

21 December 2018

## Submission: St Leonards and Crows Nest 2036 Plan

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### 1. Introduction

This submission has been prepared on behalf of Top Spring, owners of land within the draft *St Leonards South Residential Precinct*, to provide comment on the draft planning package for *St Leonards and Crows Nest 2036 Plan* (Draft 2036 Plan) currently on exhibition.

Mecone and Top Spring are generally supportive of the objectives and directions of the Draft 2036 Plan. However, we have undertaken a review of the draft documents and wish to raise concerns about the following aspects of the Plan:

- Design Principles proposed for St Leonards South Residential Precinct, in particular, planning principles in the 2036 Plan that appear to contradict the work of Council's draft planning controls;
- Recommendation for the Lane Cove Council (Council) St Leonards South Planning to be sent for independent review (IPC), with no timeframe or clear scope for completion of the review; and
- Insistence that St Leonards South be included in the area for the SIC levy, despite the fact that AEC, the Government's independent economic consultant, advises against this approach (to be expanded upon in separate submission).

The submission below provides a detailed history and background of Top Spring's experience to date as a key landholder in the St Leonards South precinct, and provides a number of alternate recommendations to address the three concerns raised above.

### 2. Background

#### St Leonards South Residential Precinct

Top Spring, as a key landholder in St Leonards South, has supported Lane Cove Council's planning process for the St Leonards South Residential Precinct since preparation of the draft Master Plan commenced in 2014.

Council's planning proposal is intended to deliver a high-quality, transit-oriented-development, which enables higher-density close to public transport and jobs, in return for additional local infrastructure including parks, green spines and local community infrastructure including childcare and affordable housing.

The proposal is effective in responding to transit-oriented-development directions and '30-minute-city' vision outlined in the Greater Sydney Region Plan. The proposal will also assist in achieving the Lane Cove LGA housing target of delivering an additional 1,900 dwellings between 2016 and 2021, as set in the North District Plan.

Top Spring has been actively working with Lane Cove Council to develop the best planning solutions for their sites and the surrounding context.

Top Spring undertook an initial review of the draft Planning controls and prepared a submission to Council in December 2017 during the draft LEP and DCP's formal exhibition period. This submission provided a thorough review of the draft controls

and built form outcomes and suggested a number of alternate built form and community infrastructure options to further enhance the objectives and outcomes for the future redevelopment of the precinct.

Following the submission, Top Spring and the project team met with relevant Council officers at Lane Cove Council on 14<sup>th</sup> May 2018 to discuss planning processes and timeframes, with the intention of preparing a Development Application consistent with the future planning controls for higher density residential use.

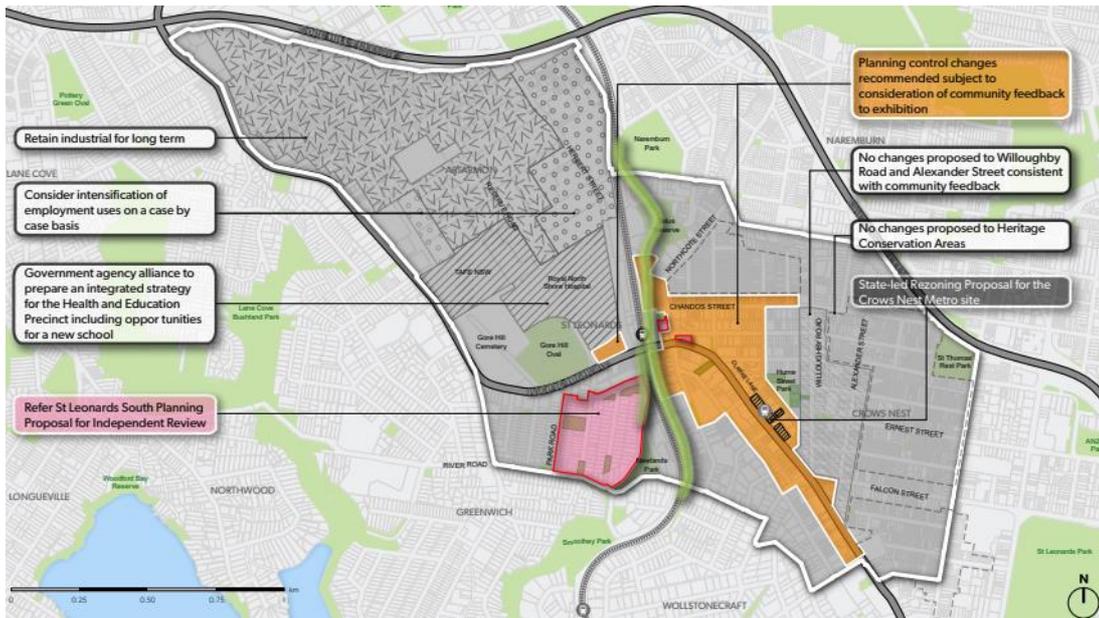
Top Spring engaged Bates Smart to prepare design options for the site to deliver the best massing outcomes and to address identified site constraints including amalgamations, solar access, and delivery of public domain elements. These options were presented to a Lane Cove Council design panel in a Design Review Meeting on 5<sup>th</sup> July 2018. Feedback from the meeting indicated that further design development of alternative building footprints and public domain upgrades could meet the objectives of the Planning Proposal.

### St Leonards and Crows Nest 2036 Plan

More recently, the draft planning package for *St Leonards and Crows Nest 2036 Plan* has been developed by the Department and is currently on exhibition. The Draft 2036 Plan identifies opportunities for renewal and rezoning for the wider St Leonards and Crows Nest area in response to the approved future Crows Nest Metro Station, including Council's St Leonards South Precinct.

The draft plan recommends referral of Lane Cove Council's Planning Proposal to an independent panel for review to ensure consistency with conditions of the Gateway Determination and the draft 2036 Plan. The Plan recommends the following Design Principles be considered by the independent panel:

- Consider accessibility to St Leonards and Crows Nest Stations;
- Minimise overshadowing of public open space and streets with a significant public domain function within and outside of the Plan boundary;
- Minimise overshadowing to Heritage Conservation areas and residential areas outside of the Plan boundary;
- Ensure new open spaces improve connections to existing surrounding open spaces;
- Improve active transport connections;
- Consider cumulative traffic impacts; and
- Transition buildings appropriately to lower scale buildings.



**Figure 1** Proposed precinct changes

Source: Draft 2036 Plan

### 3. Response to 2036 Plan

Mecone and Top Spring appreciate the work undertaken by the Department of Planning & Environment to date to develop the Draft 2036 Plan. We generally support the wider precinct plan objectives including the Design Principles that will apply to St Leonards South. We will make a further detailed submission to the IPC regarding each of the Design Principles; however, we wish to raise a particular concern with respect to overshadowing to Newlands Park.

In addition, while we raise no objection to the recommendation to refer the Council's Plan to the IPC, there is no identified timeframe or clear scope, which could result in significant further delays to finalisation of Council's Plan, which commenced nearly 5 years ago in 2014.

Further, we note that the Government's independent consultant AEC noted that a SIC levy should not apply to St Leonards South, yet it remains within the draft SIC levy catchment.

As such, we provide has the following comments and suggestions for consideration in the final revision of the 2036 Plan.

#### 3.1 Overshadowing to Newlands Park'

The Draft 2036 Plan includes objectives to prevent additional overshadowing of existing open space and encourages new open space to be connected to the regional open space network. The draft 2036 Plan also recommends the Independent Planning Commission review the St Leonards South Planning Proposal with consideration to the following Design Principle - 'minimise overshadowing of public open space and streets with a significant public domain function within and outside of the Plan boundary'.

It is noted that Newlands Park, which is located directly east of the St Leonards South precinct boundary, will likely experience increased overshadowing as a result of the redevelopment of the precinct for higher density residential use in line with Council's planning controls.

Mecone requests that the following matters be considered when reviewing the proposed Design Principle against the draft planning controls for the precinct:

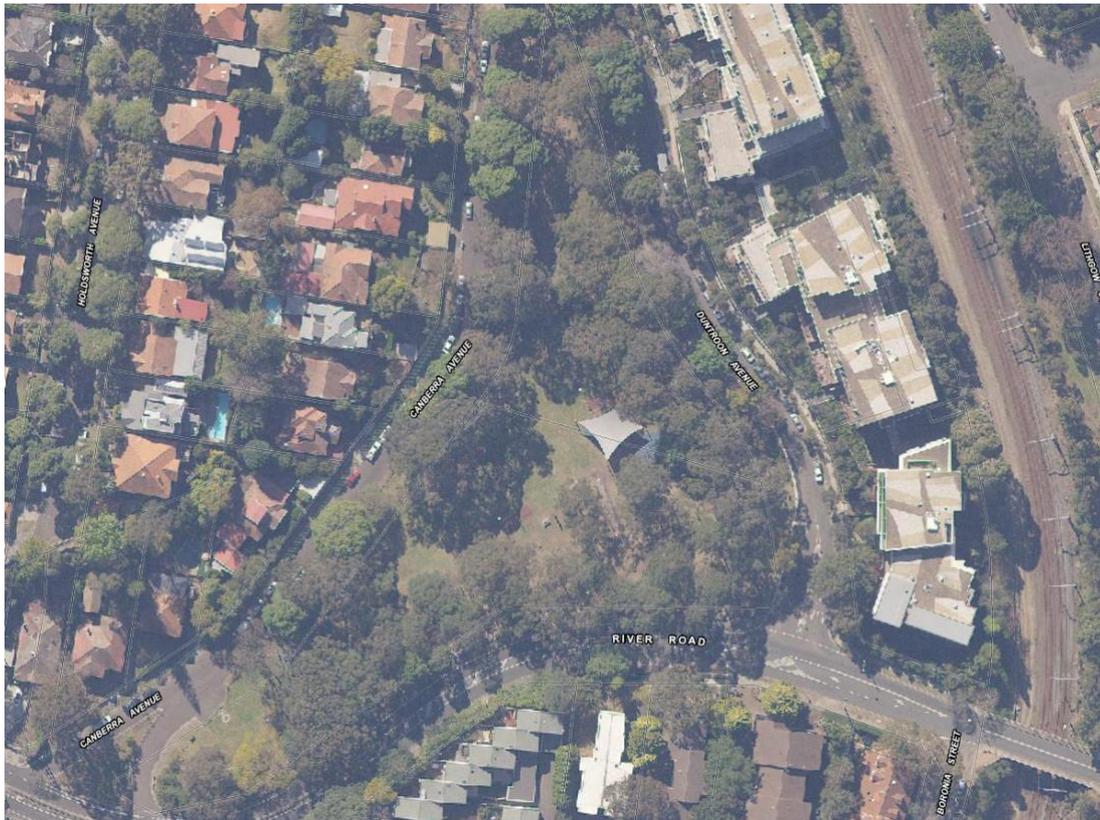
- To date, Lane Cove Council, have proposed controls to allow for building heights of between 4 and 12 storeys on the land directly west of Newlands Park opposite Canberra Avenue (partly owned by Top Spring), allowing for additional storeys where partial levels are created by the slope of the land;
- Accordingly, Council's plan inherently acknowledges that some minor additional overshadowing of Newlands Park will occur in midwinter, and this is an acceptable trade off with the other benefits proposed by the overall precinct's redevelopment discussed earlier in this submission;
- The Draft Green Plan accompanying the Draft 2036 Plan identifies Newlands Park as being highly vegetated and currently having more than 40% tree canopy, creating significant existing canopy shading to the park;
- The Draft Green Plan also supports improved tree canopy cover in the precinct, and encourages the planting of an additional 20-25 trees in Newlands Park in the Tree Canopy Plan – which would also contribute to further overshadowing;
- It is important to acknowledge in our climate, that shading from direct sun is often needed throughout the year to maximise amenity. Newlands Park currently has playground equipment with shade structures above (refer to Figure 2 below), as direct exposure to sunlight onto children and families utilising the park can cause health and safety issues; and
- The limitation of additional overshadowing appears to have only been applied to Newlands Park, while other proposed green spaces in the draft 2036 Plan will also be impacted by overshadowing – particularly some of the larger parks surrounding much taller future developments.

By developing the sites directly opposite Canberra Road, the new built form will create some additional overshadowing, but will also provide much needed public domain upgrades, new pedestrian links, active transport links, green spaces and quality landscaping connecting to Newlands Park.

The higher density built form of this precinct strongly aligns with the Draft 2036 Plan and Draft Green Plan objectives for landscaping and open space, and unlocks the delivery of the remaining Design Principles listed for the precinct in the Draft 2036 Plan. Some additional overshadowing in mid winter should be considered acceptable when considered against the range of other benefits the precinct's revitalization will bring.

In addition, Top Spring would like to highlight that revised building envelopes being developed by Bates Smart demonstrate a reduced solar impact to Newlands Park when compared with the draft Planning Proposal controls by Lane Cove Council. A high level study of the tested massing is provided in **Appendix 1**.

