

28 May 2019

16591

Ms Ilona Miller  
Chair, Independent Planning Commission  
Level 3, 201 Elizabeth Street  
Sydney NSW 2000

Attention: Matthew Tom Jones (Planning Officer)

Dear Ms Miller,

## **RE: Submission – St Leonards South Planning Proposal**

We are writing to you on behalf of SJD Property, the land owner of properties at 8-22 Berry Road and 13-21 Holdsworth Avenue, St Leonards South.

Tom Goode, Director – Planning presented at the public hearing on the 20<sup>th</sup> of May 2019 however we provide the following further detail in response to the referral letter dated the 15 November 2018 and revised letter dated 20 December 2018 from the Minister of Planning to the Independent Planning Commission (IPC).

## **1.0 Background**

The St Leonards South Draft Masterplan (Draft Master Plan) has been the subject of a rigorous process in accordance with the relevant statutory requirements with community engagement from the 19 December 2014 to the 1 May 2015. The subsequent Draft Master Plan was endorsed by Council on 8 December 2014 for public exhibition. Followed by Council adopting the Draft Master Plan on the 13 July 2015 and Council receiving and noting the report on the 15 February 2016.

The Draft Development Control Plan, Draft Landscape Master Plan and Draft Section 94 Plan and Draft Local Environmental Plan amendment for St Leonards South were on public exhibition 30 October 2017 to 22 December 2017 and was subsequently extended to 5 January 2018. On the 19 March 2018 Council resolved that the Mayor write to the Minister of Planning, the Chief Commissioner of the Greater Sydney Commission regarding consideration of draft planning package and satisfying Council's housing supply targets to 2026.

In May 2018 Council resolved to seek an extension of time of 12 months for Council to complete the St Leonards South Planning Proposal to allow for the public release and consideration of the draft planning package. On 23 April 2018 the Gateway Determination was modified to allow an extension of 12 months to enable Council to finalise the planning proposal following the public exhibition of the draft planning package. The planning proposal was referred to the IPC on the 2 November 2018 and an IPC public meeting was held on the 20 May 2019.

Clearly the draft LEP and informing masterplans have been through a rigorous process that has included the community at key stages via a number of formats, as well as being endorsed formally at a local Council level. It was on this basis that developers purchased sites in the Precinct – due to this rigorous process undertaken by Council.

## 2.0 Response to IPC Terms of Reference

The terms of reference issued by the Planning Minister dated 15 November 2018 are:

*“The Commission is requested to have regard to the following principles outlined in the draft 2036 Plan when reviewing the proposal:*

- *Consider accessibility to St Leonards and Crows Nest stations;*
- *Minimise overshadowing of public open space and streets with a significant public domain function;*
- *Minimise overshadowing of heritage conservation areas and residential areas outside of the Plan boundary;*
- *Locate new open spaces so that they improve connections to other open spaces;*
- *Plan for improved active transport connections;*
- *Consider cumulative traffic impacts; and*
- *Ensure appropriate transitions to lower scale buildings.*

*The Commission is also requested to consider the scale of residential development contained in the proposal and whether the whole site needs to be rezoned to meet housing targets identified by the Greater Sydney Commission. The Commission’s advice on whether some staging of the proposal is appropriate would be appreciated.”*

We provide the following response to each listed item below.

### 2.1 Item 1: Accessibility

The Planning Proposal satisfies the accessibility term of reference to “consider accessibility to St Leonards and Crows Nest stations” with the draft planning package:

- As outlined Council’s Planning Proposal 25 St Leonards South dated 29 September 2017, the Master Plan was based on the principles of transit orientated development (page 14).
- A Cumulative Transport and Accessibility Study prepared by ptc (Attachment T1) to the Planning Proposal was undertaken to provide an assessment of the public transport comprising of the train, metro and buses demand and provides recommendations to accommodate planning proposal demands.
- Section 4.0 of the DCP provides objectives and controls to improve connectivity within the Precinct including pedestrian linkages to St Leonards and Wollstonecraft Railway Stations, St Leonard’s Commercial Centre.
- As outlined in the draft planning package on page 63 the Precinct is 400m and 800m Walking Catchment from St Leonards Trains Station. It does not note the proximity of the site to Wollstonecraft station – which is c. 500m from the precinct.

### 2.2 Item 2: Overshadowing of public open space

The St Leonards South Planning Proposal satisfies the open space term of reference to “minimise overshadowing of public open space and streets with a significant public domain function” with the draft planning package in:

- Section 6.0 Built Form of the DCP provides objectives and controls to optimise solar access to the public domain and open spaces.
- A Cumulative Shadow Impact study was undertaken as part of the Council Summary (Attachment V) to the planning proposal, demonstrating that the net increase of overshadowing to Newland Park is acceptable.
- SJD wholeheartedly endorse the objective of the development high quality public open space for the future residents and visitors to the Precinct. SJD have been in close consultation with Council to discuss delivery of the quality open spaces within the site which is identified for a community facility and ancillary open space areas.

