

St Leonards / Crows Nest Draft 2036 Plans

Lane Cove Council's submission

8 February 2019



Executive Summary

Lane Cove Council has considered the findings of the St Leonards/Crows Nest Draft 2036 Plans and associated studies having regard to the strategic planning framework (contained in the GSC's *A Metropolis of Three Cities and North District Plan*), community consultation and other planning matters.

In summary, the Draft St Leonards/Crows Nest 2036 Plan & associated studies are generally aligned with the approach, strategic direction and actions for the St Leonards Planned Precinct as set by the *Greater Sydney Region Plan* and the *North District Plan* as it:-

- Retains a focus for existing commercial land for employment, including along Pacific Highway east (and west) of the existing railway line as these are the most accessible and desirable sites that could potentially attract new commercial tenants to the area (Action 34 b. of *North District Plan*);
- Supports Council's Over-rail plaza development (Action 34 e. of *North District Plan*);
- Retains the Artarmon industrial area for employment land (Action 34 g. of *North District Plan*);
- Retains the draft St Leonards South residential growth precinct plans under Council control;
- Recommends a review of the draft St Leonards South plans by the Independent Planning Commission; and
- Support key aspects of Council's commercial revitalisation program by the considered and strategic 'pilot' (mixed use) approach (Actions 36 a, b, c, and f. and Action 37 of *North District Plan*).

However, there are elements of the Draft 2036 plans, which are not supported as they don't appear to align with the *North District Plan* or consider established planning controls (i.e. *SEPP 65, Apartment Design Guide*) plus other relevant information. These include:-

1. Significant Sites;
2. Lack of jobs focus;
3. Timing of additional Mixed-Use development;
4. Lack of connectivity;
5. Special Infrastructure Contributions;
6. Actions and Recommendations of Draft 2036 Plan relating to Overshadowing plus consideration of Planning Proposals;
7. Social Infrastructure and Open Space;

8. Schools;
9. Transport connectivity;
10. Tree Planting;
11. Sustainability measures;
12. Mix of housing types;
13. Retaining commercial land along Pacific Highway (west of railway line);
14. Health Services; and
15. Community Sentiment.

It is requested that the Department, Greater Sydney Commission and the three (3) affected Councils work together to refine what has been exhibited in the context of the matters raised above and other issues raised by our neighbouring Councils (Willoughby and North Sydney), prior to finalisation of the Plan.

Council's Planning Approach in St Leonards

Lane Cove Council's overall goal for St Leonards is to support the creation of an area with a high level of liveability, amenity and connectivity. It has sought to achieve this through a range of pilot projects which were consistent with successive Metropolitan Plans for Sydney, as well as the Department's own transport goals. This policy approach was implemented through Local Environmental Plan amendments.

Council targeted four key sites in the St Leonards Commercial Core area along the Pacific Highway, based on their strategic value, for mixed use development. In addition to their strategic location, the sites were chosen for their size and resulting capacity to enhance the public domain (i.e. Friedlander Place upgrade and Over-Rail Plaza) and stimulate the commercial centre's revitalisation while providing greater public benefit and amenity.

It is important to note that the first proposal for Council's 'pilot projects' was not received until October 2013. It was lodged at a time when the vision for St Leonards was being reviewed. While Lane Cove Council had worked consistently to retain the commercial core within the St Leonards centre, commercial development had not occurred in the Lane Cove portion of St Leonards even with the uplift in FSR and height provided in LEP 2009.

By targeting these key sites, the rest of the B3 Commercial Core area (within Lane Cove LGA) is to remain as currently zoned, supporting the Department of Planning & Environment's aim to avoid isolation of commercial sites. This policy is also consistent with successive Metropolitan Plans for Sydney.

These 'pilot projects' were to then be monitored in terms of stimulus to the commercial sector before similar rezonings would be considered. Given that all four 'pilot' projects have completed the Development Application stage and are now under construction, a monitoring phase should now begin.

Since the formation of the Greater Sydney Commission they have continued to provide guidance and, where appropriate, advice related to the Region and North District Plan. Council sought clarity and a commitment from the Commission that Council's new housing supply targets would be met given the rezonings for the St Leonards 'pilot' project sites east of the railway line and if the St Leonards South Planning Proposal proceeds.

In May 2018, the Commission confirmed (via letter) that the additional capacity created through these local planning initiatives will count towards achievement of the 10 year housing target which Council is required to meet.

"Based on Council's estimates of capacity created via planning strategies currently being considered and Council's 2009 LEP, the LGA has the potential to exceed a 6-10 year (2021-2026 target)..."

"In this regard we recognise that the additional capacity you are creating now through your local planning will be counted towards your achievement of a 10 year target".

Since this time, the last of these 'pilot' projects has been approved for construction in November 2018, it was located in the St Leonards CBD at 71-79 Lithgow Street, 82-90 & 84A Christie Street, and 546-564 Pacific Highway (known as the JQZ site). Prior to the approval, Council again wrote to the Commission requesting confirmation its 'pilot' project approach to St Leonards CBD (through its four sites) was consistent with the North District plans for the 'strategic centre' of St Leonards. A response was received in September 2018 confirming:

“The Greater Sydney Commission supports Council’s vision to improve the liveability, amenity connectivity and employment potential of the St Leonards’ strategic centre. We appreciate that the Council’s initiative to identify the development of the four key sites in St Leonards’ Central Business District will support your vision and contribute to the Centre’s attraction for employment”.

Community Consultation

During the consultation period, Council held a facilitated workshop on Wednesday 12 December 2018 from 5:30pm – 7:30pm which was undertaken by an external consultant (KJA). A copy of the full report of the session is attached.

The key issues raised were:-

Issue
Concern about the impact of additional development, particularly new residential, on local traffic, parking and accessibility, including in areas some believed are already congested.
Concern about what was seen as an overemphasis on residential development at the expense of commercial development, which some suggested would hinder efforts to meet employment targets.
Mixed views regarding the amount, location and zonings of new residential densities.
Concern about Metro station being at capacity once opened.
Concern about overshadowing impacts of new developments, and other impacts (e.g. wind tunnels).
Support for new public transport infrastructure, pedestrian and cycle-ways, but still believed that additional infrastructure and measures would be needed to manage traffic increase and cars parking in the area.
Support for a bus interchange to be included.
Acknowledgement of the challenges of topography, including for developments and cycle-ways.
Support for efforts to retain heritage and character of the local area, with some thinking the Department could do more.
Support new community hubs and amenities in the area, with specific suggestions for how these could be delivered (should mostly be in place before and/or in parallel with residential, not after new developments were complete).
General support for activated laneways and proposed shopping centres.
Preference for a variety of housing types across the entire precinct, including affordable housing options, to meet the needs of different demographics, such as key service workers.
Support for proposed setbacks, especially in transitioning, though concern that best practice-built form would be compromised during planning proposal processes.
Support for plans to expand health and education facilities to meet increased demand from a larger local population, though views differed as to where some of these facilities should be located.
Support for green corridors and tree cover, though keen to see an increase in, and greater mix of, useable and open green spaces in the precinct than is currently allowed for in the Plan.

