27 May 2019

Ms Ilona Millar
Chair
Independent Planning Commission
Level 3
201 Elizabeth Street
SYDNEY NSW 2000

Dear Ms Millar

Submission of Greenwich Community Association Inc
Review of St Leonards South Residential Precinct

The Greenwich Community Association Inc (GCA) welcomes the opportunity to make this written submission to the Independent Planning Commission. This submission forms an attachment to this letter.

We wish to make a few comments additional to our submission:

1. The St Leonards South Master Plan (SLS Plan) is not deliverable because it is demonstrably not economically viable. This has been known to Lane Cove Council officers since the month before the Planning Proposal was lodged with Gateway on 19 May 2016.

   **HillPDA advice of February 2015**
   Lane Cove Council appointed Hill PDA to conduct a feasibility analysis of its SLS Plan in February 2015. This analysis was based on one of the development options identified in the Annand Master Plan of December 2014, namely the re-zoning for high density of the area Canberra Ave to Berry Road East. This is not the area that was ultimately selected for the Planning Proposal.

   At an FSR of 2.75:1 and land cost of market value plus 30%, the plan was deemed feasible.

   **HillPDA advice of April 2016**
   Council sought advice from HillPDA in April 2016, the month before it lodged its Planning Proposal documentation, as to the appropriate acquisition rate for parkland and open space, for the revised area Canberra Ave to Park Road East. By this stage, properties within the precinct had sold for elevated prices, albeit
conditionally, well in excess of the original predictions in the February 2015 Hill PDA report.

This report advised that the FSR model proposed by Council would not yield returns to developers sufficient to make it economically viable. This advice should have flagged to Council officers that the delivery of infrastructure and services inherent in the Plan (acquisition of land for park in Park Road, community space, childcare centre) would be at risk or impossible.

This HillPDA advice of April 2016 was not included in the Planning Proposal documentation that went to Gateway in May 2016.

We believe it was not advised to Councillors or uploaded to the Council website – it is still not on Council’s website.

**HillPDA advice of 12 July 2017**

This advice to Council again confirmed that the FSR model proposed by Council would not yield returns to developers sufficient to make it economically viable and should have again flagged to Council officers that the delivery of infrastructure and services inherent in the Plan would not be deliverable.

This advice does not appear in published Council papers for the meeting on 23 October 2017.

It is noted that the 23 October 2017 meeting was held just one month after Lane Cove Council elections, when 3 new Councillors were elected. The GCA wrote to Councillors express concern that new Councillors were expected to vote at short notice in relation to a proposal with the depth of technical detail of SLS.

Notwithstanding our request, Council voted to place SLS on exhibition, apparently without knowledge of the 2016 and 2017 Hill PDA advices that alerted Council to the non-viability of the planning proposal, given that land sales in excess of $11,000 psqm had been completed by that date.

2. **Community members unaware of IPC processes and opportunity to make presentations/submissions.**

**Submissions to Lane Cove Council post SLS exhibition October 2017**

To our knowledge, the only public notification of the IPC processes was through newspaper advertisement(s). We are aware that many community members do not look to print media for their information, so this newspaper announcement may not have reached many community members with concerns about SLS.

Unlike what we believe to be standard IPC practice before a hearing in which it is the determining authority, there was no notification of the IPC meeting/request for submissions to those who made submissions to Lane Cove Council in respect of SLS in late 2017 – 5 January 2018.

Lane Cove Council was best placed to do this but it did not do so and, we presume, has no obligation to do so.
We understand that the IPC has received from Lane Cove Council a copy of all 2017-5 January 2018 submissions but with identifiers redacted, as was the case with the copies made available to the GCA after extensive GIPA proceedings.

This has meant that it has been impossible for the IPC to notify the writers of these submissions of its meeting or the opportunity to write submissions.

*Submissions to Department of Planning on the St Leonards and Crows Nest draft 2036 Plan (2036 Plan)*

We understand the Department of Planning identified all submitters who made comment on SLS in their 2036 Plan submissions and emailed them to advise of the IPC proceedings.

This may not have captured many of the people who might wish to make submissions to the IPC for the following reasons:-

- the 2036 Plan was very unclear as to whether SLS was to form part of their submission or whether this was to be left until the IPC dates were announced – many may have not referenced SLS for this reason
- if the Department did intend for people to comment on SLS in their 2036 submissions, there was no detail included as to the SLS proposal to inform their submissions
- in the light of the difficulties associated with the upload of submissions on 2036, we are unsure that the DoP has captured all submitters who should have been notified of the IPC meeting/submission opportunity.

For all the above reasons, many community members who are keen to make submissions to the IPC may have missed out on the opportunity to do so.

The GCA has sought to provide details of the IPC process to its community, as have community groups in adjacent areas, but, with limited resources and time, we are aware that our message may not have got to many of the people who should have heard about the IPC meeting and submission opportunity.

For the above reasons, we hope that the IPC will review:-

- the redacted submissions made to Lane Cove Council in response to the Plan’s exhibition in October 2017 and
- all 2036 Plan submissions that reference SLS (after the Department of Planning upload problems have been addressed to ensure that full submissions are accessible).

