



22 December 2017

Christopher Pelcz
Acting Manager Strategic Planner
Lane Cove Council Civic Centre
PO Box 20
Lane Cove NSW 2595

Dear Christopher

RE: *St Leonards South – SU5945: Submission to Lane Cove’s St Leonards South Residential Precinct Draft Plans*

1 Introduction

Mecone congratulates Lane Cove Council on its continued work undertaken to date leading to the planning proposal and associated masterplan and draft DCP for the St Leonards South Residential Precinct ('draft Plan'). We have prepared this submission in response to the draft Plan's exhibition, on behalf of Top Spring Australia, who has control over the twenty (20) properties at 21-41 Canberra Avenue and 18-32 Holdsworth Avenue, St Leonards ('the sites').

Mecone has been working with the landowner to identify the sites' development potential in light of the Council's investigation of higher residential density near the St Leonards Strategic Centre and city-shaping infrastructure projects like Sydney Metro.

This submission offers in-principle support to the Council's revised South Residential Precinct Draft Plans, including the proposed built form, community infrastructure and environmental outcomes.

It also suggests a number of alternate built form and community infrastructure options that we consider would further enhance the objectives and outcomes for future redevelopment of the precinct into a quality high-density residential TOD precinct.

2 Initial comments

Mecone acknowledges the planning benefits for urban renewal in response to the objectives of the *Metropolitan Strategy: A Plan for Growing Sydney* for the St Leonards Strategic Centre. Council's chosen location for rezoning will support the principles of transit-oriented development and provide new housing diversity and supply in an accessible and desirable location in inner-metropolitan Sydney.

Mecone broadly supports the proposed densities, built form and scale for the precinct; made possible through organised site amalgamations within nominated areas. The proposed amendments to height and FSR controls across the precinct

generally provide an appropriate transition in scale that respond to progression away from St Leonards Centre and the topographical constraints towards the south.

Mecone supports the currently drafted controls with respect to critical amenity controls including solar access, natural ventilation, and privacy for the future dwellings. In particular, we commend the rational approach demonstrated in the controls with respect to solar access, noting the existing constraints of certain sites will require a flexible approach to solar amenity (for example, Area 11).

Mecone supports the requirement for designated community facilities and public infrastructure to maintain liveability and local amenity for future residents as part of the development uplift (or 'value capture'). However, given the complex logistics of implementation, Mecone offers some alternative arrangements to best enable this community infrastructure to be delivered. This is described further in Section 6.

Overall, Mecone is highly supportive of the proposed draft Plan and Planning Proposal, and considers that the landowners will be able to deliver its intended benefits through a broadly compliant development application once the controls are enacted.

3 The sites

Top Spring Australia owns the land at 21-41 Canberra Avenue and 18-32 Holdsworth Avenue, St Leonards, which covers approximately 12,650m² (1.25ha) in combined size. These sites comprise the following identified 'Areas' in the Plan:

Area 7:

- 21 Canberra Avenue
- 23 Canberra Avenue
- 25 Canberra Avenue

Area 8:

- 18 Holdsworth Avenue
- 20 Holdsworth Avenue
- 22 Holdsworth Avenue
- 24 Holdsworth Avenue

Area 9:

- 27 Canberra Avenue
- 27A Canberra Avenue
- 29 Canberra Avenue
- 31 Canberra Avenue

Area 10:

- 26 Holdsworth Avenue
- 28 Holdsworth Avenue
- 30 Holdsworth Avenue

Area 11:

- 32 Holdsworth Avenue
- 33 Canberra Avenue
- 35 Canberra Avenue

- 37 Canberra Avenue
- 39 Canberra Avenue
- 41 Canberra Avenue



Figure 1 Site Plan and property ownership
 Source: SIX Maps (modified by Mecone)

The sites [at Areas 9, 10, and 11] have an approximate frontage of 150m to Holdsworth Avenue to the west, 15m to River Road to the south, and 223m to Canberra Avenue to the east. The sites are located approximately 500m south of St Leonards train station and 500m west of the future Crows Nest Metro Station, currently containing several detached residential dwellings, at 1-3 storeys in height.