The predominant focus of the self-selected sample group was on issues associated with the St Leonards South Planning Proposal rather than the broader St Leonards / Crows Nest Draft 2036 Plans. As the Plan recommended referring the St Leonards South Planning Proposal for independent review during the exhibition period, which has not occurred, it is not proposed to make further comment in Council's submission.

Discussion

The Draft 2036 Plans have been considered in conjunction with the North District Plan, and other relevant strategic planning matters.

Positives Aspects

The Draft St Leonards/Crows Nest 2036 Plan & associated studies are generally aligned with this strategic direction and actions for the St Leonards Planned Precinct as set by the *Greater Sydney Region Plan* and the *North District Plan* as it:

- Retains a focus for existing commercial land for employment, including along Pacific Highway east (and west) of the existing railway line as these are the most accessible and desirable sites that could potentially attract new commercial tenants to the area (Action 34 b. of *North District Plan*);
- Supports Council's Over-rail plaza development (Action 34 e. of *North District Plan*);
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- Recommends a review of the draft St Leonards South plans by the Independent Planning Commission; and
- Support key aspects of Council's commercial revitalisation program by the considered and strategic 'pilot' (mixed use) approach (Actions 36 a, b, c, and f. and Action 37 of *North District Plan*).

Issues of Concern – Changes Requested

Elements of the Draft 2036 plans, are not supported as they would be inconsistent with the *North District Plan* or consider established planning controls (i.e. *SEPP 65, Apartment Design Guidelines*) plus other relevant information. These include:

1. Significant Sites

Analysis provided by the *Market Feasibility and Employment Review* suggest that by 2036, the entire precinct could accommodate 6,800 new dwellings or 7,500 new dwellings if a 10% tolerance is applied.

The majority of these new dwellings are proposed to be delivered through changes to increase mixed use density throughout the entire precinct, particularly in existing mixed use areas in North Sydney. As part of this, the Draft 2036 plans nominate a limited number of 'Significant Sites', two in Lane Cove and remainder in North Sydney for special consideration.

According to the *Draft 2036 Plan*, all significant sites will have no maximum building heights or no maximum floor space ratios being applied. The sites in Lane Cove's portion of the St

Leonards CBD would also be the only ones changed from existing commercial core land (stand alone commercial) to mixed use residential.

The purpose of this approach is to allow mixed use on key sites to encourage more A grade commercial office floor space but retain all other Commercial core zoning, with non-residential (commercial/retail) floor space ratios applied to them ensuring employment outcomes. This, it is said, will encourage revitalisation of the area and achieve the high jobs target set by the *North District Plan*.

It is important to note here that these sites (including their approach, their nomination and location) were developed in isolation with no consultation with Council or its Community.



Figure 2: Map of Significant sites

Figure 2 shows that, **Significant Site 1** is the site closest to the St Leonards train station (530-542 Pacific Highway and 69 Christie Street, St Leonards), while **Significant Site 2** is closest to the new Crows Nest Metro Station (448-460 Pacific Highway, 40 Oxley Street and 53-67 Nicholson Street, St Leonards).

It appears this approach is the result of urban design advice provided by the NSW Government Architect. This analysis by the NSW Government Architect considered and tested the planning principles described in the *Draft 2036 Plan*, North Sydney Council's solar access planning controls as well as outcomes from previous engagement with the community (including the solar height planes and access controls now contained in the Draft 2036 Plan). However, this testing came with the following limitation (which will be discussed later):

"These tests illustrate building envelopes only and do not represent architectural forms which meet requirements of the Apartment Design Guide and the urban design considerations".

(**Government Architect Advice**, 2018: page 2)

The advice considered that:

“There may be opportunity through a significant sites approach that would rebalance height, density and form across the precinct into more appropriate locations. Such an approach would require a Design Excellence strategy to support it”.

(Government Architect Advice, 2018: page 2)

The *Draft 2036 Plan* and *Urban Design Report* contain other urban design considerations which have been included in order to assess a significant site’s suitability – the proposed built form massing created by this is shown indicatively on page 36 of the *Urban Design Report* (Figure 3). These important design qualifications should be included in the final 2036 plan if the Significant Site approach is to remain.



Figure 3: Indicative built form massing of Significant Sites

As shown in orange in Figure 2, Significant Site 1 is located near the St Leonards train station. Only half of this site is the subject of a revised planning proposal which includes the existing Telstra exchange building but not the remaining Australian Medical Association (AMA) building.

Significant Site 2, as shown in green in Figure 2, is located across from the proposed Crows Nest Metro station. The site is made up of a range of separate buildings and is a complex mix of strata titles without common agreement – this would result in substantial uplift being needed in order to facilitate redevelopment to Mixed Use.

Staff have reviewed each of these sites on their own merits against the relevant criteria in the Draft 2036 Plans.

The urban design performance criteria is contained within the *Urban Design Report*. One of the criteria is to ensure that Significant Sites have appropriate separation between other tall buildings (40 metres for greater than 18 storeys). Separation criteria would only apply externally

to other surrounding buildings if they are 18+ storeys (i.e. not for internal buildings within the same site).

It is important to note that in an already established well defined commercial core area like St Leonards, all sites are in close proximity to one another. As a result, all of Council's 'pilot' projects (JQZ, New Hope, and Mirvac) are located within the defined commercial core space having adequate separation appropriate to prevent a 'canyon effect' and create a better sense of space.

Figure 4 demonstrates that Significant Site 1 (shown in a green dotted line) cannot conform to the required 40 metre separation distance for buildings greater than 18 storeys due to the presence of tall buildings already approved on either side (ie. JQZ to the west and New Hope to the east). Amalgamation with the adjoining AMA site would not resolve this as it would push any potential building closer to the approved tall building (i.e. New Hope) – this is best illustrated in Figure 4.