### 2.3 Item 3: Overshadowing of residential areas outside of the Plan boundary

The Planning Proposal satisfies the overshadowing term of reference to “minimise overshadowing of heritage conservation areas and residential areas outside of the Plan boundary” in accordance with the provisions of the LUIP by:

- Section 6.0 Built Form of the DCP provides objectives and controls to provide transitional built form at the edges of the rezoning.
- A Cumulative Shadow Impact study was undertaken as part of the Council Summary (Attachment V) to the planning proposal demonstrating that the built form analysis focused on ensuring that the precinct did not shadow the low scale residential precinct to the south.
- The proposed height LEP mapping (Attachment Y1) includes the maximum incentive height of buildings and transitions to the southern edges of the rezoning.

### 2.4 Item 4: New open spaces

The Planning Proposal satisfies the accessibility term of reference to “locate new open spaces so that they improve connections to other open spaces,” in accordance with the draft planning package.

- As outlined Council’s report titled Planning Proposal 25 St Leonards South dated 29 September 2017, one of the objectives of the Planning Proposal was to support the provision of public open space throughout the precinct, this included a new large park, pocket parks, two small parks and north-south green spines at the rear of apartment buildings (page 5).
- Section 3.0 of the draft DCP provides the urban structure plan which builds on the existing framework, to improve East-West connectivity and walkability to the Station. The proposed structure plan includes open space, pedestrian paths and green spines.

### 2.5 Item 5: Plan for improved active transport connections

The Planning Proposal satisfies the accessibility term of reference to “Plan for improved active transport connections” in accordance with provisions for improved active transport connections.

- Section 4.0 Access of the draft DCP provides objectives and controls to provide improved vehicular, bicycle and pedestrian access and circulation.
- A Cumulative Transport and Accessibility Study prepared by ptc (Attachment T1) to the Planning Proposal was undertaken to provide an assessment of the pedestrian and bicycle network and provides recommendations to accommodate planning proposal demands.

### 2.6 Consider cumulative traffic impacts

The Planning Proposal satisfies the cumulative traffic impacts based on traffic studies and development of a levy to accommodate local road upgrades:

- Local road upgrades as part of a Section 94 Plan has been developed.
- A Cumulative Traffic Study prepared by Traffic, Environmental and Forensic Engineers (Attachment T) to the Planning Proposal was understood to provide an assessment of the cumulative impacts of the Planning Proposal.

### 2.7 Ensure appropriate transitions to lower scale buildings

The Planning Proposal provides appropriate transitions to lower scale buildings by:

- The proposed height LEP mapping (Attachment Y1) includes the maximum incentive height of buildings and transitions to the edges of the rezoning.

- A Cumulative Shadow Impact study was undertaken as part of the Council Summary (Attachment V) to the planning proposal demonstrating that the built form analysis focused on ensuring that the precinct did not shadow the low scale residential precinct to the south.

### 3.0 Scale of Residential Development

The Planning Proposal satisfies the scale of residential development and housing targets in accordance with the Greater Sydney Commission:

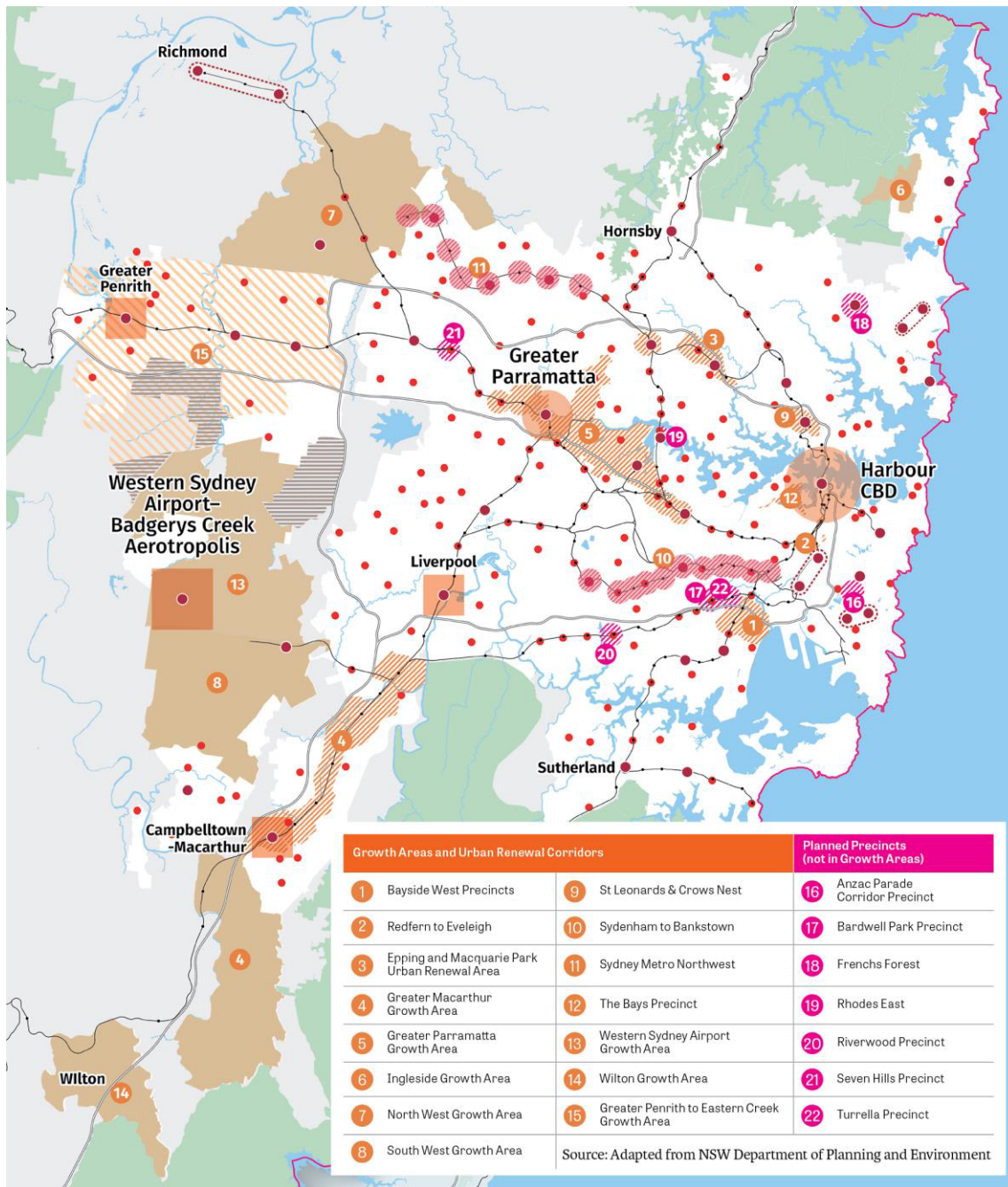
*The Commission is also requested to consider the scale of residential development contained in the proposal and whether the whole site needs to be rezoned to meet housing targets identified by the Greater Sydney Commission. The Commission's advice on whether some staging of the proposal is appropriate would be appreciated*

The Northern District Plan identifies St Leonards as a Strategic Centre and Health and Education Precinct. In this context, St Leonards and Crows Nest is an important location for urban renewal within metropolitan Sydney where the provision of new housing, jobs and supporting services/infrastructure is a significant priority. A key objective of the Sydney Region Plan and Northern District Plan is to increase access to jobs and housing within Strategic Centres in order to support Sydney's growing population. The Plans identify a housing target of 92,000 new dwellings across the Northern District, equating to an average annual supply of 4,600 dwellings. Within the Lane Cove LGA alone, a housing target of 1,900 new dwellings has been identified to 2021 over the next 5 years.

We note that target largely reflects the existing development pipeline and does not comprehensively nor strategically address ongoing supply issues. It is also worth noting that, the Greater Sydney Region Plan clearly states that the 2016 -2021 housing supply targets are a minimum. The words being:

*"The 0–5 year (2016-2021) housing supply targets are a minimum and councils will need to find additional opportunities to exceed their target to address demand"*

Of most importance to the IPC is that the Crows Nest / St Leonards corridor is one of 15 key growth areas or urban renewal corridors identified in the regional plan, as shown in the figure overleaf.



Region Boundary	Waterways	Planned Precincts
Metropolitan Centre	Protected Natural Area	Greater Penrith to Eastern Creek Growth Area
Metropolitan Cluster	Metropolitan Rural Area	Transit Oriented Development
Strategic Centre	Land Release Area	Urban Investigation Area
Local Centre*	Urban Renewal Area	* Supermarket based in urban area



## 4.0 St Leonards South Design Principles

The draft planning package includes Design Principles which are required to be considered by the Independent Planning Commission in its review of Lane Cove Council's Planning Proposal **Table 1**.

