

ATTACHMENT 2



planning consultants

Planning Proposal

Amendment to Floor Space Ratio and Height of Building Maps of Lane Cove LEP 2009



Lane Cove LEP 2009 Amendments
1-25 Marshall Avenue, St Leonards

Prepared for: Loftex Pty Ltd
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Planning Proposal

1-25 Marshall Avenue, St Leonards

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Planning Proposal

1-25 Marshall Avenue, St Leonards

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1 Commission

Don Fox Planning (DFP) has been commissioned by Loftex Pty Ltd (Loftex) to prepare a Planning Proposal for 1 – 25 Marshall Avenue, St Leonards to amend the Height of Building and Floor Space Ratio Maps in Lane Cove Local Environmental Plan (LEP) 2009.

This Planning Proposal has been prepared to satisfy the requirements of the Department of Planning's *A Guide to Preparing Planning Proposals*. The Guide specifies that a Planning Proposal should comprise four parts as follows:

- **Part 1** – A statement of the objectives or intended outcomes of the proposed LEP.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – A justification for the objectives, outcomes and provisions proposed in the LEP and the process for their implementation.
- **Part 4** – Details of the community consultation that is to be undertaken on a Planning Proposal.

Each of these parts will be addressed in this report.

This Planning Proposal should be read in conjunction with the following two documents that accompany the Planning Proposal:

1. The GM Urban Design & Architecture Pty Ltd Urban Design Report Marshall Avenue Precinct St Leonards, October 2011. This report has been prepared as a guiding document which undertakes a comprehensive site and context analysis which identifies site opportunities and constraints, develops a vision and design principles for the site all which inform this planning proposal.
2. The proposed amendments to Lane Cove Development Control Plan 2009 (refer to letter prepared by Don Fox Planning dated 7 October 2011).

2 The Subject Site

The subject site is located within the Lane Cove Local Government area and comprises 19 properties as set out in **Table 1**.

Table 1: Property Description

Property	Legal Property Description
1 and 1A Marshall Avenue	Lot 17 Section 1 DP 7259
3 Marshall Avenue	Lot 181 DP 1044948
3A Marshall Avenue	Lot 182 DP 1044948
5 Marshall Avenue	Lot 191 DP 1048543
5A Marshall Avenue	Lot 192 DP 1048543
7 Marshall Avenue	Lot 201 DP 633091
7A Marshall Avenue	Lot 202 DP 633091
9 Marshall Avenue	Lot 1 DP 1068458
9A Marshall Avenue	Lot 2 DP 1068458
11 Marshall Avenue	Lot 2 DP 602010
11A Marshall Avenue	Lot 1 DP 602010

Property	Legal Property Description
13 Marshall Avenue	Lot 232 DP 566002
13A Marshall Avenue	Lot 231 DP 566002
15 Marshall Avenue	Lot 2 DP 209715
15A Marshall Avenue	Lot 1 DP 209715
17 Marshall Avenue	Lot 25 Section 1 DP 7259
19 and 21 Marshall Avenue	Lot 26 DP 666506
23 Marshall Avenue	Lot 27 Section 1 DP 7259 and Lot 1 DP 1083410
25 Marshall Avenue	Lot 28 Section 1 DP 7259

Appendix A contains a detailed survey of the subject site. The subject site has a total site area of 6,296.1m².

Figure 1 shows the location of the site in relation to the broader St Leonards area. The site occupies the whole street block bounded by Marshall Avenue, Canberra Avenue, Marshall Lane and Berry Road.



Figure 1: Subject site and surrounds

2.1 Site Description

The site has a southern slope falling from Marshall Lane to Marshall Avenue. From Berry Road the site falls towards Canberra Avenue before rising slightly back up to Canberra Avenue.

The site is currently occupied by dwelling houses, the majority being semi-detached dwellings constructed in the early decades of the 1900s. No. 25 Marshall Avenue at the corner of Berry Road is used as a medical practice. Due to the slope of the land the houses are all elevated above street level and the front boundaries are characterised by substantial retaining walls and fencing.

All dwellings have vehicular access from Marshall Lane.

2.2 Surrounding Area

The subject site is located on the fringe of the St Leonards commercial precinct, adjacent to the North Shore Railway line and diagonally opposite St Leonards railway station with the furthest part of the site being approximately 250m from the station. The site is also located on a strategic bus corridor as identified in the draft Inner North Subregional Strategy.

