcome to contact Christopher Pelcz, Acting Manager Strategic Planner, on 9911 3516 or at [cpelcz@lanecove.nsw.gov.au](mailto:cpelcz@lanecove.nsw.gov.au) to discuss any matters relating to the submission.

Yours sincerely



**Michael Mason,**  
**Executive Manager – Environmental Services**

## **Attachments**

- AT-1** Sydney North Planning Panel – Record of Review
- AT-2** Planning Proposal
- AT-3** Appendix 1 Survey
- AT-4** Appendix 2 Traffic Report
- AT-5** Appendix 3 Urban Design Report
- AT-6** Appendix 4 Contamination Report
- AT-7** Appendix 5 Arborist Report
- AT-8** Appendix 5B Tree Survey Assessment Report
- AT-9** Appendix 5C Impacts on Trees and Recommendation and Appendix 5D Tree Location Plan
- AT-10** Appendix 6 Flora and Fauna
- AT-11** Appendix 7 Consultation Report
- AT-12** Appendix 8 Traffic Survey
- AT-13** Council Report
- AT-14** Council Minutes
- AT-15** Council response to Pre-Gateway Review
- AT-16** Independent Peer Review of Traffic Report