

Gateway Determination

Planning proposal (Department Ref: PP_2015_LANEC_003_00): to amend the maximum building height for the site at 1-13A Marshall Avenue, St Leonards.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Lane Cove Local Environmental Plan 2009* to amend the maximum building height for the site at 1-13A Marshall Avenue, St Leonards, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be revised to:
 - (a) include detailed urban design consideration of the proposed development in relation to the transition in height to surrounding development, and the minimisation of overshadowing, privacy, and view impacts;
 - (b) respond to the findings of the St Leonards South Master Plan, including consideration of the built form relationship between the proposal site and the Master Plan area;
 - (c) measure and illustrate the cumulative impact of overshadowing in the locality, including that resulting from the adjacent planning proposal site located at 75-79 Lithgow Street and 84-90 Christie Street;
 - (d) address the cumulative impacts of increased traffic on the locality. This traffic analysis should take into account the proposed and recently approved major mixed use development in the St Leonards area; and
 - (e) include a Site Identification Map, the current Height of Buildings Map sheet on which the site appears, and the proposed amended Height of Buildings Map sheet.
2. Prior to undertaking public exhibition consultation is required under section 56(2)(d) of the Act with the following divisions within Transport for New South Wales:
 - Roads and Maritime Services; and
 - Sydney Trains.

Council is to consult with both Roads and Maritime Services and Sydney Trains regarding the proposed St Leonards Rail Plaza, and the planning proposal is to be updated in accordance with their responses for exhibition purposes.

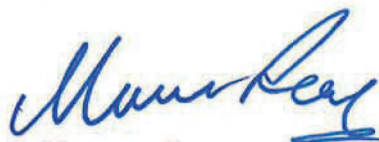
Each division is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least **21 days** to comment on the proposal.

The divisions may request additional information or additional matters to be addressed in the proposal. The planning proposal is to be revised to address any submissions from these divisions, and copies of all submissions must be included with the revised proposal.

3. The planning proposal is to be amended to reflect the above conditions and a copy provided to the Director, Metropolitan (CBD) prior to community consultation under sections 56(2)(c) and 57 of the Act being undertaken.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 14th day of August 2015.



Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning



Contact: James Sellwood
Phone: (02) 9228 6583
Email: james.sellwood@planning.nsw.gov.au
Postal: GPO Box 39 SYDNEY NSW 2001

Our ref: PP_2015_LANEC_003_00 (15/09277)
Your ref: 30639/15

Mr Craig Wrightson
General Manager
Lane Cove Council
PO Box 20
Lane Cove NSW 1595

Dear Mr Wrightson

Planning proposal to amend Lane Cove Local Environmental Plan 2009

I am writing in response to Lane Cove Council's letter, dated 28 May 2015, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the maximum building height for the site at 1-13A Marshall Avenue, St Leonards.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Nevertheless the Department of Planning and Environment remains concerned that the height of the proposed tower is out of scale with existing development in the vicinity, and may negatively impact views and privacy, and cause overshadowing.

There are a number of matters that must be addressed prior to public exhibition, including the cumulative impact on both traffic and overshadowing in the St Leonards South area. The transition in height and scale between the site and the St Leonards South area also needs to be addressed. The planning proposal should also be revised to take into account the outcomes of the St Leonards South Master Plan.

The Department remains concerned about the cumulative impacts of spot rezoning and development in the St Leonards area. Council should give consideration to working strategically with North Sydney and Willoughby councils to address these impacts.

The amending Local Environmental Plan is to be finalised within **12 months** of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete local environmental plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr James Sellwood of the Department's Metropolitan (CBD) office to assist you. Mr Sellwood can be contacted on (02) 9228 6583.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

14/08/2015

Encl:
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