The sites are located within the south-east corner of the drafted rezoning area for the St Leonards South Residential Precinct. The sites combined achieve the preferred amalgamation pattern described in the draft Plan, to form Area 9, Area 10, and Area 11.

4 Built form

We are broadly supportive of the built form proposed in the Plan and consider it achieves an excellent balance between the need for higher-density development around major infrastructure like transport and hospitals, while also enhancing the amenity for future and existing residents through community infrastructure and design quality.

With respect to the specific built form of Areas 7-11 of the draft Plan and DCP, we have worked with the landowner and Kann Finch to test the proposed controls to determine whether a high-quality residential development can be achieved, which is appended to this submission. Based on this work, we suggest the following specific amendments to the controls for these areas:

- It may be appropriate to modify the upper level setbacks for Buildings 7 + 8 (10 storeys) to only require the setback for the top two levels, rather than from Level 6. This will enable an improved built form outcome for the affected buildings, as it will reduce the appearance of 'stepping' in the buildings and will enable a better building proportions. It will also not negatively impact on surrounding buildings through visual or solar issues;
- We suggest that the proposed building envelopes be flexibly applied so as not to prevent innovative or creative building solutions if they can achieve the required amenity and infrastructure outcomes. This could include potentially 'redistributing' some of the mass from certain buildings towards others to achieve improved amenity outcomes like solar access, or infrastructure provision throughout the individual Areas;
- Similarly, we request flexibility with respect to the mix of future apartments, which will need to be driven, in part, by market demand and amenity factors;
- As acknowledged in the draft controls (6.4.8), solar access may be difficult on certain Areas (e.g. Area 11). Kann Finch's initial review indicates that solar compliance will be difficult for Area 11 on its own, but should be compliant if considered as a combined precinct of Areas 9 – 11; and
- Further guidance is requested about retaining sandstone walls as architectural elements prior to any application being lodged.

5 Green spine and landscaping

We strongly support the importance placed on urban canopy, landscaping and the 'green spine' proposed throughout the development. The initial concepts prepared by Kann Finch indicate that the redevelopment of the landowner's sites are able to be consistent with the Green Spine requirements in the draft DCP and Master Landscaping Plan.

However, based on these concepts we suggest the following suggestions be implemented (refer to Figure 2 below):

- To better mediate the level difference between Holdsworth and Canberra Avenues along the pedestrian through-site link to the northern edge of Lot 11, we recommend that the mid landing be at approximately RL 55.0. rather than RL58.0;
- That the body of the proposed landscaped spine running between Lots 9 and 10 be at RL 55.0. rather than RL61.0. This will allow for a direct level connection from Canberra Avenue into the proposed landscaped spine;
- That in certain circumstances, basement parking is permitted below 'deep soil' areas, where the soil depth can be at least 1.1m deep. This will permit greater flexibility to deliver functional basements, while still enabling essential mature trees and vegetation to flourish; and

- That flexibility be provided with respect to removal of existing mature trees (10m or more tall) as noted in Figure 8.22. We suggest that where these trees currently stand in Central Areas that may require cut and fill/benching to address level changes to achieve useable outdoor communal spaces, a flexible approach is taken, including the possibility of vegetation 'offsets'.