Surrounding development comprises:

- Commercial / retail development on the opposite side of Marshall Lane and fronting the Pacific Highway ranging in scale from 2 to 4 storeys.
- The North Shore railway line to the east in a cutting. Beyond the railway line along Lithgow Street is commercial development currently of 2 to 4 storey scale. The Minister for Planning and Infrastructure (through the Planning Assessment Commission) has recently determined a Part 3A Concept Plan at 88 Christie Street for a 18 storey (plus plant room) commercial building envelope to a maximum height of RL149.05 metres (AHD).
- Detached residential development to the south comprising single and two storey detached houses. Nos 14 and 16 Marshall Avenue (western end) are used as medical practices. Single and two storey residential development extends south along both Canberra Avenue and Holdsworth Avenue.
- Commercial development to the west at the corner of Berry Road and Pacific Highway of 3 to 7 storey scale transitioning to lower scale residential away from the Pacific Highway.

A comprehensive site analysis is provided in the Urban Design Report prepared by GM Urban Design & Architecture Pty Ltd which includes an analysis of the site, surrounding context and opportunities and constraints for the site. The analysis considers surrounding land uses, surrounding building heights, topography, pedestrian and vehicular connectivity, public transport linkages, streetscape, landscape character, open space linkages, views and shadow impacts.

3 Current Zoning and Controls

The subject site is zoned B4 – Mixed Use under Lane Cove LEP 2009.

The site is subject to the following development standards which are relevant to the Planning Proposal:

- Floor Space Ratio (FSR) of 5.1:1; and
- Building Height of 36m for the majority of the site and 9.5m for an edge along the Marshall Avenue frontage.

4 The Proposal

The strategic justification for the Planning Proposal is set out in the Urban Design Report prepared by GM Urban Design and in Section 5 below. The rationale behind the Planning Proposal is founded on the strategic objectives for the St Leonards strategic centre, and the surrounding context and recent Concept Plan approval for 88 Christie Street, the opportunities and constraints of the site.

The analysis also considers the potential built form outcome arising under the current FSR and Building Height development standards contained in Lane Cove LEP 2009 and the more detailed development controls in the Lane Cove DCP 2009. The built form analysis has identified potential impacts that would occur with a compliant scheme. Taking into account the potential impacts of a compliant scheme, GM Urban Design has considered 3 options for the site:

- Option A – a scheme that complies with the building height development standard in Lane Cove LEP 2009.
- Option B – a scheme which involves variations to the building heights development standard in Lane Cove LEP 2009. This option splits the site into 2 halves – one which lowers building height, the other increasing building height.
- Option C – a scheme which also involves variations to the building heights development standard in Lane Cove LEP 2009 by lowering building height for 2/3rd of the site and increasing height for 1/3rd of the site in the form of a tower.

Options B and C are designed to reduce the impacts associated with the compliant (option A) scheme. Option C is the option preferred by GM Urban Design.

The graphic representation of the 3 options is set out in the Urban Design Report. The outcome of the analysis forms the basis of the Planning Proposal which involves amending the Floor Space Ratio Map and Height of Buildings Map to reflect the preferred option (option C) in the Urban Design Report. The amended Maps are attached at **Appendix B**. The amendments essentially involve a redistribution of the current maximum floor space ratio control. The redistribution involves a reduction in building height on the western 2/3rd of the site and an increase in building height on the eastern 1/3rd of the site.

The planning and urban design objectives and advantages of the proposed amendments to the maps are discussed below.

Shadow impact to adjacent residential areas

The most significant improved planning outcome is the shadow impacts to the residential areas on the southern side of Marshall Avenue. The Urban Design Report contains shadow diagrams for the winter solstice.

Compliant: The building height and massing resulting from a compliant scheme would increase the shadow impacts to the houses, particularly at the eastern end due to the topography. Shadow impacts also extend into properties in Canberra Avenue and the eastern side of Holdsworth Avenue from 1pm at the winter solstice.

Alternate: The reduced building heights on the western part of the site in turn reduce shadow impacts. The tower element does cast a longer shadow, but because of its narrow form, shadow impacts move more rapidly across the residential area than a broader massing of a compliant scheme. Further the tower element shadow moves off the residential areas after 1pm.

The analysis demonstrates that the heights proposed in the Planning Proposal can achieve significant improvements in terms of shadow impacts to the adjoining residential areas.

Height

Under a compliant scheme (Option A in the Urban Design Report) a building height of up to 36m would be evenly distributed across the full length of Marshall Avenue (even taking into account a stepping in the built form to minimise shadow impacts).