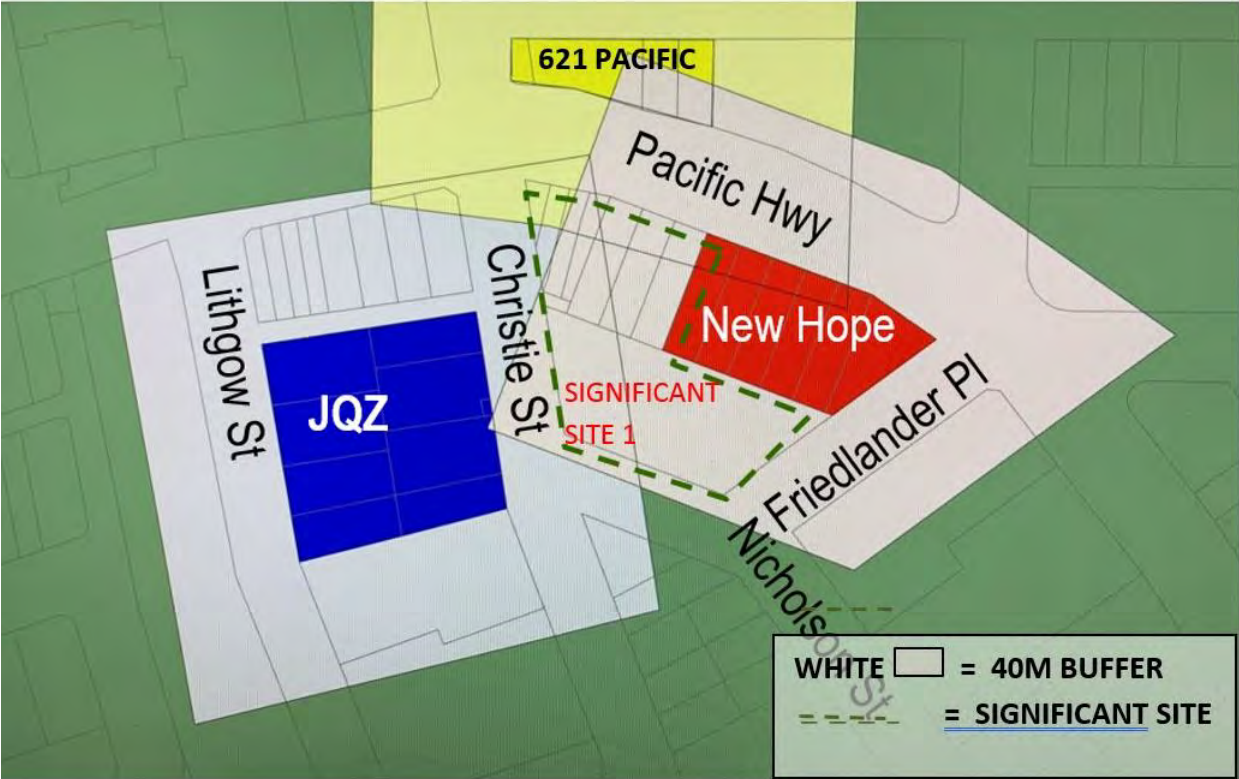


Figure 4: Proximity to other tall buildings – Significant Site 1

Further, with the New Hope site directly adjoining it, any built form on Significant Site 1 would not be able to comply with the required Apartment Design Guide provisions relating to building separation (i.e. 24 metres).

Significant Site 1 also cannot achieve the primary objective of the Significant Sites approach – which is contained on page 54 of the *Draft 2036 Plan*. Due to the proposed consolidation resulting an irregular shape and requirement to retain the existing Telstra exchanges as built, Significant Site 1 would not be able to provide suitable A grade commercial office space floor plates. Given that the purpose of the mixed-use development on key sites is to encourage more A Grade commercial office space and include a minimum non-residential FSR – this is inconsistent with the objective, actions and recommendations (on page 54) relating to mixed use zonings (or rezonings).

This site would be better suited to being retained as two separate developable areas, being the current AMA building and a separate commercial development in line with existing LEP controls for the land fronting Pacific Hwy.

Significant Site 2's proximity to other tall buildings is best illustrated in Figure 5. This site is also in proximity to tall buildings greater than 18 storeys – with the Mirvac site to its west and the proposed Crows Nest Metro Over Station development on the opposite side of Pacific Highway.

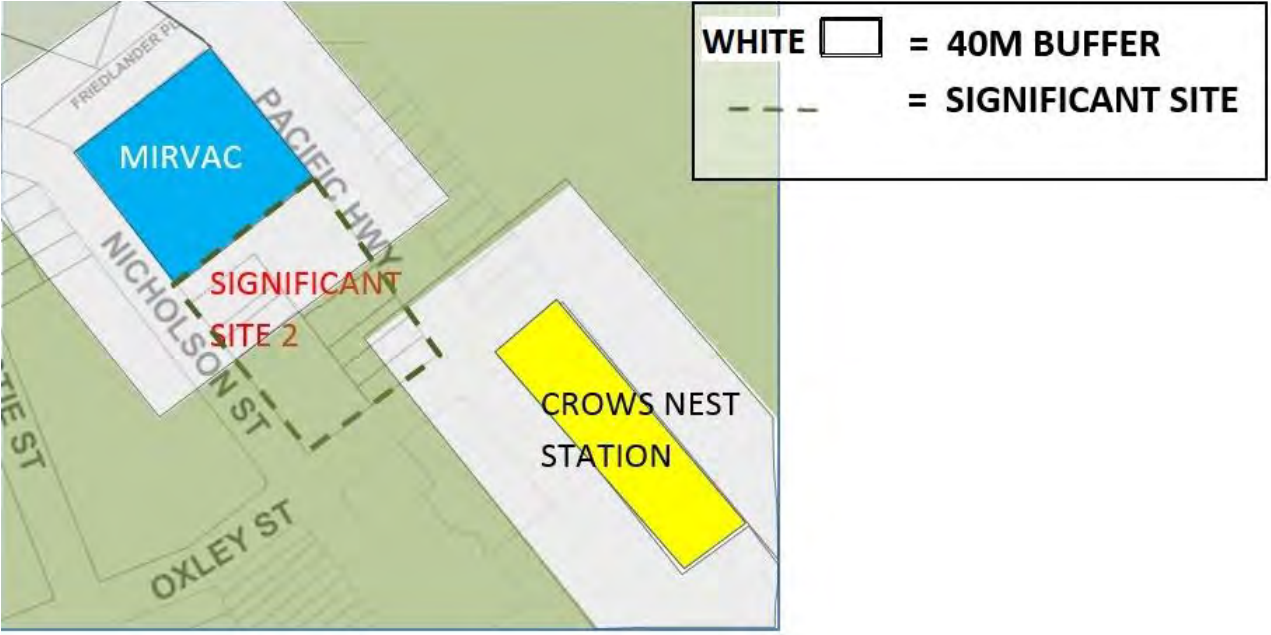


Figure 5: Proximity to other tall buildings – Significant Site 2

Unlike Significant Site 1, a large part of the site is developable in compliance with the 40m separation rule established in the urban design study. Interestingly, this nominated separation distance appears to generally align with the separation distances of Council's 'pilot' projects.

If a residential component is included on the site there is only space for one residential tower as indicated in the Draft Plan. As stated earlier, the plans are silent on maximum building heights and floor space ratios. This is particularly relevant as the heights of the proposed (adjoining) Metro Station residential buildings (27 stories) would likely influence any built form on this site limiting the potential yield on Significant Site 2 to between 150 and 220 units.