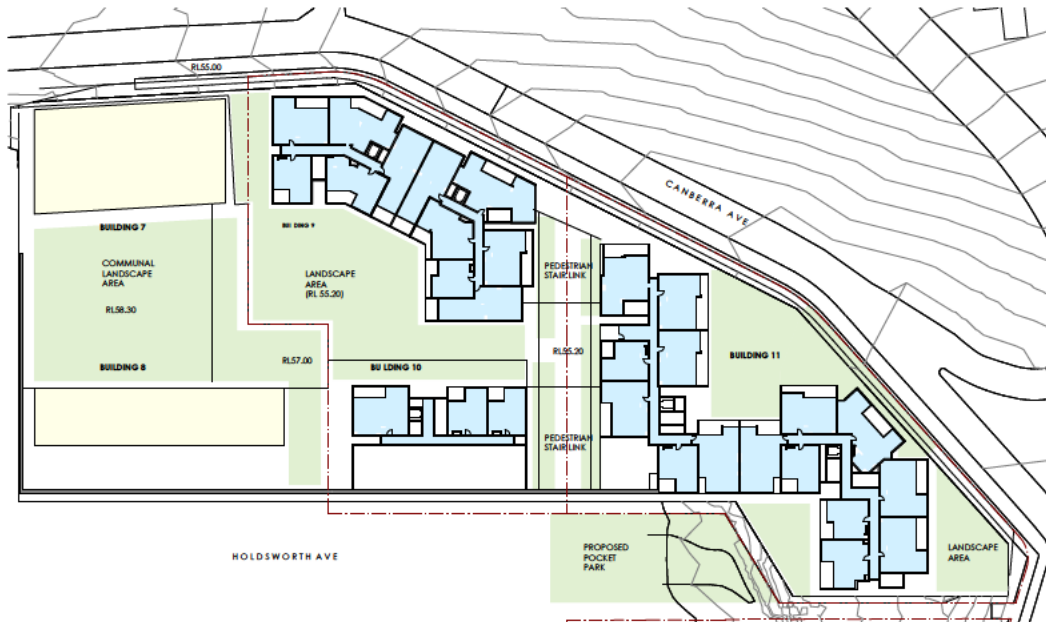


Figure 2 Proposed building envelopes
Source: Kann Finch Architects

6 Site amalgamation and community infrastructure

We support the principle of site amalgamation and delivery of community infrastructure as part of a 'value capture' mechanism associated with additional yield from future redevelopment within the precinct.

However, we suggest that, given site amalgamation is broadly reliant on private developers and landowners, some flexibility be permitted in terms of both the site amalgamation 'Area' makeup and the types of community infrastructure to be delivered for each 'Area'.

For example, Top Spring Australia has obtained control over all lots in Areas 9-11 and can and will therefore deliver the required community infrastructure (the E-W pedestrian path). However, as Top Spring Australia has acquired all the lots in Area 7 (except the one lot at the northern end of Area 7) and all the lots in Area 8 (except the one lot at the northern end of Area 8), there should be some flexibility to offer alternate site amalgamation scenarios and/or community infrastructure.

For example, there may be the ability for Top Spring Australia to deliver different community infrastructure as part of their landholdings including a childcare centre or key worker housing. Alternatively, the E-W pedestrian path required as part of Areas 7 and 8 could have a slightly modified design, or be delivered in a staged manner over a given period of time while still delivering the benefits of site amalgamation development outcomes.

The draft DCP acknowledges that the pattern site amalgamation may not be possible in all circumstances, as Clause 6.3 states:

- Sites are to amalgamated as per Figure 8.7 in order to qualify for additional LEP Height & FSR
- Alternative amalgamation patterns will only be considered if it can be demonstrated that all outcomes can be delivered without compromising the ability of other identified sites and amalgamations to deliver outcomes identified in Schedule 8.1

The Clause also states:

- Larger amalgamations (consisting of multiple amalgamation areas) will be considered

Given the significant landholdings that Top Spring Australia owns within the broader Precinct, including the ability to consolidate multiple amalgamation areas, we are supportive of a flexible approach to site amalgamation and delivery of community infrastructure if the outcomes in Schedule 8.1 can be achieved.