The preferred scheme (Option C) illustrates how a reduced building height can be achieved over the western part of the site by transferring height in a tower form to the eastern end of the site. The location of the tower form has been found to be appropriate in the context of existing and proposed building height in the immediate St Leonards locality. The preferred option has culminated in buildings heights of 24m for the western 2/3rd of the site and a height that matches the recently approved Part 3A Concept Plan application for 88 Christie Street. From a contextual point of view GM Urban Design considers that the building heights recommended in Option C have urban design merit.

It is important to note here that the building heights of Option C have been further developed and tested by Tony Owen Partners to inform the building heights shown in **Appendix B**. In order to take into account roof plant and variations in topography a building height of 25m is proposed for the western 2/3rds of the site. The 88 Christie Street height has been translated to a building height of 78m.

Massing to Marshall Avenue

The preferred scheme (Option C) can substantially reduce massing by transferring floor space into a tower element. This allows building massing to be broken up into smaller discrete envelopes separated by landscaped spines between each building. The building massing responds better to the built form character on the southern side of Marshall Avenue.

The Planning Proposal (combined with an amendment to the DCP controls) can achieve a much improved built form outcome with less visual impact and respond more appropriately to the two storey scale residential interface.

Relationship to Pacific Highway properties

A compliant scheme (Option A) produces a uniform height and massing to Marshall Lane. This will create a sensitive interface between buildings on the subject site and commercial development fronting the Pacific Highway. Potential issues that could arise relate to building separation and amenity issues particularly shadow, visual and acoustic impacts.

The preferred scheme (Option C) has the potential to reduce the impacts at this interface by transferring floor space in to a tower element allowing smaller footprints on the western part of the site. This also enables landscaped spines to be created between the smaller building footprints providing view corridors through the subject site from existing or future buildings on the sites fronting the Pacific Highway. The improved relationship with the Pacific Highway properties will maintain the development feasibility of those properties.

Internal amenity (SEPP 65 considerations)

As noted above the preferred scheme (Option C) encourages smaller building footprints. This creates more external faces to building envelopes. The built form outcome achieved by transferring floor space into a tower element will assist in improving SEPP 65 outcomes, particularly the principles and rules of thumb contained in the Residential Flat Design Code such as narrow building footprints, building separation, improved ventilation and solar access outcomes. The ability to comply with SEPP 65 and meeting the objectives of the Residential Flat Design Code will be significantly improved with the preferred scheme compared to a compliant scheme.

Summary

The comparative analysis of possible options has demonstrated that improved planning outcomes can be achieved through a review of the FSR and Height of Building development standards contained in Lane Cove LEP 2009.

A concurrent amendment of the development controls contained in Part D – Commercial Development and Mixed Use (Locality 1: B1 Marshall precinct) of Lane Cove DCP 2009 will further reinforce the built form and residential amenity outcomes that can be achieved through this Planning Proposal. Refer to the separate submission regarding the DCP amendment.

5 A Guide to Preparing Planning Proposals

5.1 Objectives or intended outcomes

The Planning Proposal intends to amend the FSR Map and Height of Buildings Map by re-distributing the current FSR and height to achieve an improved built form outcome with reduced impacts, namely to:

1. reduce shadow impacts to the adjoining residential area to the south;
2. reduce the building bulk impacts to Marshall Avenue;
3. reduce potential impacts of the built form at the interface of the B3 – Commercial zone fronting the Pacific Highway and the B4 zone of the subject site; and
4. create opportunities for improved residential amenity on the subject site.

5.2 Explanation of the provisions

The Planning Proposal proposes to be in the form of an amendment to the Lane Cove LEP 2009 and specifically an amendment to the Floor Space Ratio Map and Height of Buildings Map. The written instrument is not proposed to be amended. The proposed amendments to the Maps are provided in **Appendix B** and generally split the site into two parcels.

	Eastern Parcel	Western Parcel
FSR	10:1	2.5:1
Building Height	78m (equating to 25 storeys including plant (78m) achieving an RL149 which is the same RL as 88 Christie Street).	25m (equating to 7 storeys including plant)

A concurrent amendment of the development controls contained in Part D – Commercial Development and Mixed Use (Locality 1: B1 Marshall precinct) of Lane Cove DCP 2009 will further reinforce the built form and residential amenity outcomes that can be achieved through this Planning Proposal. Refer to the separate submission regarding the DCP amendment.

