

ST LEONARDS SOUTH PLANNING PROPOSAL, IPC PUBLIC MEETING 20/5/19

Madame Chair, Commissioners. Thank you for the opportunity to address the Commission today:

- My name is Dan Keary and I am a Director of Keylan Consulting, the planning consultant acting on behalf of Piety THP.
- Piety THP owns or has options over a number of lots within St Leonards South and has been working closely with Lane Cove Council over a number of years on the planning proposal.
- At the outset, I wish to state that our client supports the planning proposal and we note that the proposal is based on sound strategic planning and urban design principles and has been produced on the basis of a comprehensive evidence base and extensive community and stakeholder engagement.
- Today, I will briefly speak to these points and also outline our client's concerns about on-going delays in the implementation of the plan, as well as some issues around the detailed provisions of the plan which we consider should be carefully reviewed by the Commission.
- I also note that we intend to follow up this presentation with a written submission to the Commission.
- As the Commission would know, this planning proposal has had an unusually protracted history, commencing nearly 7 years ago with Council's resolution in October 2012 to prepare a masterplan for the precinct.
- The draft masterplan, which was publicly exhibited for almost 6 months, is a comprehensive, evidence-based document. It clearly articulates the principles of transit-oriented development, based on the creation of higher density, mixed use communities around town centres and transport interchanges, and how these are translated into the provisions that now form the basis of the planning proposal.
- Following the masterplan, Council resolved in July 2015 to prepare the planning proposal, with the Gateway Determination issued in September 2016 and the formal exhibition of the draft plan from October to December 2017.
- Now, well over 2 years from the initial Gateway Determination, the planning proposal remains unmade and subject to further review and consultation.
- Piety THP is therefore concerned that the Commission's review process could result in further unnecessary delays and continuing uncertainty over the process to finalise the planning proposal and deliver the housing and infrastructure benefits it envisages.

- We therefore respectfully request that the IPC review should be completed as a matter of priority, with the IPC's recommendations be released and made publicly available at the earliest possible time.
- Turning now to the planning proposal itself, we note that it seeks to facilitate higher density residential development in a locality with excellent access to transport, employment and services which:
 - a) is consistent with the **Greater Sydney Region Plan** and **North District Plan** and the concept of a 30 minute city, as it provides increased housing and infrastructure benefits in close proximity to the identified strategic centre and major transport interchange of St Leonards;
 - b) contributes to the housing targets outlined in the North District Plan for both the District and the Lane Cove LGA;
 - c) provides for an appropriate scale of development in a locality that is undergoing significant transition towards higher density development and taller buildings;
 - d) incorporates sound built form and design outcomes, with carefully considered design provisions to ensure appropriate open space, landscape and amenity outcomes, including privacy and overshadowing; and
 - e) includes scope for substantial local infrastructure improvements.
- We also note that the principles and built form controls for the precinct in the draft 2036 plan for St Leonards-Crows Nest are entirely consistent with those in the planning proposal.
- On this basis, we consider that the planning proposal is not only based on a comprehensive evidence base, with the ability to deliver substantial housing and infrastructure benefits, it is also wholly aligned with key metropolitan strategic planning objectives and targets.
- We ask that this point be carefully considered by the Commission in its review and advice to the Minister and that any recommended amendments to the planning proposal are not of a nature that would require re-exhibition and further delays.
- I would also like to briefly address some of the specific provisions of the planning proposal.
- Whilst we support the planning proposal and its timely finalisation and implementation, we consider the following matters should be carefully considered in this review.
- In particular, we note the overly prescriptive nature of the outcomes which must be achieved if the 'bonus' heights and FSRs are to be realised.
- **For example, the preferred site amalgamation pattern must be met in order for the proposed height and FSR increases to be achieved.** However, Piety THP has been unable to negotiate land acquisitions with all landowners, which will likely

result in a different land ownership pattern to the site amalgamation pattern. It is understood that other landowners are also experiencing similar difficulties.