7 Recommendations

Mecone and Top Spring Australia reiterate their support for the St Leonards Residential Precinct Draft Plan and commend Council for the work that has gone into the draft Plan. In addition, we suggest that the following modifications to the controls could improve the wider development and infrastructure outcomes for the precinct:

- It may be appropriate to modify the upper level setbacks for Buildings 7 + 8 (10 storeys) to only require the setback for the top two levels, rather than from Level 6. This will enable an improved built form outcome for the affected buildings, as it will reduce the appearance of 'stepping' in the buildings and will enable a better building proportions. It will also not negatively impact on surrounding buildings through visual or solar issues;
- That the proposed building envelopes be flexibly applied so as not to prevent innovative or creative building solutions if they can achieve the required amenity and infrastructure outcomes. This could include potentially redistributing some of the mass from certain buildings towards others to achieve improved amenity outcomes like solar access, or infrastructure provision throughout the individual Areas;
- That the future mix of apartments be flexibly applied in order to be guided by both by market demand and amenity factors;
- That compliance with solar access provisions on difficult areas (e.g. 11) be considered on a broader precinct scale;
- To better mediate the level difference between Holdsworth and Canberra Avenues along the pedestrian through-site link to the northern edge of Lot 11, we recommend that the mid landing be at approx.. RL 55.0. rather than RL58.0;
- That the body of the proposed landscaped spine running between Lots 9 and 10 be at RL 55.0. rather than RL61.0. This will allow for a direct level connection from Canberra Avenue into the proposed landscaped spine;
- That in certain circumstances, basement parking is permitted below 'deep soil' areas, where the soil depth can be at least 1.1m deep. This will permit greater flexibility to deliver functional basements, while still to enabling essential mature trees and vegetation to flourish; and
- That flexibility be provided with respect to removal or relocating of some of the existing mature trees (10m tall or more) as noted in Figure 8.22; and

- That some flexibility be permitted in terms of both the site amalgamation 'Area' makeup and the types of community infrastructure to be delivered for each 'Area'.

8 Conclusion

We are eager to continue to work with Council to successfully deliver good-quality Transport Oriented Design in close proximity to new infrastructure being delivered through the Crows Nest and St Leonards Planned Precinct.

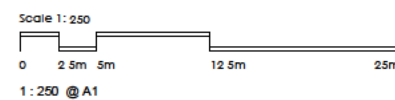
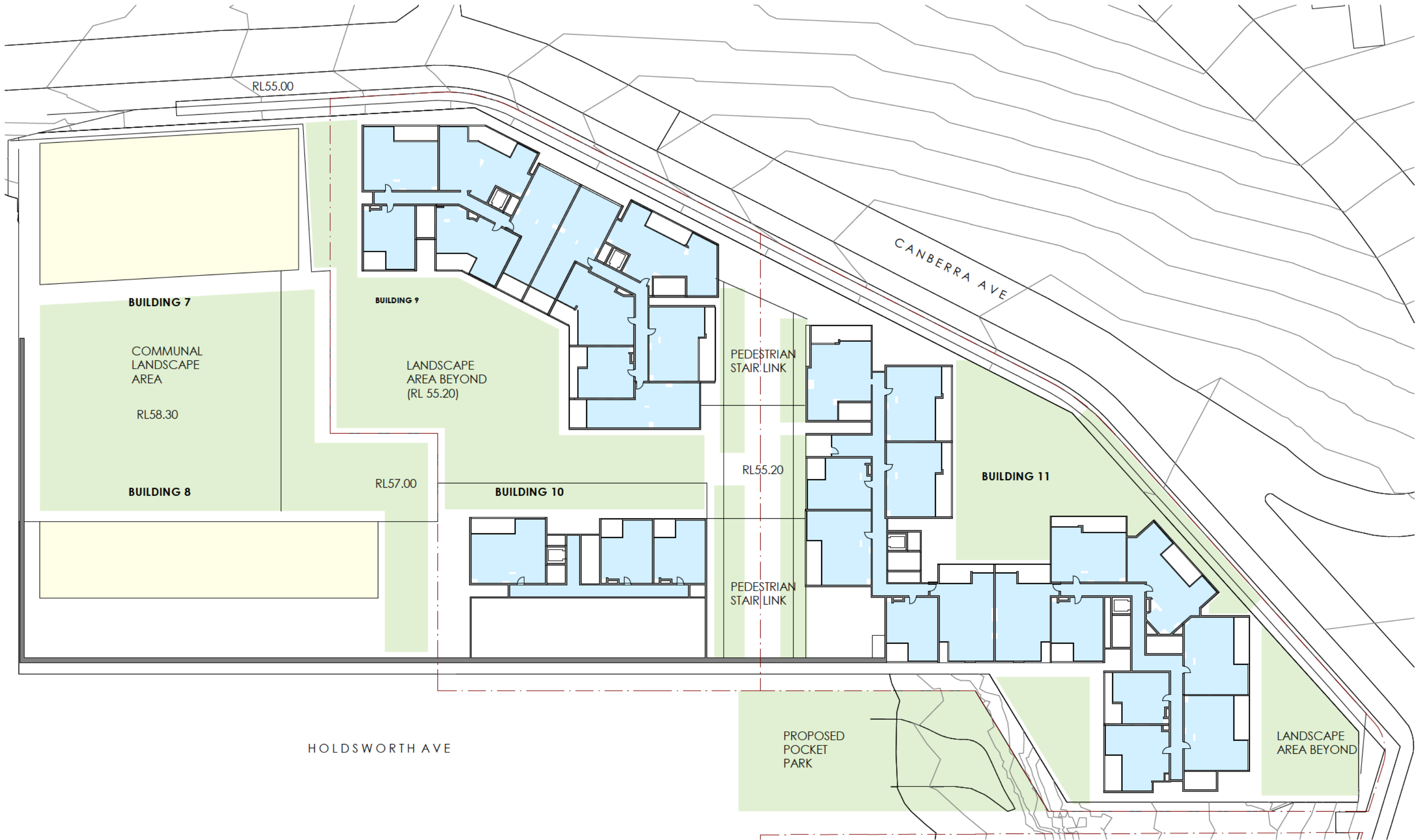
We request that we be able to meet with Council officers in the new year to discuss progress of the controls and our sites for redevelopment.