5.3 Justification for those objectives, outcomes and provisions and the process for their implementation

This Planning Proposal recommends that the FSR and Height of Buildings Maps should be amended. This section demonstrates how the proposed amendments to the Maps will satisfy the questions that the Department of Planning applies to gateway determinations.

5.3.1 Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal is not directly the result of any strategic study or report. The Planning Proposal has arisen following a detailed analysis of how the current development standards (particularly building height) and development controls in Lane Cove Development Control Plan 2009 operate in terms of the resultant built form for a compliant development. This analysis has been undertaken in the Urban Design Report prepared by GM Urban Design. The results of the analysis are discussed in **Question 2** below.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means to achieve the objectives. In order to achieve the built form outcome of the alternate scheme, the Height of Building Map would need to be amended to permit a tower. The extent of variation in the current building height of 36m could not reasonably be achieved through use of clause 4.6 – Exceptions to Development Standards.

The FSR Map is also proposed to be amended to reflect the change in distribution of gross floor area across the overall site. This proposed amendment ensures that the FSR and Building Height controls relate to one another. The total permissible gross floor area under the current and proposed controls will remain the same. The site has a current FSR of 5.1:1 which equates to a GFA of 32110m² under the LEP. The Planning Proposal involves splitting the FSR distribution into two parcels but achieving the same potential GFA possible under the current controls, as set out below.

	Parcel A (low rise)	Parcel B (tower)	TOTAL
Site Area	4111m ²	2185m ²	6296m ²
Proposed FSR	2.5:1	10:1	5.1:1 (current)
Potential GFA	10,277.5m ²	21850m ²	32127.5m ²

3. Is there a net community benefit

The Planning Proposal can achieve improved planning outcomes that are not possible with the current FSR and Building Height development standards, including:

- Reduced height and building bulk for much of the length of Marshall Avenue. The site will in effect provide a gentler transition in built form from the Pacific Highway commercial area to the detached residential character south of Marshall Avenue.
- Reduced shadow impact to the residential areas south of Marshall Avenue by reducing building height and concentrating building height at the eastern end of the site closer to the railway line. Whilst shadow impacts of a tower form will be longer, the shadows are narrower and move across the residential area more quickly than a compliant scheme and in the afternoon are falling over the railway line or commercial area to the east.
- A reduced height over the western half of the site will increase viewing and outlook opportunities for the Pacific Highway properties when they are redeveloped.
- Opportunities for through site links, view corridors and views over the proposed buildings from Pacific Highway properties (if redeveloped).

5.3.2 Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The draft Inner North Subregion Strategy, 2007 applies. The Strategy identifies targets for the Lane Cove local government area (LGA), but because St Leonards is located within three LGAs, there are more specific objectives established for St Leonards as a strategic centre.

The draft Strategy identifies St Leonards as a Specialised Centre and is within the North Sydney to Macquarie Park Economic Corridor. An employment target of an additional 8,200 jobs is set for St Leonards which would be distributed over all three LGAs and primarily in the core Business General area (less so in transitional areas such as the

subject site). A housing target of an additional 3,900 dwellings has been set for the Lane Cove LGA and the draft Strategy identifies that mixed-use development in St Leonards as a means for increasing residential densities.

The Planning Proposal does not change the B4 - Mixed Use zoning of the site (and therefore permissible land uses) or the development potential of the site. Therefore the Planning Proposal does not affect the contribution that the redevelopment of this site can make to achieving the objectives and actions of the draft Inner North Subregion Strategy achievable under the current LEP provisions. In particular, the Planning Proposal can still assist in achieving the following key objectives of the Metropolitan Plan:

- Locate at least 80% of new housing within walking catchments of centres with access to public transport;
- Provide a mix of housing;
- Provide more jobs in centres, more houses in centres and more houses near jobs; and
- Target development around transport.

The Planning Proposal can maintain the site's opportunity to provide increased housing near established transport nodes whilst improving built form outcomes.

The Planning Proposal is considered to be consistent with the draft Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The St Leonards Strategy, November 2006 covers the Lane Cove, Willoughby and North Sydney LGAs for the St Leonards Specialised Centre as identified in the Metropolitan Plan for Sydney 2036. The St Leonards Strategy has four main purposes:

- To inform the content of a new LEP, as part of the NSW Planning Reform Program
- To identify how the economic role of the centre can be strengthened
- To identify how sustainability, amenity and a sense of place in the centre can be strengthened
- To establish a coordinated planning approach from the three councils.