3. **Lack of detail of SLS Planning Proposal in the 2036 Plan.**

The SLS Precinct was depicted in the 2036 Plan as an area without definition other than to designate its boundaries in red.

There was no information with the 2036 Plan as to the details of the SLS proposal or where to locate it.
Furthermore the 2036 Plan failed to give the community any guidance as to what the Department felt to be good planning for the precinct and, as importantly, for the rest of the area between Greenwich Road and the rail-line.

The community was essentially left in a vacuum on this. Those unfamiliar with the detail of the SLS proposal would have not had the necessary detail on which to base comment whilst those who knew something of SLS assumed they would soon hear of the IPC process at a later date but this did not happen.

4. Confusing message in 2036 Plan about Departmental view on SLS

It is our understanding that the Department’s decision to include the delineated SLS in the 2036 Plan derived from an acknowledgment that the area was subject to a Planning Proposal that had been commenced by Lane Cove Council before the announcement of the strategic planning for St Leonards and Crows Nest.

We understand that, in including SLS in the 2036 Plan, it was not the intention of the Department to signify that it endorsed the LEP amendments sought by Lane Cove Council.

Other parties have asserted that the Department’s failure to nominate an alternative development pattern for the SLS area constitutes an endorsement of the Lane Cove Council proposal.

We make our submission to the IPC on the assumption that the Department has not formed a view that it supports SLS as is.

5. 3D Model appears to misrepresent topography of site
Request for site meeting with community

Many concerns have been expressed that the depiction of topography on the Department’s 3-D model of St Leonards and Crows Nest development is inaccurate.

The topography of the SLS site is a significant factor in the development of SLS, particularly in terms of over-shadowing and accessibility around the site and beyond.

We note that Panel members have visited the SLS site.

We request the Panel to conduct an additional public meeting at the site to enable community members to outline concerns deriving from the topography that are difficult to explain fully in a meeting removed from the site.

6. Limited Community Engagement

We are concerned that Lane Cove Council’s community engagement/consultation from the inception of the SLS Plan on 15 October 2012 was confined to those who ultimately benefitted from the prospect of a re-zoning.
It is noted that the Council resolution of 15 October 2012 reads as follows:-

MASTER PLAN FOR ST LEONARDS

255 RESOLVED on the motion of Councillors Brooks-Horn and Karpin that:-

1. A draft scoping paper be provided to Council at the November Ordinary Council Meeting, that will be provided guidance for the preparation of a Master Plan for the St. Leonards area, (i.e. the area bounded by Greenwich Road, the Pacific Highway, River Road and the railway lines as well as the commercial area east of the railway line).

2. The draft scoping paper include a consultation strategy, in line with Council’s Consultation Policy, which identifies key stakeholders and a range of effective consultation methods which will be utilised to inform, involve and engage these stakeholders, neighbouring residents and the wider community.

3. The draft scoping paper include a draft timeline for the reaching of significant milestones in the development of a Master Plan.

It is noted that, at the following meeting of 19 November 2012, there was no “scoping paper” attached to the meeting papers and that the following resolution was passed.

ST. LEONARDS COMMUNITY LIASION COMMITTEE

296 RESOLVED on the motion of Councillors Brooks-Horn and Karpin that:-

1. Council initiate a “St. Leonards Community Liaison Committee” to assist Council with the development of the St. Leonards Master Plan, proposed LEP changes in the St. Leonards area and with consultation for significant DA’s in the St. Leonards area.

2. Council write to the secretaries and presidents of the “St. Leonards/ North Wollstonecraft Community Association” and the “Marshall Avenue Action Group” and invite them to nominate two (2) representatives each for the St. Leonards Community Liaison Committee.

3. Other members of the St. Leonards Community Liaison Committee be relevant Council staff as determined by the General Manager, East Ward Councillors and other people as determined by the Committee.

From the outset, the broader community, particularly those residents of Greenwich who resided within the proposed study area (but outside the area that ultimately “benefitted”), were unrepresented in the development of a plan that would have significant impacts on them.

This pattern of poor engagement and consultation has characterised the development of the SLS plan, leaving the GCA with little choice but to pursue information through the GIPA process, with very, limited success.

Community concern around the SLS consultation process was the subject of a presentation on 20 May.
7. Report/minutes of the SLS Plan Design Review Panel 4 July 2018

The GCA raised this matter in a letter to the Panel on 12 February 2019 – our letter appears on the IPC website.

We are unaware of the exact purpose of the design review, nor do we have knowledge of who was on the Panel or who was invited to present. We were not permitted to attend as observers.

Council has not published a report of this review and we note that no mention is made of it in papers uploaded to the IPC website. We presume, however, that the deliberations of the Design Review Panel would be relevant to the IPC review.

We sought access to documents relevant to the Design Review under a GIPA access request dated 1 April 2019 and received a response on 16 May 2019 listing documents that will be released to us on payment of $210.

As an association with limited resources we are reluctant to pay for information that we feel should be in the public domain.

We hope that the IPC will request Lane Cove Council to make available to it the reports/minutes relevant to the Design Review and place these details on its website.

The GCA submission addressing the terms of reference of the IPC review is attached herewith.

We welcome the opportunity to discuss our submission with Panel members.

Yours faithfully

Merri Southwood
President