

Height and FSR amendment - 1-25 Marshall Avenue, Lane Cove

Proposal Title : **Height and FSR amendment - 1-25 Marshall Avenue, Lane Cove**

Proposal Summary : **The proposal seeks to amend the permissible height and floor space ratio controls for 1-25 Marshall Avenue, St Leonards which is now in one ownership and is zoned B4 Mixed Use. The height and FSR for the majority of the site has been reduced, with the exception of the eastern portion of the site which has been increased to allow a tower development and reduce overshadowing.**

PP Number : **PP_2012_LANEC_002_00**

Dop File No :

12/05150

Proposal Details

Date Planning : **15-Mar-2012**

LGA covered :

Lane Cove

Proposal Received :

Region : **Sydney Region East**

RPA :

Lane Cove Municipal Council

State Electorate : **LANE COVE**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **1-25 Marshall Avenue**

Suburb : **St Leonards**

City : **Sydney**

Postcode : **2036**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Tharani Yoganathan**

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RPA Contact Details

Contact Name : **Stephanie Bashford**

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DoP Project Manager Contact Details

Contact Name : **Juliet Grant**

Contact Number : **0292286113**

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub : **Metro Inner North subregion**

Consistent with Strategy : **No**

Regional Strategy :

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MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The Lane Cove LEP 2009 controls for the site are:
-a height limit of 36m for the northern part of the block with a narrow strip at 9.5m on the southern edge, flanking Marshall Avenue and
-an FSR of 5:1.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the planning proposal is to reduce shadow impacts and create higher residential amenity for the site by re-distributing the FSR within the site and allowing a higher building at the eastern end, so that one corner of the site has a tower and the remainder of the site has less capacity.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The height of building and FSR maps will be amended. This planning proposal will decrease the FSR to 2.5:1 and the height to 25m in the western portion of the site. The increase will occur in the eastern portion of the site, and will amend the FSR to 10:1 and height to 78m.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **No strategy has been prepared for this change in development standards. However an urban design study was prepared by the applicant testing 3 possible design solutions. This study is adequate.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **An FSR and Height of Buildings map has been provided.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 28 day community consultation period is considered appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Lane Cove LEP was notified in February 2010.**

Assessment Criteria

Need for planning proposal :

The planning proposal is not the result of a strategic study. An urban design study was commissioned to determine the most appropriate development standards and built form for this site, which is now in one ownership (currently developed for semi-detached dwellings). The FSR and height controls have been split between the western and eastern parcel of the land, with the eastern side containing the tower development.

The planning proposal will reduce building bulk and overshadowing for the south of Marshall Avenue.

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Consistency with strategic planning framework :

The proposal is marginally inconsistent with the draft Inner North Subregional Strategy and Metropolitan Plan and the section 117 direction 1.1 Business and Industrial Zones and 3.1 Residential Zone and to the extent that it reduces the floor area for commercial and residential uses from 32 110m2 to 31 480m2.

However both this reduction of floor space is considered a minor non compliance and it will also improve residential amenity.

The planning proposal is consistent with the St Leonards Strategy which sought to relax land use prohibitions to allow mixed use between Marshall Avenue and Marshall Lane. Council is not proposing to change the B4 Mixed Use zone.

The Subregional strategy states that the St Leonards centre is to achieve an extra 8200 jobs. While it is likely that this site will be principally developed for residential uses with little employment, its proximity to a rail station and a strategic centre and conformity with the zone makes it an acceptable outcome.

Environmental social economic impacts :

The Strategy also recommends that building form allow solar access to rear garden of residential development and upper levels of mixed use development between Marshall Lane and Marshall Avenue. The planning proposal has reduced the amount of overshadowing along Marshall Avenue. The proposed amendment to height and FSR controls will have positive environmental, social and economic impacts.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 9 Month Delegation : DG

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

Documents

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Document File Name	DocumentType Name	Is Public
council report.pdf	Proposal	Yes
maps.pdf	Map	Yes
maps2.pdf	Map	Yes
planning proposal.pdf	Proposal	Yes
Letter.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended the Planning Proposal proceed subject to the following conditions:**

- (1) The planning proposal be exhibited for at least 28 days.**
- (2) The planning proposal be completed within nine months of the Gateway Determination.**
- (3) No Public Authority consultation is required.**

Supporting Reasons : **The Planning Proposal should be approved for the following reasons:**

- (1) the proposed change are suitable as they do not substantially reduce the capacity of the site.**
- (2) the proposal will reduce overshadowing for the neighbouring properties.**

and have lesser impacts on the surrounding environment than allowed under the current controls.

Signature:



Printed Name:

SUSAN SKY

Date:

22 March '12