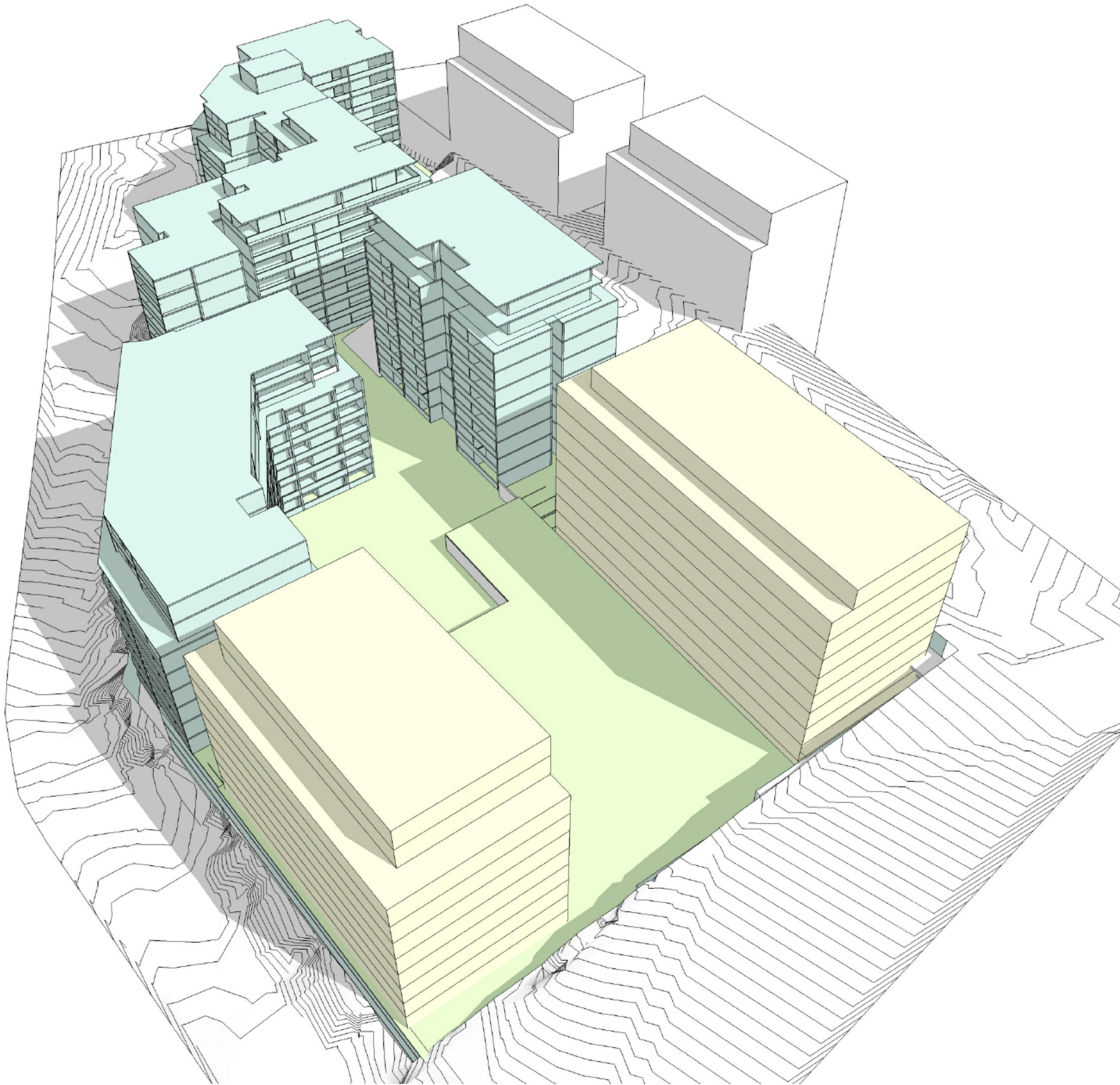
Please do not hesitate to contact me on [REDACTED] or [REDACTED] with any comments or queries and we would be happy to meet with you and discuss our submission in greater detail.