Due to its proximity to the station, a residential component is not considered a priority and Council considers a commercial use is more appropriate (desirably with an underpass connection and public space), with the exclusion of residential in order to comply with North District Plan Action 34 a. and b. as well as Action 36 l.

Another urban design performance criteria applicable to both significant sites, is that they must include an offer of public benefit (such as open space, community facility etc). Again, this approach seems generally aligned with the intent of Council's 'pilot' project approach but highlights a very big difference.

Council's approach to its nomination of sites (in addition to all other matters) was informed first and foremost by the direct, adjoining proximity of open space (either existing or proposed). It is this aspect that had regard to a site's individual constraints, capacity and ability to deliver key pieces of public infrastructure, particularly open space in addition to other community facilities. Not only were developers required to deliver and contribute to their own public open space (at

ground level), they were also required to make additional open space contributions to other public domain projects (identified in State Government or Council's plans) in the immediate vicinity.

This helps ensure that any increases in residential densities are proportional, contextual and based on actual delivery of public infrastructure (commensurate with scale).

It is noted that both Significant Sites 1 and 2 are unable to include or provide a public benefit in the form of open space. Both sites are not directly adjoining any open space, nor have the Draft 2036 Plans or supporting studies proposed any new open spaces for them.

Recommendation

The proposed Significant Sites do not meet the criteria of delivering a public benefit to contribute to revitalisation of the precinct, the primary purpose of additional mixed use rezonings.

Analysis indicates that both Significant Sites 1 and 2 should not be considered as significant or rezoned to mixed use due to site constraints that prevent them from achieving good urban design and planning outcomes. In particular Significant Site 1 would not be able to meet the required residential building separation distances specified in the Apartment Design Guide and the separation between building proposed in the *Urban Design Report*.

The primary objective for additional mixed use rezonings is to revitalise the area and achieve the high jobs targets in the North District Plan – this cannot be justified given that the plan fails to fully consider current strong demand for additional standalone commercial office floor space and the effectiveness of Council's pilot project approach.

2. Lack of Jobs Focus

In terms of commercial land, different planning approaches to jobs growth are outlined on page 51 of *Market Feasibility and Employment Review*. It analyses three separate options – wholesale B4 Mixed Use rezoning (all with minimum employment floorspace), keep all existing B3 Commercial Core land unchanged anticipating the Metro, or rezoning some land to B4 Mixed Use and the remaining as commercial (i.e. Significant Sites approach). These approaches are assessed against competing priorities.

The following is stated about retaining all current B3 Commercial Core land in order to achieve the high employment as set by the North District Plan:

“In the long term this is likely to be the best option for this priority particularly after Sydney Metro is operational but in the short/medium term is not guaranteed to contribute towards employment growth targets because of insufficient development feasibility for pure commercial buildings”.

(*Market Feasibility and Employment Review*, 2018: page 71)

While the review does not entirely dismiss the Metro Station's ability to generate more jobs, it fails to take into account the findings of the recent Crows Nest Metro Station Development Application. To justify Sydney Metro's proposed land uses on the Crows Nest Over-Station Development site, a *Strategic Market Assessment Report* analysed the residential, commercial office, retail, hotel market and other land uses. In terms of the commercial office market it was noted that:

“Crows Nest/St Leonards is currently experiencing a supply deficit due to stock continuing to be withdrawn for residential conversions”

(Strategic Market Assessment Report, 2018: page 43).

Despite this, Table 6 of the report notes that in the last 18 months there has been a large number of notable leasing activity in the North Shore Office market – one of which includes an existing commercial office building in Lane Cove’s portion of St Leonards (72 Christie Street, St Leonards) with MasterCard as a 10-year tenant. This is significant as it was established as a leading technology hub in April 2018 and is one of only five in the world.

During this time it was also noted that the vacancy rate for the Crows Nest/St Leonards Office Market fell from 11.1% to 9.9% over the 6 months to July 2018. In terms of the Metro Station’s potential impact on the North Shore commercial market it:

“will benefit significantly from the construction of the new Metro railway line, which will improve the accessibility and amenity of the region and elevate its employment status”

(Strategic Market Assessment Report, 2018: page 44).

Interestingly, the *Strategic Market Assessment Report* also considers that with rental markets in the Sydney CBD tightening, Crows Nest (and St Leonards) could benefit:

“Commercial spaces in the North Shore, in particular the location of future stations (such as Crows Nest), will benefit significantly from the construction of the new Metro railway line, which will improve the accessibility and amenity in the region, making it an interestingly viable alternative to Sydney CBD”.

(Strategic Market Assessment Report, 2018: page 57).

Yet both documents fail to acknowledge or consider the effect that Council’s own ‘pilot’ project approach will have on the revitalisation of commercial land in St Leonards by not incorporating the recent Development Application approvals for new commercial office building on the JQZ site but also the recent arrival of a world class tenant in the form of the MasterCard technology hub.

This is worth noting because the recent approval of the JQZ development will add a further 19,000+ m² of A-Grade commercial office floor space and 10,000+ m² of new retail floor space (including a supermarket) to the local commercial market.

Given the significant additional growth and demand for commercial office floor space in the North Shore and local area; coupled with a supply deficit caused by continued conversion of stock to residential, it is unclear how further conversion of existing commercial sites to mixed use sites can be justified or even warranted at all. It is made even more unsupportable by the fact that the main focus of the North District Plan for St Leonards and Crows Nest appears to be on employment and jobs growth with new residential growth secondary, and not at the expense of constraining ongoing operations and expansion of commercial and retail activities.

Overall, the Draft 2036 plans fail to take into account:

- The Crows Nest Metro Station Development Application studies which demonstrate that there is a need/demand for more stand alone commercial space in the Precinct.

- The impact that the new Metro Station will have on elevating the area’s employment status.
- The recent development approvals and leasing activities for new commercial and retail development that will contribute towards the District Plans’ high jobs target – particularly at the JQZ site where a new stand alone commercial office building (19,000+ m²) and new retail floor space (10,000+ m²) and the 10 year lease for the Mastercard technology hub (7,227 m²) at 72 Christie Street in an existing commercial building.

In particular, the recent arrival of the MasterCard technology hub is strong evidence that existing commercial buildings can accommodate major office tenants – achieving long term jobs growth without the need for further mixed use rezonings.

Market Feasibility and Employment Review also acknowledges that one of the advantages of preserving existing B3 Commercial Core zones for employment floorspace only is that:

“Ultimately, pure commercial floorspace (if possible) is still the preferred floorspace for commercial tenants to work in – particularly major anchors”.