The outcomes of this Strategy informed the preparation of the Lane Cove LEP 2009. As noted above, the Planning Proposal does not change the zoning or development potential of the site and therefore the site is still capable of consistency with the aims and objectives of the local strategy.

The St Leonards Strategy identified specific recommendations for precincts, including the Western Precinct which includes the Marshall Avenue land. The Strategy recommended the relaxation of land use prohibitions to allow mixed use between Marshall Lane and the Pacific Highway. This recommendation has been implemented through the application of the B4 – Mixed Use zone over the subject site. The reason for this recommendation was *"to promote the redevelopment of underdeveloped sites."* The Planning Proposal does not alter this outcome and further seeks to ensure an appropriate outcome for the site to encourage and facilitate its redevelopment in line with the Strategy.

Lane Cove Council has also prepared a draft Community Strategic Plan, 2025 which comprises several 'Planning Themes'. Our Society; Our Built Environment; Our Natural Environment; Our Culture; Our Local Economy; and Our Council. Of particular relevance is Our Built Environment which contains an objective related to Housing to "promote a range of sustainable housing options in response to changing demographics". One of the strategies to achieve this objective is "plan for concentrated growth around transport nodes".

The Planning Proposal is considered to be consistent with the St Leonards Strategy, 2006.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The consistency of the Planning Proposal against the relevant SEPPs is set out in Table 2.

Table 2: Consistency with applicable SEPPs

Environmental Planning Instrument	Consistency
SEPP 1 Development Standards	The Planning Proposal will amend Lane Cove LEP 2009 and pursuant to Clause 1.9, SEPP 1 does not apply.
SEPP 4 Development Without Consent and Miscellaneous Exempt and Complying Development	The Planning Proposal will amend Lane Cove LEP 2009 and pursuant to Clause 1.9, SEPP 4 does not apply.
SEPP 6 Number of Storeys in a Building	The Planning Proposal does not propose controls for numbers of storeys.
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	Consistent. The Planning Proposal will maintain the current development potential of the site and simply redistribute the location of the potential built form.
SEPP 55 Remediation of Land.	Capable of consistency
SEPP 60 Exempt and Complying Development	The Planning Proposal will amend Lane Cove LEP 2009 and pursuant to Clause 1.9 of WLEP SEPP 60 would not apply.
SEPP 65 Design Quality of Residential Flat Development	The Planning Proposal does not affect the ability of future residential flat buildings from complying with SEPP 65 or the Residential Flat Design Code. The resultant built form arising from the implementation of the Planning Proposal will assist in improving SEPP 65 outcomes.
SEPP 70 Affordable Housing (Revised Schemes)	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Capable of consistency
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
SEPP (Infrastructure) 2007	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
SEPP (Major Development) 2005	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
Sydney Regional Environmental Plan (Sydney Harbour Catchment)	Capable of consistency

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The consistency of the Planning Proposal against the relevant section 117 Directions is set out in Table 3 below.

Table 3: Consistency with applicable Section 117 Directions

Section 117 Direction	Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	The Planning Proposal retains the current 5.1:1 FSR. The distribution of FSR is changed to correspond with the proposed amendment to the Height of Buildings Map. The Planning Proposal is consistent with this Direction.
2. Environment and Heritage	No directions applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	This Direction applies to a zone in which significant residential development is permitted. The Planning Proposal retains the current 5.1:1 FSR. The distribution of FSR is changed to correspond with the proposed amendment to the Height of Buildings Map. The Planning Proposal is consistent with this Direction as it still achieves the over-riding objectives including providing for choice in building types and promoting the efficient use of existing infrastructure and services. In addition, the Planning Proposal also achieves the objective of setting controls which promote a better urban design outcome than the current development standards in the LEP.
3.4 Integrating Land Use and Transport	The Planning Proposal retains the current 5.1:1 FSR. The distribution of FSR is changed to correspond with the proposed amendment to the Height of Buildings Map. The Planning Proposal is consistent with this Direction.
4. Hazard and Risk	Not applicable
5. Regional Planning	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	Capable of consistency
6.2 Reserving Land for Public Purposes	Not applicable

Section 117 Direction	Consistency
6.3 Site Specific Provisions	The Planning Proposal is founded on an urban design analysis comparing the built form outcome of the current FSR and Building Height development standards against an alternative scheme that achieves better residential amenity (internal and external) and an improved urban design outcome. The Planning Proposal amends the FSR and Building Height maps to encourage the improved planning outcome, but does not relate directly to a specific design. The Planning Proposal is considered to be consistent with the Direction.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The Planning Proposal retains the current 5.1:1 FSR. The distribution of FSR is changed to correspond with the proposed amendment to the Height of Buildings Map. In this regard the Planning Proposal retains consistency with the Metropolitan Plan for Sydney 2036 and is therefore consistent with the Direction.

