

Submission to Independent Planning Commission: St Leonards South Planning Proposal – Heritage properties

We live on the western side of Park Rd with our three children. We have already provided to the Commission our submission on the Draft 2036 Plan. The purpose of this additional submission is address matters relating specifically to the heritage-status of our home.

As discussed in our earlier submission, the Study Area for the 2036 Plan includes all of the St Leonards South precinct. Lane Cove Council’s St Leonards South proposal proposes a brownfields redevelopment of most of the precinct but leaves out a small group of low density dwellings (2 ½ streets: Park Rd West, Portview Rd, Anglo Rd). These properties are to be isolated between the high-density apartments in Park Rd, multi-storey commercial buildings on Pacific Highway, existing R4-zoned redevelopment (Greenwich Rd), and major roads (River Rd and Greenwich Rd). In common with our neighbours, our property is to carry the most severe burdens of redevelopment (loss of amenity, property devaluation, years in a construction zone), with no corresponding benefits.

The heritage-listed properties in this left-over rump of low-density housing are arguably the most disadvantaged of all – family homes with an uncertain future. Even Lane Cove Council foreshadows that the entire precinct may in the future be redeveloped, given its highly strategic location and existing boundary of R4-residential and commercial zoning on Greenwich Rd (see Council’s presentation to Commission earlier this week).

The St Leonards South proposal fails to plan for the heritage-listed properties, and it is inconsistent with their protection because of the detriment to their amenity. Aside from Council’s proposal, the Draft 2036 Plan proposes nothing at all for the SLS precinct, posing serious issues for the viability of the isolated heritage-listed properties of St Leonards South.

Radical transformation of setting

The heritage properties in Park Rd will be dwarfed and overwhelmed by the 8 storey apartment blocks proposed for the other side the street. The existing setting on Park Rd east is traditional, free-standing homes, including several late-Federation-era houses (see Figure 1).



12, 14 and 16 Park Road



16 Park Road

Figure 1: from Dawbin Report (p.19). Existing setting of heritage properties (opposite side of Park Road).

The Weir Report (Draft 2036 plan, pp.47-8) notes that the St Leonards South proposal creates risks for heritage properties:

*“Individual heritage items, which are mostly freestanding dwellings may be at risk of demolition or loss of setting due to the proposed higher density development in the St Leonards South residential area ... **Any development within the vicinity should respect the low scale nature of these items and transition appropriately.**” (emphasis added)*

The Dawbin Report (commission by Council, Sept 2017, p.12) states that:

*“The proposed development to the east side of Park Road is opposite the heritage items at 3, 5 and 7 Park Road. The development will be introducing a **new scale and height in excess of anything in the vicinity including the commercial development on the Pacific Highway to the north of the Precinct. The scale of development proposed has potential to impact on the heritage buildings and the character of the streetscape.**” (emphasis added)*

The Dawbin Report also states (p.12) that:

*“Transitional development is supported by this study, however issues such as the **location, height and massing of detailed elements should be reviewed to minimise potential impacts on heritage items ...**” (emphasis added)*

The Heritage Council of NSW (letter to Council 6 Feb 2018) supports the concerns raised by the Dawbin Report, stating:

*“the proposed density of development has the potential to impact on the character of the streetscape and the setting of local heritage items. The heritage study by Dawbin Architects **recommends that Council review the location, height and massing of proposed development along the western boundary of the study area. This recommendation is supported.**” (emphasis added)*

Council’s planning proposal substantially ignores recommendations to reconsider the siting and massing of the apartments proposed in the vicinity of the heritage properties. Minor concessions around the front setback are of little consequence, given the scale of what is proposed. Reversion of the boundary of the proposed high-density rezoning to Berry Road (as originally proposed by Council during the 2015 Master Planning) would substantially address transition issues.

Response to Gateway Conditions

The St Leonards South Planning Proposal is required to comply with the section 117 Direction 2.3 regarding Heritage Conservation. In this context, the Direction requires that the planning proposal contain provisions that:

“facilitate the conservation of ... items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area” (s 4(a)).

Failing this, the planning proposal can only comply with Direction 2.3 if the provisions of the planning proposal that are inconsistent “are of minor significance” (s 5(b)).

Relevantly, the heritage-listing of each of the Park Road west properties (Heritage Study 1987) cites the Reasons for Listing as:

“Distinctive in scale and detail. Indicative of social aspirations of this period of speculation. Important as part of a group.”

As indicated above, Council’s planning proposal will radically transform the scale and nature of the heritage property’s setting, jeopardising heritage value. The extent to which it does this is not of minor significance, given the scale of development proposed and its potential impact on the heritage properties and their amenity.

Council’s response to the Gateway Conditions (Sept 2017) justifying inconsistency with s117 Direction 2.3 states that the proposed park will be located *“immediately opposite the heritage items”*. This is incorrect. Two of the three heritage properties will be located directly opposite an 8 storey apartment block (see Figure 2).