Yours sincerely,



Kate Bartlett
Director





21 December 2018

Submission: St Leonards and Crows Nest 2036 Plan

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 14th 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 5th 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.

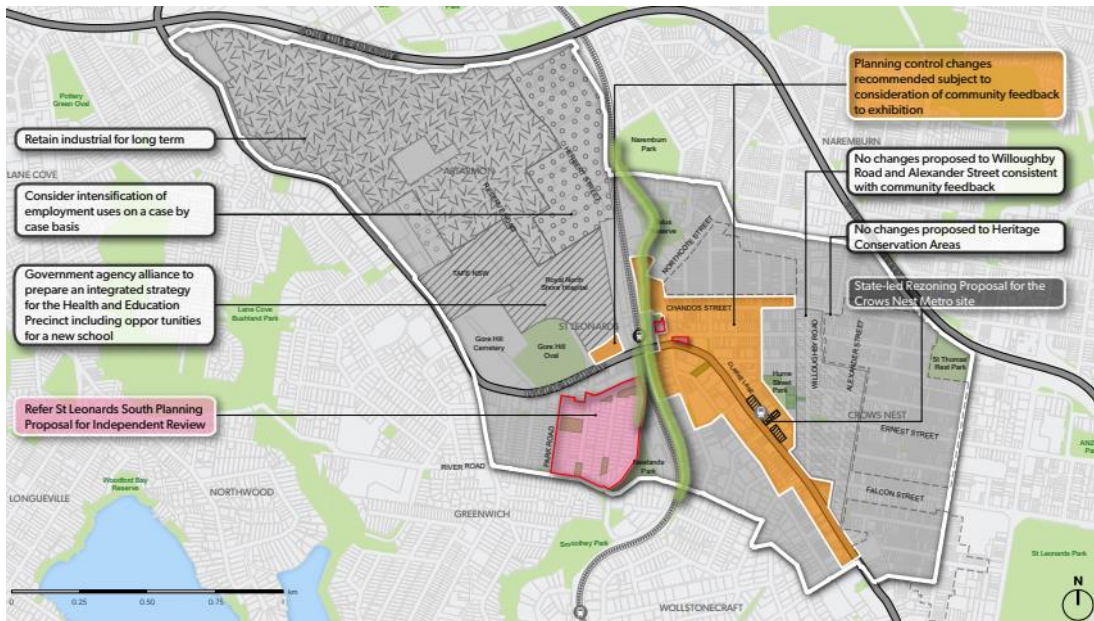


Figure 1 Proposed precinct changes

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 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.

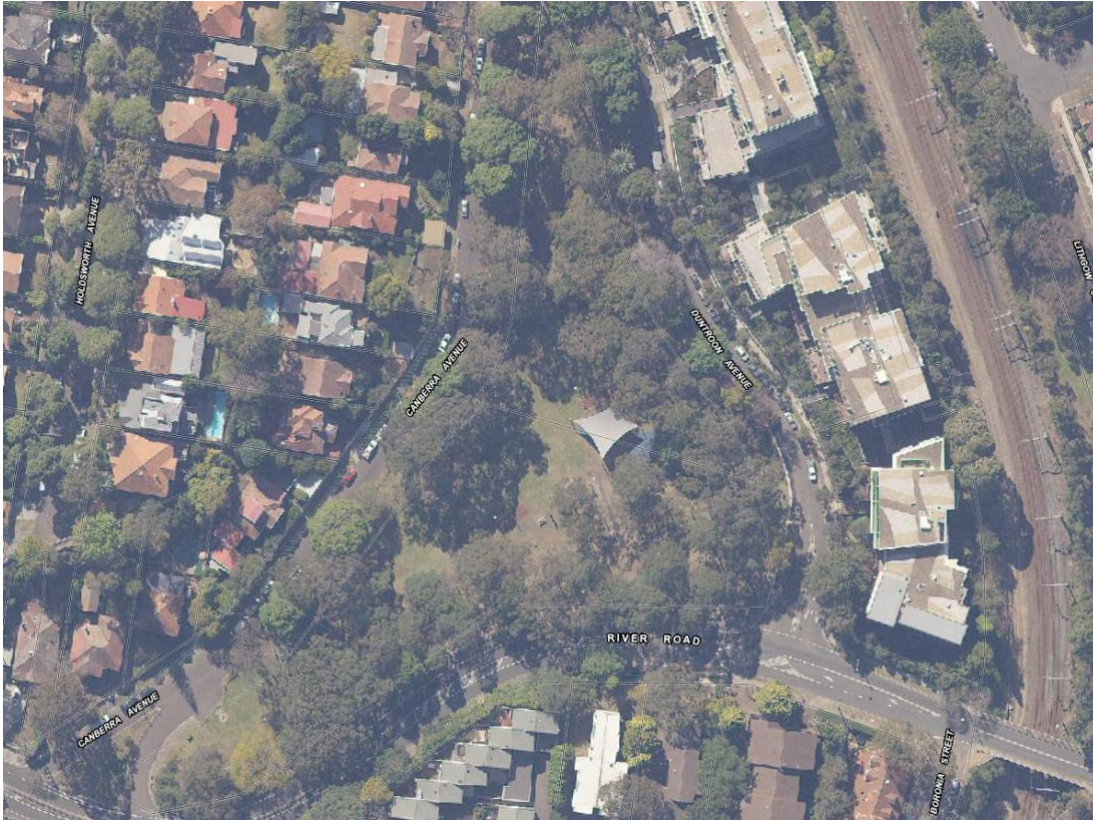


Figure 2 Satellite image of the existing Newlands Park

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 [REDACTED] if you have further queries or comments regarding this submission.

Yours Sincerely

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

Kate Bartlett

Director