(Market Feasibility and Employment Review, 2018: page 6)

Recommendation

If the high jobs target and actions specified in the North District Plan are to be achieved, then more commercial floor space is needed in this Precinct. However, recent leasing activity and development approvals have given a strong indication that there is demand for *additional* stand-alone commercial office floor space in this area without the need for more mixed use rezonings – this is yet to be fully considered.

Current plans fail to capitalise on this new demand for additional stand alone commercial core land and need to be fully considered if the actions of the North District Plan envisaging a more adequate balance of retaining commercial, mixed use (including residential) and new residential development are to be realised.

3. Timing of Additional Mixed Use Development

In addition to the Significant Sites in the Plan, Council has received inquiries regarding conversion of further Commercial Core sites to Mixed Use. The *Draft 2036 Plan* is intended to guide a 20 year land use vision for the area. Identifying all sites that would potentially be rezoned for mixed use all at once is not consistent with taking a longer-term view. Given Council’s pilot projects are designed to stimulate commercial activity, the overwhelming evidence to suggest that commercial development is viable and may potentially become more viable as a result of Crows Nest Metro Station, no further mixed use should be necessary at this point.

It is acknowledged that the Plan’s 20 year timeframe is a considerable time period, beyond the normal time horizon for an LEP. It is therefore proposed that the Plan include a review period after 10 years to evaluate the impact of the Metro and enhanced public domain and commercial centre’s revitalisation due to Council’s ‘pilot’ projects in St Leonards. In terms of timing, Council’s final ‘pilot’ project is expected to be constructed between 2021 – 2022, with the St Leonards over-rail plaza to be constructed and completed around about the same time. The Metro project is also scheduled for delivery in 2024 and Council’s letter from the Greater Sydney Commission confirms that Council’s housing approach in St Leonards can satisfy (and potentially exceed) a 6-10 year target which finishes in 2026.

Recommendation

A new statement be made in the Plan requiring a review of the Plan in 2026 after delivery of the Sydney Metro project in 2024, to consider the impacts of the Metro Station on commercial land and the effectiveness of Council's 'pilot' project approach in the medium term.

4. Lack of Connectivity

In order to support this Precinct's role as a Strategic Centre overall connectivity will need to be improved, to accommodate growth ideally prior to the delivery of the Crows Nest Metro Station. Council has previously expressed concerns about the Plan's lack of connectivity particularly across major roads such as Pacific Highway and River Road.

As part of its plans for the Over-rail plaza, Council expressed its preference for an additional underpass to the St Leonards train station in order to support additional movements generated from realised growth. With the announcement of the Crows Nest Metro Station, Council again stated its preference for an underpass to the underground Metro Station. It is important to note that Council also included in its Draft St Leonards South Plans for the area a suite of infrastructure improvements in order to improve connectivity overall and provide a range of crossings to the other side of Pacific Highway and River Road. The crossings are part of an overall mid-block fully accessible pedestrian connection Council facilitated as part of the pilot projects. Stretching from the proposed Over-rail plaza, along the former Christie Lane, through the AMA site to Friedlander Place, and through the Mirvac site, ultimately to the corner of Oxley Street.

The findings of the *Strategic Transport Study* notes that “steep grades south of the Pacific Highway support the case for an underpass to the Crows Nest Metro Station” (*Strategic Transport Study*, 2018: page 10). Therefore, while there is support for at-grade crossings on cost-alone grounds, there is also a recognition that an underpass would relieve pedestrian impacts on Pacific Highway. In addition,

“The plaza proposed south of the Pacific Highway could also include an upgrade to the Lithgow Walk underpass to improve amenity and directness”

(*Strategic Transport Study*, 2018: page 10).

Council agrees. Its *Cumulative Transport and Accessibility Study for St Leonards South* (Sep.2017) states that:

“The planned development in the study area provides an opportunity to improve the pedestrian connectivity and permeability. A well-connected pedestrian network is recommended in Section 5.3” (p1)

Crossings are supported in this Study at strategic locations along Pacific Highway. To minimise detrimental impacts on the flow of traffic along Pacific Highway, it is recommended that pedestrian underpasses be considered from the south side of Pacific Highway to the St Leonards and Crows Nest train stations, preferably SIC-funded.

It is important to note that as part of the JQZ development site plans, a space has been provided for a future pedestrian underpass connection across Pacific Highway. This was in response to a separate Planning Proposal received by North Sydney Council for 655-657 Pacific Highway (adjacent to the Forum building).



Figure 6: Concept for additional underground connection to St Leonards train station

As shown in the image above, the proposed pedestrian underpass connection links the JQZ site to 655-657 Pacific Highway and provides for additional access to the St Leonards train station. Although the matter was considered by the Sydney North Planning Panel and refused, it was noted that the proponent:

“has shown a possible underground link to the south of Pacific Highway. This should be considered further when the future site development proceeds”.

In addition, the *Cumulative Transport and Accessibility Study* recommends traffic lights or a signalised pedestrian crossing for the River Road/ Canberra Avenue intersection. This is supported by Item 24 of the *Strategic Transport Study* (“Signalised intersection with pedestrian crossings on Canberra Avenue and River Road legs”).

Further, the *Cumulative Transport and Accessibility Study* recommends as part of upgrading the existing pedestrian connection between Berry Road/ Holdsworth Avenue with River Road, appropriate night time lighting and a pedestrian overpass be undertaken.

Recommendation

That Council re-iterate that given the likely large pedestrian volumes that will be generated by the Metro Station, it is considered critically important that in addition to the measures mentioned in the draft studies, that provision for an underground connection from Oxley Street to the underground Metro Station (on the other side) be investigated and integrated into Metro Station planning.

Council's preference is for pedestrian underpass connections to St Leonards station and Crows Nest Metro stations (possibly SIC-funded) in order to minimise disruption to traffic flows and maximise pedestrian amenity, convenience and safety. Likewise, investigation of a crossing of River Road is supported.

5. Special Infrastructure Contributions

The draft Special Infrastructure Contribution (SIC) is a new State levy that aims to assist with funding State and Regional infrastructure. The contributions from new development (in addition to Council developer contributions) help fund the delivery of infrastructure upgrades that support growing populations.

Under the Draft 2036 Plans, a Special Infrastructure Contributions (SIC) levy is to be implemented universally to fund regional and district infrastructure identified in the technical studies (**Brochure and SIC – Feasibility Testing**) to support growth in the precinct.

The infrastructure list described in the plans demonstrate that the Special Infrastructure Contribution (SIC) is not being equitably distributed across the area, with the Lane Cove LGA planned to accommodate up to 41% of the housing but would receive approximately 9.5% of the proceeds – some major projects within the infrastructure list are questionable as they are not considered to be regional or district infrastructure.