The Dawbin Report is relied upon by council in its Response to Gateway Conditions (Sept 2017) as justifying non-compliance with s117 Direction 2.3. The Dawbin Report concludes that (p.13):

*(1) No. 3 Park Road will be opposite the proposed Block 21 building;
(2) The northern wall of No. 5 aligns with the southern wall of the Block 21 west building which has a **6m side setback**;
(3) No. 7 is opposite the proposed park;
It is therefore concluded that the proposed development will not unreasonably impact on the heritage items as two of the three items are not affected and No. 3 will retain views of the park and the surrounding area.”* (emphasis added)

The “6m side setback” relied on in (2) above does not appear in the Development Control Plan (DCP). Rather, the DCP is silent on side setbacks from the proposed park, and seems to align the sole the sole vehicle entry point for this building with the front door of 5 Park Road (see Figure 2).



Fig 8.13 Indicative Vehicle Access / Parking



Figure 2: Left: Figure 8.13 from DCP. Right: Google maps image annotated to show indicated vehicle entry and alignment with heritage property opposite. Note that the boundary between 14 and 16 Park Rd is the northern boundary of the proposed new park. See also photo in appendix.

Further (and irrespective of the question of the side setback from the proposed park), given the radical transformation of scale and setting for the heritage properties, the Dawbin Report’s conclusion that “two of the three items are not affected” is questionable, and seems inconsistent with the earlier statements in the report. Given this, it is difficult to see how the inconsistency of the planning proposal with heritage conservation is of only “minor significance” for the purposes of the s117 Direction 2.3.

Impact on amenity

The St Leonards South Design Principles (Draft 2036 Plan) are contrived to have no application at all to the group of heritage-listed properties in Park Road west. A special Design Principle refers to minimisation of overshadowing of Heritage Conservation Areas and “residential areas outside of the Plan boundary”. But it does not apply to Park Rd west:

- 1) Park Rd west is outside the rezoning area, but inside the Plan boundary (the 2036 Plan).
- 2) There are no “Heritage Conservation Areas” anywhere near SLS. The group of heritage-listed properties in Park Rd west are not in a conservation zone.

There is another special Design Principle that addresses overshadowing of streets with a “public domain function”. We are wondering why overshadowing of public streets should be guarded against, but not overshadowing of our heritage homes and gardens?

Regarding solar access, the Weir Report (p.17) states:

“Preserving the solar amenity of heritage items and heritage conservation areas is an essential component in minimising the impact of the new larger scale development.”

The heritage properties will be deprived of morning sun. Being constructed in the early 1900s, the properties were not designed or orientated to maximise solar access in a high-density setting as proposed. The sun that floods into the front of my home early in the morning (before 9am) is an important part of the amenity of the heritage property as a home – particularly as it occurs at a time when we are all home to enjoy it (see photos in

appendix). This morning solar access will be blocked the proposed apartment block. Loss of morning sun is also significant because of the orientation of the properties, and overshadowing from buildings further up the hill (to the north) later in the day.

The heritage properties currently have far-reaching district views (see photo in appendix). These will be lost completely.

Privacy will also be affected. The DCP supports apartment design (including balconies) to enable “passive surveillance” of the street. This will equally allow surveillance of the heritage properties and their front gardens. Given the proximity and the 8-storey scale, options for effective tree screening are limited. The Weir Report (p.12) states that trees proposed as mitigation measures to address transition to low density should be located on the high density land, not on the low density. This will not be possible given the scale of development proposed.

In short, the planning proposal will significantly decrease the amenity of the heritage properties. The Weir Report addresses this concern as follows:

“It is critical that the amenity of dwellings located within Heritage Conservation Areas and heritage listed buildings is protected. If amenity is substantially reduced the desirability of properties will be eroded and thus the long term protection of the significant items and areas may be threatened.”

This concern is particularly apt for the heritage properties of Park Road west which are family homes (3 and 5 exclusively so).

The Weir Report also considered strategies for optimising the limited development potential of heritage buildings as a means of protection. These include integrating heritage items into the proposed uplift (p.20); and using some sort of scheme allowing sale of heritage floor space (p.12). Given the isolated heritage listings in St Leonards South (*cf* heritage conservation zone) provision for such strategies seems even more important, and indeed any such potential as heritage items would seem to be closely tied to preservation of amenity.

Which brings us to this point: if the heritage of St Leonards South is to be retained, it must be properly included in planning that protects its heritage values, its amenity, and its economic viability in private hands (or appropriate plans made for a public usage).

However, if the character of St Leonards South is to be so radically altered that heritage classification cannot be properly supported, then that classification should be removed. The loss of amenity is in common with the rest of Park Road west, but these privately-owned heritage properties are disproportionately affected by Council’s proposal because of their limited redevelopment potential. The seriousness of this is exacerbated by their status as family homes.

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[Appendix of photos in separate file]