

Speaking Notes – IPC Meeting – 20 May 2019

- Mecone acts as the planning consultant for Top Spring, one of the key landowners within the St Leonards South precinct;
- Council's planning proposal is the culmination of many years of strategic planning work in order to deliver a high-quality, transit-oriented-development, which enables additional housing 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;
- Mecone and Top Spring are strongly supportive of Council's Planning Proposal, as well as the NSW Government's broader draft 2036 Plan for St Leonards and Crows Nest. However, we want to use this meeting as an opportunity to highlight some concerns we have regarding aspects of Council's Planning Proposal, and also the Government's draft 2036 Plan's recommendations relating specifically to the St Leonards South precinct;
- With respect to Council's Planning Proposal, we are strongly supportive of it and encourage its progression. Council's Planning Proposal aligns with the NSW Government's 30 minute city vision outlined in the Greater Sydney Region Plan. The proposal is also counted as part of Lane Cove's ability to achieve their housing target of an additional 1,900 dwellings between 2016 and 2021, as set in the North District Plan.
- However, there are a few proposed elements that we think should be further refined prior to any finalisation of the controls:
 - Additional flexibility should be built into the controls, particularly with respect to the required amalgamation patterns. The existing subdivision pattern of the precinct means that lot amalgamation is likely to have some variations to that proposed by Council. While we agree and support the principles of lot amalgamations, the final controls should permit some flexibility in circumstances where genuine attempts have been made to amalgamate lots but have been unsuccessful;
 - Similarly, Clause 4.6 should be retained within the future control to enable variations to occur where they genuinely meet the required statutory tests. In particular, our experience is that there are often requirements to submit Clause 4.6 variations relating to height controls on steeply, sloping sites such as this precinct due to the definition of 'ground level – existing' under the standard instrument.
- In addition, while we are generally supportive of the objectives and directions of the draft 2036 Plan as they apply to the St Leonards South precinct, there are a few elements that we consider to be problematic given the existing work done to date by Council on their Planning Proposal. In particular:
 - Some of the planning principles in the 2036 Plan appear to contradict the work of some of Council's proposed planning controls – particularly how it relates to overshadowing to Newlands Park;
 - 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; and

- o The absence of a clear timeframe or scope for completion of the IPC review; and

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 proposed controls.
- Mecone requests that the following matters be considered when reviewing the proposed Design Principle against the Council's draft planning controls for the precinct:
 - o To date, Lane Cove Council, has 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;
 - o Accordingly, Council's plan inherently acknowledges some additional overshadowing of Newlands Park will occur in midwinter, and considers this is an acceptable trade off with the other benefits proposed by the overall precinct's redevelopment;
 - o 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;
 - o 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;
 - o 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.
- Topspring's development of the sites directly opposite Canberra Road, 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 improved landscaping and open space – through the new green connections and pocket park on site, 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 revitalisation will bring.
- 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 should be considered reasonable in order to unlock the wider benefits the St Leonards South precinct will deliver including improved green space, connections and landscaping options.

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 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 AEC's report -'*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 a sufficient scale that it 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.

Timeframe and Scope

- The IPC review has no identified scope or timeframe to progress, which is further delaying the implementation of Council and Government's vision for St Leonards South, which is already 6 years into progression;
- 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.

Conclusion

In conclusion, Mecone and Top Spring are supportive of the draft 2036 Plan and its recommendations for St Leonards South, we would however like to request that the following amendments be incorporated into any final Plan for our precinct:

- That, where appropriate, further flexibility be built into the proposed controls for St Leonards South precinct with respect to lot amalgamations and Clause 4.6;

- That IPC's review of Council's planning 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 the St Leonards South precinct be excluded from 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.