In relation to the St Leonards South Precinct technical studies confirm that the development levels proposed do not warrant additional regional or district infrastructure as supporting infrastructure is to be provided as part of Council's draft plans for the Precinct – yet according to the Special Infrastructure Contributions – brochure, St Leonards South is still proposed to be part of the SIC area. This is despite overwhelming evidence against such an approach.

The Department's own documents demonstrate and state that the St Leonards South precinct has **"no capacity to pay"** above the \$20,000 per dwelling s7.11 contribution cap, and that the proposal pre-dates the announcement of a SIC (**SIC – Feasibility Testing**, 2018: page 26). This was also confirmed in the previous Stage 1 Interim statement for the area:

"In July 2016, the then Minister for Planning announced the strategic planning investigation of the St Leonards and Crows Nest Station Precinct".

The same document also stated that a Special Infrastructure Contribution (SIC) plan for funding towards district level infrastructure would also be developed:

"A Land Use & Infrastructure Implementation Plan ('the Plan') is now being prepared to provide a strategic planning framework to guide future development and infrastructure delivery over the next 20 years. A Special Infrastructure Contribution (SIC) plan for funding towards district level infrastructure will also be developed".

(Stage 1 – Interim Statement, 2017: page 2).

Prior to the announcement, to give effect to Council's Masterplan, the draft Local Environmental Plan amendments were submitted in May 2016 to the NSW Department of Planning and Environment. The Department approved it in September 2016, subject to a number of supporting studies being undertaken and a requirement that *"Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with any available findings of a draft or final strategic planning review for the St Leonards and Crows Nest Station Precinct".*

The Department's *Proposed Special Infrastructure Contribution – Feasibility Study*, confirms that the submission of the St Leonards South Planning Proposal pre-dates the announcement of a SIC for the broader precinct as follows:

“Market evidence indicates that majority of sites in St Leonards South character area were purchased at prices reflective of proposed planning controls (St Leonards planning proposal) prior to announcement of a proposed SIC. Accordingly, any result Value Uplift is subsumed, resulting in little capacity to pay a SIC”.

(SIC – Feasibility Testing, 2018: p. v)

Based on the above, the imposition of a SIC in retrospect on the proposed St Leonards South Precinct would be onerous. Further, the SIC imposes a rate above the current dwelling cap of \$15,100 per additional dwelling, yet Council is proposing to impose its own rate (above the current s7.11 cap) of \$16,300+ per additional dwelling in order to fund local infrastructure identified through its own technical studies.

If agreement is reached not to collect the SIC in the St Leonards South Precinct, it would be reasonable that Lane Cove receives less SIC funding.

Recommendation

In lieu of the Draft 2036 Plan findings Council does not support the imposition of the SIC for the St Leonards South Precinct – and requests a formal exemption from the imposition of the SIC on the St Leonards South area only.

6. Actions and Recommendations of the Draft 2036 Plan Relating to OVERSHADOWING Plus Consideration of Planning Proposals

While most of the objectives, actions and recommendations in the 'Implementing the Plan' section of the *Draft 2036 Plan* document are generally aligned. There are actions and recommendations covering two separate issues that do not align with the objectives and require amending.

- **Overshadowing**

As detailed earlier in the report, the Actions and Recommendations in the *Draft 2036 Plan* related to solar access controls on page 49 which seek to 'minimise overshadowing of key open spaces, public places and adjoining residential areas' do not align. This is because separate advice from the NSW Government Architect testing these controls has confirmed that they have not been tested against the State Government's *Apartment Design Guide*.

This also affects the solar height planes (shown in Figure 11 on page 26).

While the objective to minimise overshadowing impacts of the built form on public open space is considered fundamental to place-making it must have also have regard to other factors and achieve a reasonable and balanced outcome. In this regard, some of the Land and Environment Court solar access principles can provide greater guidance on how to achieve a balanced outcome. The following solar access principles from *The Benevolent Society v Waverley Council [2010] NSWLEC 1082*, are relevant:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development.*

At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.)

At higher densities sunlight is harder to protect and the claim to retain it is not as strong.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*
- Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.
- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

Although not mentioned in the Court's principles, another consideration that needs to be given to the type of open space that is being overshadowed. Comments from the facilitated workshop, suggested current provisions be extended so that buildings are not overshadowing a park when children use it to play after school hours (it is assumed this means from 3pm until sunset) – but this would need to be considered against other matters.

In addition to being consistent with the Court principles, it is of critical importance that any solar access controls or height planes developed have been tested against the *Apartment Design Guide*. Being an adopted State Government policy (and enforced through SEPP 65) in the event of an inconsistency between planning instruments it is the ADG which takes precedence.

Recommendation

Given the NSW Government Architect's advice all solar height planes (on page 26 of *Draft 2036 Plan*), solar access controls (on page 49 of *Draft 2036 Plan*) be amended in order to be consistent with the *Apartment Design Guide* and Land and Environment Court principles.

- *Consideration of Planning Proposals*

The Actions and Recommendations (on page 49 of the *Draft 2036 Plan*) state that "Council can still consider and progress planning proposals for individual sites and St Leonards South area while this plan is being finalised". This conflicts with the related Objective which states "Allow Planning Proposals which are supported by councils to progress". However, the Action could be misinterpreted to mean that other Planning Proposals can be progressed without Council's support. This is particularly relevant as Council has received a Planning Proposal for half of Significant Site 1.

A key issue for the community and Council is certainty. If the 2036 Plan is to retain its credibility through its 20-year life span, it should not be undermined by one off site specific planning proposals which are not in accordance with the 2036 Plan. To be clear and consistent it is suggested that the *Draft 2036 Plan* state: "Only Planning Proposals supported or initiated by councils be considered during the life of the Plan".

Recommendation

Actions and Recommendations on page 49 of the *Draft 2036 Plan* should be amended to state "Only Planning Proposals supported or initiated by councils be considered during the life of this Plan" to achieve better consistency with the related objective.

7. Social Infrastructure & Open Space

As part of its adopted Community Strategic Plan in 2018, Council conducted research about its Local Government Area and noted:

“We are seeing an increase in the number of residents living in units, particularly more families with children, single person households and 30 – 45 year olds. With busy lives and increased transiency, community connectedness, feelings of safety and active and passive spaces for recreation are increasingly important”

(Community Strategic Plan, 2018: page 13).

These findings and other matters are not addressed in the *Social Infrastructure and Open Space study*, nor does it include the current Delivery Program.

However, the *Social Infrastructure and Open Space Study* does not consider families in its drivers and considerations for social infrastructure and open space, nor does it take into account the findings of Council’s recent Community Strategic Plan – this oversight should be remedied.

The Draft 2036 Plans and supporting documents confirm that Lane Cove will contribute 1.66ha of the 2.3ha of new Open Space land proposed for the whole St Leonards / Crows Nest Precinct. This is 73% of all new proposed open space.