**Table 1 Consistency with the St Leonards South Design Principles**

Design Principle	Response
<ul style="list-style-type: none"> <li>Consider accessibility to St Leonards and Crows Nest Stations</li> </ul>	Refer to Section 2.1 above.
<ul style="list-style-type: none"> <li>Minimise overshadowing of public open space and streets with significant public domain function within and outside of the Plan boundary</li> </ul>	Refer to Section 2.2 above.
<ul style="list-style-type: none"> <li>Minimise overshadowing of Heritage Conservation areas and residential areas outside of the Plan boundary.</li> </ul>	Refer to Section 2.3 above.
<ul style="list-style-type: none"> <li>Ensure new open spaces improve connections to existing surrounding open spaces</li> </ul>	The Planning Proposal provides a range of new open spaces with through site links and pedestrian infrastructure to improve connections to existing surrounding open spaces.
<ul style="list-style-type: none"> <li>Improve active transport connections.</li> </ul>	Refer to Section 2.5 above.
<ul style="list-style-type: none"> <li>Transition buildings appropriately to lower scale buildings</li> </ul>	Refer to Section 2.7 above.

## 5.0 Suggested Refinements

Whilst overall supportive of the overall intent of the plan, there is some concern regarding the deliverability of it as a result of overly prescriptive LEP and DCP controls. The comments and proposed modifications to the proposed controls in DLEP are provided in **Table 2** and the comments and proposed modifications to the proposed controls in DDCP are provided in **Table 3**.

Importantly, we do not see these as major amendments that might trigger the re-notification of the plan. They will not affect the design outcomes or intent, overall yield or key considerations of the Plan.

### 5.1 Draft Local Environmental Plan

**Table 2 Suggested Amendments to the Draft Local Environmental Plan**

Proposed LEP Clause	Comments and Proposed Modifications to the DLEP
Lot amalgamation	<ul style="list-style-type: none"> <li>The amalgamation pattern seeks highly prescriptive defined amalgamations that are not based on any planning or design intent. FSRs and heights are then apportioned to these layouts and prohibit any variation to the amalgamation patterns.</li> <li>As such, a request is made to remove the LEP amalgamation pattern and replaced with minimum lot size requirements and suitable DCP controls regarding site isolation and minimum frontages.</li> </ul>
Height of Buildings	<ul style="list-style-type: none"> <li>Height maps should provide a maximum building height that applies to the entire lot and not mid block alignments to enforce the green spine objective.</li> <li>The green spine can be enforced via LEP / DCP objectives, with some inherent flexibility provided for design excellence.</li> </ul>
Floor Space Ratio	<ul style="list-style-type: none"> <li>The floor space ratio to be reconfigured to not be based on the amalgamation pattern as per the above.</li> </ul>
Variation to Development Controls	<ul style="list-style-type: none"> <li>Include Clause 4.6 Variation to Development Controls to allow for any variation to a development controls to be assessed on a merit basis.</li> </ul>
Community Infrastructure	<ul style="list-style-type: none"> <li>Remove the community infrastructure requirements and placed in the DCP.</li> </ul>

## 5.2 Development Control Plan

**Table 3 Suggested Amendments to the Draft Development Control Plan**

Proposed DCP Control	Comments and Proposed Amendment to the DDCP
Car Parking	<ul style="list-style-type: none"> <li>The proposed controls are antiquated considering the proximity to extensive public transport and needs to be reconsidered.</li> <li>Review the requirements for the basement being wholly under the building footprint to allow flexible building solutions.</li> </ul>
Built Form	<ul style="list-style-type: none"> <li>Review the built form controls to provide flexibility to allow for innovative and creative building designs.</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>The landscape controls should be reviewed to provide more flexibility, in their present form the green spine and prescriptive controls prevent creative landscape solutions.</li> </ul>

## 6.0 Conclusion

We respectfully seek at IPC consider proposed amendments to the DLEP and DDCP in a timely manner to achieve the desired outcome for the high density residential and community infrastructure in the St Leonards South Precincts as envisaged in the original master planning process of 2012. It should be recognised that all the land owners are working with Council to progress the masterplan, within statutory timeframes identified in the Gateway determination. The process has been an inclusive and extensive one and should not be delayed further. We ask that this be recognised by the IPC.

We trust the above is supportable by the IPC and of assistance in the development of 8-22 Berry Road and 13-21 Holdsworth Avenue, St Leonard South in the St Leonards South Residential Precinct Master Plan. If you have any queries, please feel free to contact me on [tgoode@ethosurban.com](mailto:tgoode@ethosurban.com) or 0406 428 465.

Yours sincerely,



**Tom Goode**  
Director