- As the site amalgamation patterns cannot be achieved, the LEP once made will not be able to be implemented.
- This could result in irregular built form outcomes - for example, higher scale development in areas to the south, further away from the St Leonards town centre, and the retention of low density, detached dwellings in areas closer to the town centre. This would be contrary to the plan's fundamental objectives and design principles.
- **Piety THP has also undertaken a detailed urban design analysis** which demonstrates that on the basis of realistic amalgamation patterns and other constraints such as topography, as well as the amenity requirements of the Apartment Design Guide, the FSRs in the planning proposal may not be achievable.
- Furthermore, solar access improvements can be realised with alternative building arrangements heights and siting.
- Accordingly, there should be the ability to transfer unused height and FSR across adjacent sites within the precinct to enable better design and public benefit outcomes, without undermining the key design principles of the planning proposal, subject to an appropriate merit consideration.
- **Whilst we support the principle of additional open space provision and connectivity**, it is again dependent on the achievement of the site amalgamation pattern and, therefore, is unlikely to be achieved.
- There are also prescriptive numeric requirements for the community facilities, including the provision of a 600 m² ground floor multi-purpose facility with direct connection to an outdoor play space of 450 m². These are extremely prescriptive controls for an LEP and would ordinarily be expected to provide flexibility to enable alternative and innovative outcomes through detailed design at the development application stage.
- Despite these issues, the planning proposal, as currently drafted, does not enable development standards to be varied via clause 4.6. This is a major flaw of the proposal, as it will prevent the merit-based consideration of potentially superior design outcomes and results in a major inequity with other major urban renewal areas which benefit from the application of clause 4.6.
- It could also undermine the implementation of the planning proposal and, ultimately, the public benefits it seeks to achieve and ask that the Commission give careful consideration to this point.
- **We also request that the Commission carefully consider the range of local infrastructure contributions**, including roads and drainage, open space,

affordable/key worker housing and a multi-purpose community facility that are envisaged under the planning proposal.

- Council's draft Section 94 Contributions Plan for St Leonards South intends to seek a higher contribution rate per dwelling through an IPART assessment process.
- In addition, the draft 2036 Plan proposes that a Special Infrastructure Contribution, or SIC, applies to land within the St Leonards South Precinct, with an applicable contribution rate of \$15,100 per additional dwelling.
- We understand that this SIC rate does not account for potential infrastructure contributions through the St Leonards South Planning Proposal, as the planning proposal has no formal status at this stage.
- Furthermore, the SIC feasibility testing undertaken on behalf of the Department, found that the introduction of a SIC in St Leonards South is not viable given the purchase price of sites in the precinct.
- There is also uncertainty around affordable housing contributions, with the planning proposal containing requirements for affordable housing provision on certain sites and the draft 2036 plan recommending further investigation of an appropriate affordable housing target for the area.
- While it is acknowledged that redevelopment of the St Leonards South precinct can contribute to the funding and provision of essential infrastructure, careful consideration needs to be given to the combined contributions proposed in both the planning proposal and the draft 2036 Plan to ensure that they are reasonable and would not impact on development feasibility and, ultimately, the ability to deliver the required infrastructure.
- **In conclusion**, Piety THP supports the planning proposal and its key objectives and benefits. The planning proposal is based on comprehensive strategic and design studies and extensive community and stakeholder consultation. It is wholly aligned with key metropolitan strategic planning objectives and has the potential to deliver substantial housing supply and affordability and infrastructure benefits.
- However, the detailed provisions of the planning proposal are also critical and must be appropriately drafted, with the appropriate level of flexibility, including the application of clause 4.6, to ensure that it can be implemented and the public benefits it envisages can be realized.
- We request that these issues are carefully considered in the Commission's review and its advice to the Minister. We also respectfully request that the IPC review should be completed as a matter of priority, with the IPC's recommendations be released and made publicly available at the earliest possible time.