The North District Plan acknowledges that:

“there will be relatively few opportunities to increase the quantity and quality of public open space, and therefore greater emphasis will be needed on improving the quality and distribution of open space”

(North District Plan, 2018: page 112).

Overall, there is a lack of planning for social facilities and open space across the area. It does not support the plans vision statement that the community will be supported by social infrastructure. This is especially vital given that St Leonards will move from a commercial office precinct to a high density, mixed use centre with approx. 14,000 new residents and 16,500 new workers. No new facilities are planned by the State Government other than what Lane Cove and North Sydney Council already had planned.

While the Draft 2036 Plan expresses support for Council plans for new open space in St Leonards it is acknowledged that the plans to increase dwellings should potentially consider additional quality and different types of Open Space across the remainder of precinct to support population growth.

Recommendation

The Social Infrastructure and Open Space Study of the Draft 2036 Plan is to be amended to acknowledge and incorporate Lane Cove’s Community Strategic Plan and Delivery Program (and findings) – particularly in relation to families.

Other relevant studies be amended to acknowledge that, in terms of the wider precinct, that the Lane Cove portion contributes 73% of all new public open space within the Planned Precinct.

Overall, while the Draft 2036 Plan expresses support for Council’s plans for new open space in St Leonards, it should consider the expansion of other quality and different types of Open Space and social infrastructure across the remainder of precinct to support population growth.

Proposed expansion of the existing pocket park along Lithgow Street to the new Plaza as a linear park (*Draft Green Plan*) on Pacific Highway is not possible; this should be a shared user path only.

8. Schools

Given the clear commitment and support for new education facilities by the Department of Education, the Draft 2036 Plan needs to reflect this commitment to the location and type of schools to service the identified need for both Primary and Secondary education facilities. However, it is important to note that in a letter dated 19 January 2018 from the Department of Education, it was stated that planning for the upgrading of both Greenwich Public School campuses was:

“based on enrolment projections incorporating the additional dwelling estimates for recent and rezonings for St Leonards, including the St Leonards South precinct”.

The Development Applications for both campuses were publicly exhibited and approved by the Sydney North Planning Panel on 14 November 2018. In the same letter from the Department, regarding the Planned Precinct in St Leonards stated:

“In response to proposed residential growth in St Leonards, primary and secondary education infrastructure planning will continue to liaise with the Department of Planning & Environment.

In overview, the Department supports Council’s plans and their consistency with NSW policies promoting integrated residential and infrastructure growth in proximity to the St Leonards centre”.

Recommendation

In order to provide greater certainty to all stakeholders, the Draft 2036 Plan to adopt the Department of Education comments described above and specify the location and type of schools in the Precinct.

The requirement for a new high school has become urgent with the expanding number of existing students and influx of new students. The new high school timing, location and capacity needs to be included in the 2036 plan.

The TAFE site be retained to meet the need for further tertiary education.

9. Transport Connectivity

As stated in the *Strategic Transport Study*, Lane Cove Council is proposing to deliver an over-rail plaza opposite the St Leonards train station with new bus drop off and pick up points. This would be an opportunity to ameliorate the current bus drop-off and pick-up area on the southern side of Pacific Highway – this is supported by this study.

In terms of the Crows Nest Metro Site, such is addressed in the Concept State Significant Development Application for the Crows Nest Metro Station over station development. It states that improvements to be delivered include:

“consolidation of bus stops and consideration of pedestrian and bus customer conflict”

(Strategic Transport Study, 2018: page 103).

Table 5-2 of the *Strategic Transport Study* contains a Transport infrastructure schedule which identifies that a *“suitable interchange is required between Pacific Highway bus services and Crows Nest Metro”* and further consolidation of bus stops on the other side of Pacific Highway. Any future plans should be made consistent with this approach.

Recommendation

As the Crows Nest Metro Development Application only addresses provision of a transport interchange in a very general sense by stating that an Interchange Access Plan “will be developed” as part of the future detailed application, the location and funding be identified.

The space requirements for any potential amelioration or interchange (particularly where a building is proposed) should be considered upfront, as this may impact building setbacks and, in turn, building envelopes.

If only one interchange is provided in the precinct, Council indicates a preference for a separation of pedestrian and road traffic and pedestrians i.e. a underground crossing.

10. Tree Planting

Page 53 of the *Urban Design Report* shows a cross section of the proposed tree plantings suggested by the Plan. Section F shows a 3 metre ground level building setback in order to accommodate large mature trees.

This 3 metre setback along Pacific Highway is also expressed as an Area wide design principle on page 11 of the *Draft 2036 Plan*. Yet Figure 27 (on page 53) of the *Draft 2036 Plan* shows a 0 metre setback for the same area. This would appear to be error in the figure and should be amended.

The recent Development Application approval for the JQZ site in St Leonards demonstrated that a number of public utilities and infrastructure were under the footpath along Pacific Highway – in this case they were relatively close to the surface. This potentially inhibits the development of tree root growth required to support large trees.

Council’s solution is a Strata Vault system which encourages substantial tree root growth within an interconnected structured soil cell. It can potentially prevent conflicts between tree roots and infrastructure located close to the surface.

In addition, the *Draft Green Plan* states that:

“DPE to undertake a review of the planning controls (LEP), development control plans (DCP), civil works standards, development contributions (Section 94 plans) and voluntary planning agreement (VPA) policies to investigate ways to encourage creation of public open space and tree canopy within the study area”.

(*Draft Green Plan*, 2018: page 47)

However, All of Council's pilot projects in St Leonards CBD have now been approved and under construction. Further, Council has developed its own 'Green Plan' which is more comprehensive and in some instances, Council's plans have gone into much more detail. This is particularly relevant as the same plan states that the Draft Green Plan process includes:

"Consideration of the proposed changes to zoning, new forecasted dwellings and subsequent population growth".

(*Draft Green Plan*, 2018: page 5)

Recommendation

That Council request that Figure 27 of the Draft 2036 Plan be amended to accord with tree planting principles of the *Draft Green Plan*.

Council has also developed its own 'Green Plan' which is more comprehensive and should be integrated into the *Draft Green Plan*.

11. Sustainability Measures

Sustainability considerations are discussed on page 57 of the *Utilities Report*. Two main ones are:-

- *"Encourage councils to modify their Development Control Plan (DCP) to force developers to provide "green roofs" (gardens, lawn, etc spaces) on building roofs" and*
- *"encourage developers to provide solar panels on the roofs of new developments."*

It is important to note that Council's plans do include measures to promote green roofs/roof gardens etc and even provides design guidance on them.

However, the presence of solar panels on the roofs of new developments as well as green roof/rooftop gardens has the potential to compete for limited space on a rooftop.

Rooftop gardens in particular can create a higher degree of liveability and provide individual amenities within a high density development – it is a place only residents (and their guests) of the building can access.