5.3.3 Environmental, Social and Economic Impact

8. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Not applicable.

9. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

When compared to the existing planning controls the Planning Proposal retains the existing zone and development potential (FSR control) for the subject site as a whole and is not considered to give rise to additional environmental effects. Environmental impacts arising from the redevelopment of the site would be assessed during the development application process.

10. **How has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal retains the existing zone and development potential (FSR control) for the subject site as a whole and is not considered to give rise to additional social or economic effects. The Planning Proposal can achieve social benefits through improved solar impact and built form outcomes. Social and economic impacts arising from the redevelopment of the site would be assessed during the development application process.

5.3.4 State and Commonwealth Interests

11. **Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal does not alter the public infrastructure requirements that would be required when compared to the existing zoning and planning controls. The site is within walking distance of public transport (trains and buses), employment and lifestyle retail facilities within St Leonards and Crows Nest. Upgrades to infrastructure arising from the redevelopment of the site (such as utilities and traffic) would be assessed during the development application process.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the relevant State and Commonwealth public authorities can be undertaken in conjunction with the exhibition of the Planning Proposal following the Gateway Determination. However, given that the Planning Proposal does not alter the zoning or development potential of the site, there should be no additional matters arising that were not already addressed as part of the draft LEP process that lead to Lane Cove LEP 2009.

5.4 Details of the community consultation to be undertaken

Loftex proposes to undertake a community consultation process to engage with the local community and supplement the statutory consultation processes following a Gateway Determination. The consultation strategy is currently being developed to be commenced in line with the Planning Proposal process. The main components will generally be as follows:

Community Consultation to be undertaken by Loftex

Loftex has commenced consultation with the immediate neighbours to the site to inform them of the Planning Proposal, explain the reasons why this Planning Proposal is proposed to be undertaken and to receive initial feedback. To date the consultation has involved small discussion groups with those neighbours to discuss the proposal and to seek feedback on key issues and concerns. Loftex has also consulted with Pacific Highway property owners on the opposite side of Marshall Lane, and the commercial stakeholders who own properties on the northern side of Pacific Highway.

A 1800 telephone number and website has already been established to keep the community informed during the duration of the project and during the statutory consultation phase.

Statutory Consultation

Public consultation will take place in accordance with the Gateway Determination made by the Minister for Planning in accordance with Sections 56 & 57 of the *Environmental Planning & Assessment Act 1979*. This will involve notification of the public exhibition of the Planning Proposal for a minimum period of 28 days:

- On Lane Cove Council's website;
- Publication in local newspapers; and
- Writing to adjoining landowners and relevant community groups in the immediate vicinity of the site.

6 Conclusion

The Planning Proposal seeks to amend the FSR and Height of Buildings Maps in Lane Cove LEP 2009. The Planning Proposal has arisen out of a review of the current planning controls. This review has identified that there are potential impacts with a scheme that complies with the current planning controls and an improved planning outcome can be achieved with a review of the FSR and Building Height maps.

The accompanying Urban Design Report prepared by GM Urban Design has demonstrated the urban design merits of the proposal. They have concluded that Option C which has informed the proposed amendments to the FSR and Height of Buildings Maps will achieve an improved urban design outcome when compared to the current FSR and Building Height development standards.

This report has demonstrated that the proposal is consistent with the relevant strategies and is not inconsistent with applicable environmental planning instruments or Section 117 Directions.

Planning Proposal

1-25 Marshall Avenue, St Leonards

An accompanying amendment to the Lane Cove DCP 2009 is also recommended to refine the more detailed building controls applying to the site. Many of these provisions of the DCP for this Precinct have been deferred and this Planning Proposal provides an opportunity to establish DCP controls in conjunction with the LEP provisions. The amended DCP provisions are contained in a separate submission. We would recommend that both these amendments occur concurrently as they form a suite of complementary controls for the site.

In our opinion Council should support the Planning Proposal and accordingly refer the matter to the Department of Planning and Infrastructure for the Minister's Gateway Determination in order for the statutory process to amend Lane Cove LEP 2009 to commence.