For these reasons, Mecone suggests that the Design Principle be amended to allow some flexibility in the application of this principle, as minor additional overshadowing to Newlands Park is reasonable and fundamental to the wider redevelopment of the precinct.



**Figure 2** Satellite image of the existing Newlands Park

Source: SIXMaps

### 3.2 Recommendation of St Leonards South Planning Proposal for Independent Review

The Draft 2036 Plan recommends referral of the proposal to an independent panel for review to ensure consistency with conditions of the Gateway Determination and the Draft 2036 Plan.

Mecone and Top Spring welcome additional review of the Plan, but also note that it has had five years of consultation, drafting and review to ensure the current proposal is appropriate for the precinct and surrounding context. The current proposal has been issued with two Gateway approvals to date and we consider that it is in the best interest of the public and private stakeholders to finalise the precinct controls in order to provide some certainty for the area.

As such, we request that any further review of the existing draft controls have a set timeframe, with clear outcomes in order to prevent further ongoing uncertainty regarding the redevelopment of the precinct.

### 3.3 St Leonards South public benefit offerings and SIC levy

The SIC levy proposed for the St Leonards and Crows Nest 2036 Plan will overlay the existing proposed community infrastructure contributions to be applied to the St Leonards South Residential Precinct, which will effectively double the contributions required from development in the precinct.

The SIC levy, when combined with existing contribution plans proposed by Council, would affect the financial viability of all the projects in the St Leonards South Precinct, potentially leading to the following outcomes:

- Reduced number of and quality of dwellings;

- Delayed and inconsistent development of the precinct;
- Lesser incentive and opportunity to invest in open spaces and public domain;
- Poor amenity outcomes; and
- Inability to obtain finance and subsequent abandonment of redevelopment.

As noted in the recommendations of AEC's SIC Feasibility Testing Report dated April 2018;

'Delivery of infrastructure (in-kind) by developers has economies of scales when progressed with the main development and also helps overcome resource and delivery limitations of agencies (where appropriate). If a development site has asufficient scale that is has the capacity to deliver some of the state infrastructure contemplated, it may be efficient for that development to either contribute wholly or partially in-kind'.

The redevelopment of the amalgamated sites on Top Spring owned land (corner of Canberra Avenue and River Road) will enable the following benefits including:

- The Draft 2036 Plan identifies an active transport link along Canberra Avenue, which is earmarked as 'an important regional walking and cycling link between St Leonards Station, Newlands Park and Wollstonecraft Station'. This link is located adjacent to the eastern boundary of the Top Spring site, and can be considered in the design of future redevelopment on the site to ensure that it does not hinder the potential for the link to be delivered;
- Public domain upgrades to the River Road frontage at the end of Canberra Avenue; an area which is identified in the Draft Green Plan as being an existing 'pedestrian barrier to be resolved';
- Additional open space on site; and

Publicly accessible pedestrian links (including a 15m East-West link) from Canberra Avenue through to the proposed Green Spine in Lane Cove's Planning Proposal.

#### 4. Conclusion

In conclusion, while Mecone and Top Spring are broadly supportive of the draft 2036 Plan and its recommendations for St Leonard's South, we request that the following amendments be incorporated into any final Plan for our precinct:

- That the IPC review of Council's draft controls be undertaken in timely manner, with a transparent scope and approach, in order to provide final planning certainty to this precinct, given almost five years of strategic planning undertaken to date;
- That any future controls related of overshadowing to Newlands Park be able to be flexibly applied when considering the other benefits proposed to be delivered within the precinct; and
- That St Leonards South be excluded from the application of the SIC levy.

In summary, Mecone and Top Spring are generally supportive of the objectives and directions of the Draft 2036 Plan. However, we emphasise that extensive work has already been undertaken for this Precinct to date, resulting in controls which are far more progressed than the remainder of the St Leonards and Crows Nest area.

The draft controls have been thoroughly assessed at two previous Gateway determinations, followed by public exhibition, and should be promptly finalised to

provide planning certainty for the precinct while the remainder of the area continues to be progressed.

Please do not hesitate to contact me on 8667 8668 or at [kbartlett@mecone.com.au](mailto:kbartlett@mecone.com.au) if you have further queries or comments regarding this submission.

Yours Sincerely

A handwritten signature in black ink that reads "Bartlett".

Kate Bartlett

**Director**