In addition, the *Utilities Report* notes that Green Roofs have:

"several sustainability and climate change adaptation benefits including reducing stormwater runoff and reducing solar heat absorption in comparison with concrete roofs".

(*Utilities Report*, 2018: page 57)

Recommendation

Given the above, it is recommended that the measures in the *Utilities Report* that relate to green roofs and solar panels be amended to say “Urban Design outcomes must be considered”.

12. Mix of Housing Types

The *Draft Local Character Statement for St Leonards/Crows Nest* values, “a mix of housing types, sizes and price points provided to meet a diverse population in the area”. The *Draft 2036 Plan* responded by “Allowing for increased residential density in the most accessible parts of the area” (**Draft 2036 Plan**, 2018: page 28).

It is acknowledged that a range of housing types is to be provided. However, this needs to be applied to entire St Leonards and Crows Nest Precinct area and not just one portion. Currently different types of housing are spread throughout the entire precinct in existing mixed use; and low, medium and high density residential zones.

In terms of Lane Cove’s portion of St Leonards, the current housing stock is already varied – from mixed use residential close to the Pacific Highway (from 5, 7 and 29 storeys), to high density residential flats in Duntroon Avenue (ranging from 5 – 7 storeys) to older flats at the Greenwich Road end (4-5 storeys) and a mix of dual occupancy (attached) and detached dwellings.

The planning approach taken by Council is to concentrate high density (subject to urban design considerations) within 400 metres of St Leonards train station, without compromising the established commercial core of St Leonards – this is consistent with the North District Plan approach and does not compromise the existing commercial areas identified along Pacific Highway (west of the railway line). It is also important to note that this area is already surrounded by mixed use residential (Loftex development in Marshall Avenue) and high density residential in Duntroon Avenue.

The *Market Feasibility and Employment Review* by SGS Economics, has suggested:

“In order to facilitate a more diverse housing outcome, the Precinct could accommodate some larger apartments and some ground floor/podium townhouses”

(Market Feasibility and Employment Review, 2018: page 44).

Council has implemented this approach as part of the Loftex mixed use development which included a range of apartments with some ground floor / podium townhouses along with a range of apartment dwelling types (i.e. One, two, three four+ bedrooms).

Council’s existing Development Control Plans also implements accessible, visitable and adaptable housing requirements into new developments. These controls cater for older residents and residents with a disability living in dwellings which can be converted to a standard dwelling later if required.

Potential high density residential rezoning closest to the St Leonards train station will not only provide greater housing diversity in the area (by permitting new dwelling types which are prohibited in the current zoning) it will also allow for a greater diversity/mix of land uses (which are prohibited under the current zoning) including small scale retail uses (i.e. Neighbourhood shops) while retaining the remainder of the area for lower scale residential.

In the broader sense, the *Market Feasibility and Employment Review* also makes the following comments in relation to medium density housing:

“Medium density housing is an important segment of the market and will have a key role to play in alleviating pressure for families in the market. Given that the Precinct will be limited in its ability to deliver medium density dwellings, follow up planning for these forms of development in surrounding lands and centres is necessary (a similar challenge exists across Sydney)”.

(Market Feasibility and Employment Review, 2018: page 44).

Recommendation

Council agrees with the future approach suggested by *Market Feasibility and Employment Review* for Department to undertake follow up planning to deliver medium density in other areas around the strategic centre.

13. Retaining Commercial Land on Pacific Highway (West of Railway Line)

The current *Draft 2036 Plan* retains all land along Pacific Highway (west of the St Leonards train station) for low scale Commercial Core land – this is supported mainly for its consistency with the North District Plan actions to retain the remainder of the area for Commercial Core purposes, but also as this option was already considered previously by Council and considered unacceptable on a number of grounds.

A range of growth scenarios were previously considered as well as potential locations including potentially re-developing existing Commercial Core Land along Pacific Highway (west of the railway line). Later Site specific investigations state that:

“This Pacific Highway frontage is currently occupied by a variety of commercial buildings of 4-9 storeys high. Some are strata titled”.

In order for these sites to potential re-develop it would involve the need for substantial undesirable height and Floor space ratio increases. Furthermore, these height and FSR increases would not be able to comply with *Apartment Design Guide* due to site constraints, and topography which would exacerbate and increase overshadowing to levels far beyond that envisaged by current draft plans.

The existing land uses (west of Pacific Highway) were also primarily related to the Royal North Shore Hospital, there was also a demonstrable need to retain this land for Commercial only purposes.

The North District Plan and the findings of the *Draft 2036 Plan*, confirms this approach as still remaining valid and relevant as it identifies this area as a:

“Priority for job intensification”

(Draft 2036 Plan, 2018: page 34).

Given its proximity to the adjoining Health and Education precinct it will likely continue to provide a proportion of future Health and Education jobs.

Recommendation

The findings of the Draft 2036 Plans confirm that the existing Commercial Core land along Pacific Highway (west of the St Leonards train station) is a 'priority for job intensification' and will likely contribute to future health and education jobs – this is supported.

14. Health Services

The Draft 2036 plan notes that health services are an industry of significant employment in the St Leonards and Crows Nest area. However, the plan does not have enough detail about the impact and demand for inpatient and outpatient services at Royal North Shore Hospital (RNSH).

Council requests that the impact on increased demand for inpatient and outpatient services at RNSH be considered before the plan is finalised. If required, a plan be adopted by NSW Health to provide the required additional resources and capital investment at RNSH.

Recommendation

Further information be provided to address the above, and the matters be considered prior to the plan being finalised.

15. Community Sentiment

Overall, residents in the Lane Cove LGA have expressed a high level of dissatisfaction with the Draft St Leonards and Crows Nest 2036 Plan in its current form.

Concerns raised by residents relate to:-

- a) The density, bulk and scale of the proposed changes in building heights and floor-to-space ratios;
- b) The impact of development on traffic flow, parking and accessibility;
- c) Overshadowing of new buildings upon other buildings and green open space;
- d) The overemphasis of residential development at the expense of commercial development;
- e) The lack of open recreational space that includes use for sporting activities and sporting facilities; and
- f) Given the magnitude of the requested amendments to the St Leonards and Crows Nest Draft 2036 Plan outlined in this submission, Council requests that any revision of the St Leonards and Crows Nest Draft 2036 Plan be presented again for a period of public consultation prior to any formal approval.

Recommendation

These comments are the results of community consultation and are contained in the KJA documents. The Department is requested to review and consider these findings.

16. *Actions Prior to Finalisation*

It is also requested that the Department, Greater Sydney Commission and the three (3) affected Councils work together to refine what has been exhibited in the context of the matters raised above and other issues raised by our neighbouring Councils (Willoughby and North Sydney), prior to finalisation of the Plan.