

Gateway Determination

Planning proposal (Department Ref: PP-2025-201): Co-living development at 2 Marshall Avenue, St Leonards

I, the A/Director Local Planning and Council Support (North and East) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(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 incentive height and site-specific controls for land within the St Leonards South Precinct at 2 Marshall Avenue, St Leonards should proceed subject to the following

The LEP should be completed on or before 23 July 2027.

Gateway Conditions

1. The planning proposal is to be updated prior to consultation to:
 - a) Address the Sydney Plan.
 - b) Address the inconsistency with Ministerial Direction 1.13 Implementation of St Leonards and Crows Nest 2036 Plan
 - c) Address Chapter 2 of the SEPP (Transport and Infrastructure) 2021
 - d) Address Chapter 3 Part 3 of SEPP (Housing) 2021
 - e) Provide a Flood Risk Impact Assessment (FIRA) that addresses the requirements of the Ministerial Direction and is prepared in accordance with the Flood Risk Management Manual and the Flood risk management guideline LU01 2023. The planning proposal including the inconsistency with the Ministerial Direction is to be updated in response to the findings of the FIRA.
 - f) Provide updated solar analysis to demonstrate:
 - i) the shadows cast by the revised building envelope at hourly intervals on 21 June;
 - ii) the proportion of apartments within the approved development to the south that would receive at least two hours of direct sunlight to living rooms and private open space between 9 am and 3 pm on 21 June; and
 - iii) the area and proportion of the adjoining and proposed public open spaces that would receive direct sunlight at hourly intervals between 10 am and 3 pm on 21 June.

The solar analysis should distinguish the additional overshadowing caused by the proposal from that caused by existing and approved development.

The planning proposal is to be updated in response to the findings of the solar analysis.

2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable Ministerial Direction – Local Plan Making priorities under section 9.1 of the Act:
 - Transport for NSW

- DCCEEW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, July 2026) and must be made publicly available for a minimum of 20 working days; and
- (b) the planning proposal 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 *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, July 2026).

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

The timeframe for LEP completion is 23 July 2027.

Dated 14 September 2026



Eleanor Robertson
A/Director, Local Planning and Council
Support (North and East)

Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces