



IRF26/4308

## Gateway determination report – PP-2025-201

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Co-Living proposal - 2 Marshall Avenue, St Leonards

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans                                               |
|--------------------------------------------------------------------------|
| Planning proposal (Planning Ingenuity April 2026)                        |
| Council minutes (24 April 2025)                                          |
| Lane Cove Local Planning Panel minutes (25 March 2025)                   |
| Council officer's report (25 March 2025)                                 |
| Rezoning Review RR-2025-8 Record of Decision 18 September 2025           |
| Pre-Gateway Decision RR-2025-8 1 April 2026                              |
| Built Form and Open Space Analysis (Smith & Tzannes April 2026)          |
| Sample Basement and Ground Level Plan (Smith & Tzannes March 2025)       |
| Flood Assessment 1 - 2 Marshall Ave St Leonards (GRC Hydro January 2024) |
| Shadow analysis (Smith and Tzannes 2024)                                 |
| Proposed Open Space & Built Form plan (Smith & Tzannes)                  |

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |                                                                                                       |
|---------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>LGA</b>                      | <b>Lane Cove</b>                                                                                      |
| <b>PPA</b>                      | Sydney North Planning Panel (Panel)                                                                   |
| <b>NAME</b>                     | 19-storey co-living development at 2 Marshall Avenue, St Leonards                                     |
| <b>NUMBER</b>                   | PP-2025-201                                                                                           |
| <b>LEP TO BE AMENDED</b>        | Lane Cove Local Environmental Plan 2009                                                               |
| <b>ADDRESS</b>                  | 2 Marshall Avenue, St Leonards                                                                        |
| <b>DESCRIPTION</b>              | Lot 4 DP 7259                                                                                         |
| <b>RECEIVED</b>                 | 22/04/2026                                                                                            |
| <b>FILE NO.</b>                 | IRF26/4308                                                                                            |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend the incentive height and site-specific controls in the Lane Cove LEP 2009 for land within the St Leonards South Precinct at 2 Marshall Avenue, St Leonards. It is intended that the site will facilitate a co-living housing development with an affordable housing component, and 180sqm of public open space.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Lane Cove LEP 2009 per the changes below:

**Table 3 Current and proposed controls**

| Control                                                                                          | Current                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Proposed                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zone                                                                                             | R4 – High Density Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | No Change                                                                                                                                                                                                                                                                                                                                                                                                               |
| Maximum height of the building                                                                   | Base: 9.5m<br>Incentive: Part 2.5m<br>Part 65m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Base: 9.5m (No change)<br>Incentive: 72m                                                                                                                                                                                                                                                                                                                                                                                |
| Floor space ratio                                                                                | Base: 0.5<br>Incentive: 3.85                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | No change                                                                                                                                                                                                                                                                                                                                                                                                               |
| Additional Local Provisions –<br><i>Clause 7.1 Development on land in St Leonards South Area</i> | <p><u>Clause 7.1 (2)</u><br/>Clause applies to development of new buildings for the purposes of residential flat buildings</p> <p><u>Clause 7.1 (4)</u></p> <ul style="list-style-type: none"> <li>• Minimum 20% of dwellings to be studio or 1 bedroom, or both;</li> <li>• Minimum 20% of dwellings to be 2 bedroom dwellings; and</li> <li>• Minimum 20% of dwellings to be 3 or more bedroom dwellings</li> <li>• Building setbacks to facilitate communal open space between buildings</li> <li>• Minimum site area as per Clause 7.2</li> <li>• Minimum affordable housing dwellings as per Clause 7.3</li> <li>• Minimum recreation area as per Clause 7.4</li> </ul> <p><u>Clause 7.2</u><br/>3000m<sup>2</sup> minimum site area for Area 1.</p> <p><u>Clause 7.3</u><br/>Minimum 14 affordable housing dwellings for Area 1.</p> <p><u>Clause 7.4</u><br/>Minimum 900m<sup>2</sup> for recreation purposes in Area 1.</p> | <ul style="list-style-type: none"> <li>• Amend subclause 7.1(2) to include development for the purposes of co-living housing at the subject site in clause 7.1.</li> <li>• Insert an additional subclause 7.1(6) that turns off Clause 7.1(4) for co-living development at the site and requires 180sqm of public open space and 10% of the total number of co-living rooms to be affordable rental housing.</li> </ul> |

Number of dwellings

1 single storey dwelling

Co-living development  
(estimated to be 90 rooms)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The site is located at 2 Marshall Avenue, St Leonards (Lot 4 DP 7259), at the corner of Marshall Avenue and Canberra Avenue. It is approximately 5km north of Sydney CBD and has an approximate area of 688sqm.

The site currently contains a single storey dwelling with a detached garage fronting Canberra Avenue. To the east of the site is the north shore railway line, and to the south, west and north are high-density residential flat buildings of 5-20 storeys, some of which are under construction.

The site is approximately 200m south of St Leonards railway station, and 600m north west of Crows Nest metro station. Land directly to the south and west of the site is currently under construction in accordance with the approved DA79/2022, for 3 residential flat buildings (RFBs) ranging from 12-19 storeys and public open space.

The site is identified as being within 'Area 1' of the St Leonards South Precinct in the *Lane Cove LEP 2009*. It is also within the indicative area of the Low and Mid-Rise Housing (LMR) map and LMR controls may apply to the site.



**Figure 1 Subject site (Nearmap November 2025)**



Figure 2 Site context with site shown in red (Nearmap November 2025)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the incentive height of buildings map, which are suitable for community consultation.

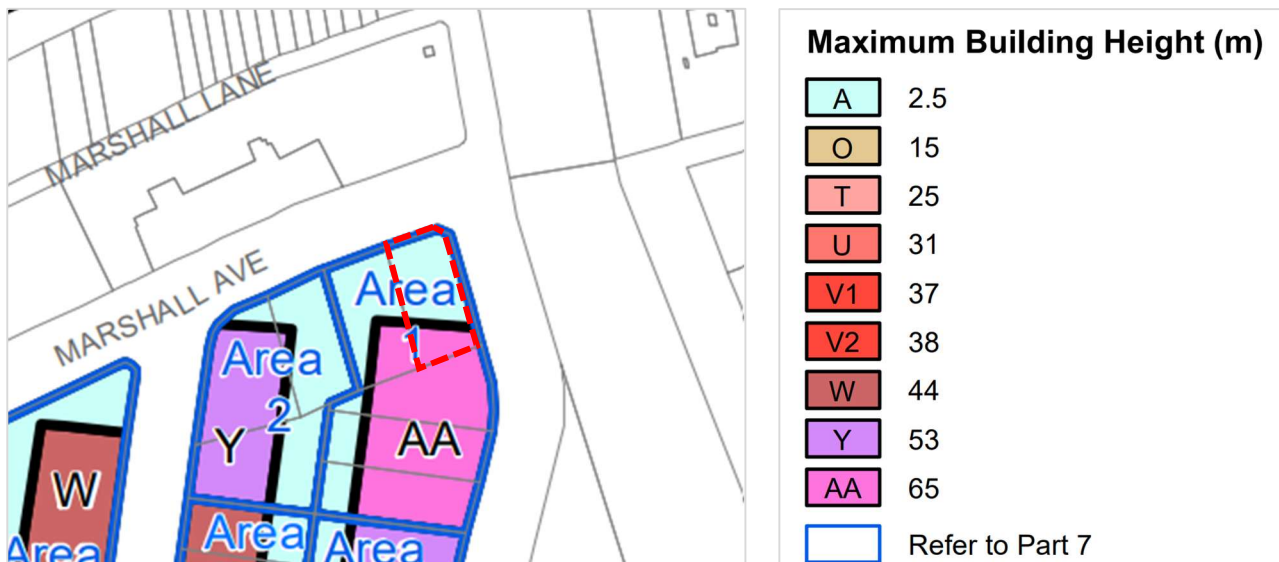
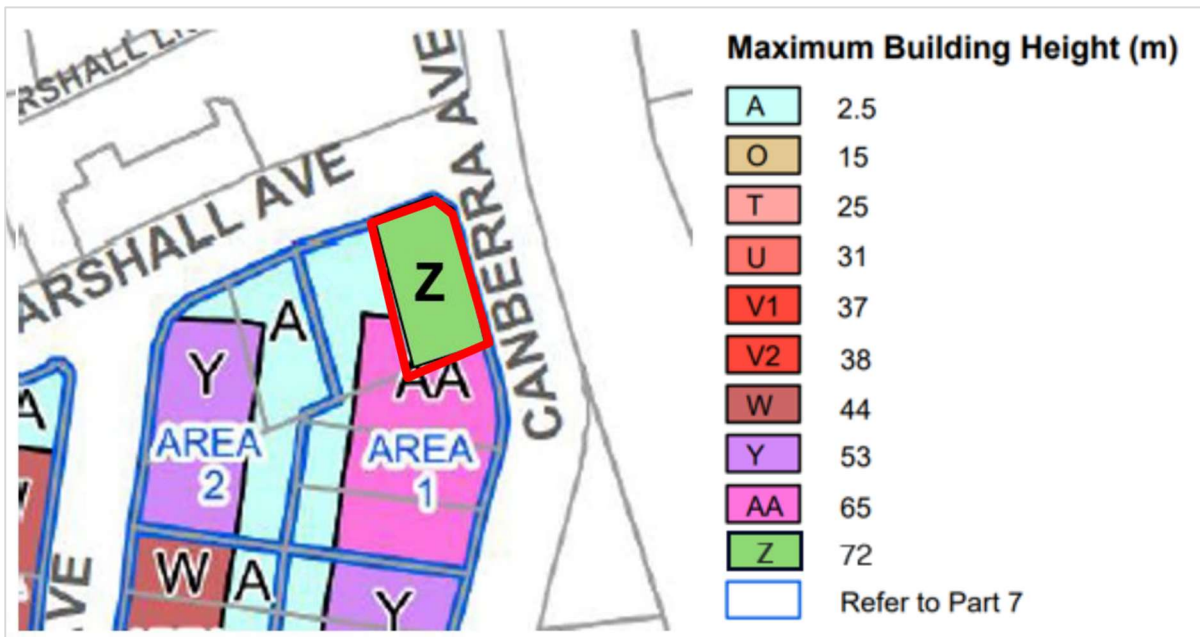


Figure 3 Current Incentive Height of Buildings Map, with site shown in red (Lane Cove LEP 2009)



**Figure 4 Proposed Incentive Height of Buildings Map (Planning Proposal April 2026)**

## 1.6 Background

The following table provides a background of the planning proposal.

**Table 4 Background**

| Date                       | Event                                                                                                                                                                                                   |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 February 2025            | Planning proposal lodged with Council                                                                                                                                                                   |
| 17 February - 3 March 2025 | Initial notification by Lane Cove Council.                                                                                                                                                              |
| 25 March 2025              | Lane Cove Local Planning Panel (LPP) determined the proposal did not have strategic or site-specific merit.                                                                                             |
| 24 April 2025              | Council resolved to not support the proposal proceeding to Gateway determination                                                                                                                        |
| 3 June 2025                | Rezoning review lodged by proponent on NSW Planning Portal.                                                                                                                                             |
| 18 September 2025          | Sydney North Planning Panel decision for PP to progress to gateway. Panel outlined rezoning review conditions to be complied with prior to the planning proposal proceeding to a Gateway determination. |
| 1 April 2026               | Sydney North Planning Panel reviewed the revised planning proposal as per conditions of the rezoning review, and recommended the revised proposal be submitted for Gateway determination.               |
| 22 April 2026              | Planning proposal forwarded to DPHI for Gateway assessment.                                                                                                                                             |

## 1.7 St Leonards South Rezoning

The site was subject to PP-2020-54 (*Lane Cove Local Environmental Plan 2009 Amendment No 25*) which was notified 31 August 2020. The amendment included the following control changes in the St Leonards South precinct;

- Rezoning from R2 Low Density Residential to R4 High Density Residential
- Public open space requirements
- Maximum building heights increased from 9.5 m to up to 65 m
- Maximum Floor Space Ratio increased from 0.5-0.6:1 to up to 3.85:1
- New design excellence clause

The amendment introduced the updated controls via a new Part 7 to the Lane Cove LEP which set out the development standards for land within the St Leonards South Area.

## 1.8 Rezoning Review RR-2025-8

On 5 September 2025 the Sydney North Planning Panel (the Panel) considered a rezoning review for the planning proposal. On 18 September 2025 the Panel determined the proposal should be submitted for a gateway determination and outlined rezoning review conditions to be complied with prior to the planning proposal proceeding to a Gateway determination, with the Panel also appointing itself as the PPA (decision attached). The conditions were outlined as below.

*The Planning Proposal and supporting documentation is to be revised to address the following:*

- *Investigate opportunities to reduce the building footprint in order to provide further public open space on site, connecting to the approved public open space for the neighbouring site. The quantum of open space proposed to be delivered should be clearly outlined.*
- *Undertake a Feasibility Analysis to investigate opportunities to deliver Affordable Housing (AH) for the proposed development. Depending on the outcomes of the Feasibility Analysis, the Panel will determine whether exemption from the Affordable Housing requirement is still required.*

The revised planning proposal was provided to the Panel by the proponent. On 1 April 2026 the Panel recommended the revised planning proposal (Pre-Gateway Option 2) for a Gateway determination, noting that the planning proposal needed to be updated accordingly (decision attached).

## 2 Need for the planning proposal

The planning proposal has been developed partly in response to the St Leonards and Crows Nest 2036 Plan (2036 Plan) and St Leonards South Master Plan.

The St Leonards and Crows Nest 2036 Plan aims to grow the St Leonards and Crows Nest area as an employment hub through mixing commercial and residential uses for a variety of people and leveraging the increased accessibility afforded by the new metro services. The plan vision identified the site as 'potential open space', which is discussed further in sections 3.4, 3.8 and 4.1. The identification of the site as potential open space was carried across to the St Leonards South Master Plan.

The subject site was rezoned in 2020 as part of the St Leonards South Master Plan rezoning (*Lane Cove LEP 2009 Amendment No. 25*). The rezoning altered the site zoning from R2 Low Density Residential to R4 High Density Residential, with the site identified within 'Area 1' of the St Leonards South area. It also imposed a height of buildings control of 2.5m to most of the site, with the southernmost portion of the site having an incentive height limit of 65m.

Subsequently, with the approval of DA79/2022 for adjacent land to the west and south of the site in the St Leonards South Precinct, the site became isolated. This places limitations on the ability for the site to be developed for both residential and open space uses in the way envisioned in the St Leonards South Master Plan and 2036 Plan.

PP-2025-201 is a proponent initiated site-specific planning proposal to facilitate development on the site for co-living residential with a public open space component. The proposal seeks to increase the incentive height of building control and alter the clauses which pertain to co-living housing on the site, both requiring an amendment to the Lane Cove LEP 2009.

A planning proposal is the most appropriate mechanism for amending the Lane Cove LEP 2009 to achieve the objectives and intended outcomes for the site.

## 3 Strategic assessment

### 3.1 The Sydney Plan

The Sydney Plan is a strategic land use plan that sets out how the NSW Government will manage this growth over the next 20 years. The Sydney Plan replaces the Greater Sydney Region Plan: A Metropolis of Three Cities (2018) and the 5 district plans, establishing a single strategic planning framework for the Sydney region.

The planning proposal is broadly consistent with the Sydney Plan, and is consistent with the following responses:

- Response 1 Implement Sydney housing targets
- Response 2 Increase housing diversity and choice
- Response 3 Secure the supply of affordable housing
- Response 7 Grow and connect public open space

It is recommended the planning proposal is updated to address the Sydney Plan. A Gateway condition is recommended to this effect.

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

| Local Strategies                                    | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lane Cove Local Strategic Planning Statement (LSPS) | <p>The Lane Cove LSPS was endorsed by the former Greater Sydney Commission in 2020. The LSPS seeks to provide a 20-year strategic land use vision to manage growth and development in the Lane Cove LGA.</p> <p>The planning proposal is consistent with the relevant priorities and actions of the LSPS, including</p> <ul style="list-style-type: none"> <li>• Planning Priority 5 - Plan for the growth of housing that creates a diverse range of housing types and encourages housing that is sustainable, liveable, accessible and affordable.</li> <li>• Planning Priority 6 - Create and renew public spaces and facilities to improve our community's quality of life.</li> </ul> |

|                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lane Cove Local Housing Strategy (LHS)                       | <p>The Lane Cove LHS was endorsed by the Department in 2021 to support the liveability vision of the LSPS. The vision centred on well-designed and sustainable residential development near transport nodes, infrastructure and services. Diverse housing options including key worker and affordable housing options were also noted.</p> <p>The LHS notes the changes for the St Leonards South LEP included:</p> <ul style="list-style-type: none"> <li>• Zoning change to R4 High Density Residential</li> <li>• RE1 Public Recreation between Park Road and Berry Road</li> <li>• Maximum building heights up to 65m</li> <li>• Maximum FSR up to 3.85:1</li> <li>• Bonus height and FSR incentive maps</li> <li>• Design excellence clause</li> </ul> <p>The LHS also recommends that in St Leonards South <i>‘additional proposals should not be pursued unless they substantially achieve priorities related to affordable housing and are consistent with Council’s ‘Principles for the location of additional housing’ in its LSPS’</i>. The proposal is consistent with these principles as it provides for higher density housing within 400m of the St Leonards Strategic Centre and train station, and is not located in any areas to be avoided.</p> <p>The proposal includes changes to the incentive height of buildings map, co-living as a diverse housing product and a 10% affordable housing requirement. This is consistent with the vision for St Leonards South and the Lane Cove LGA as set out in the LHS.</p> |
| Lane Cove Community Strategic Plan – Liveable Lane Cove 2035 | <p>The planning proposal is broadly consistent with the <i>Lane Cove Community Strategic Plan – Liveable Lane Cove 2035</i> as it will support the following community priorities:</p> <ul style="list-style-type: none"> <li>• 2.2 Community Priority – Housing <ul style="list-style-type: none"> <li>○ 2.2.1 Ensure planning controls require a diverse range of high quality housing types and encourage housing that is adaptable, accessible and affordable.</li> <li>○ 2.2.3 Plan for the growth of housing and transport services that create sustainable and liveable communities.</li> <li>○ 2.2.4 Identify opportunities to acquire affordable rental housing to contribute to affordable housing availability.</li> </ul> </li> <li>• 2.3 Community Priority – Assets, Infrastructure and Public Domain <ul style="list-style-type: none"> <li>○ 2.3.3 Investigate opportunities to improve the public domain to enhance community lifestyle.</li> <li>○ 2.3.4 Investigate opportunities to create more open space.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

### 3.3 Local planning panel (LPP) recommendation

On 25 March 2025, the Lane Cove Local Planning Panel (LPP) provided the following recommendation to Council:

1. *The Planning Proposal should not proceed to Gateway as it lacks both strategic and site specific merit.*
2. *The Council resolve to include the subject site in the current LEP review.*

On 24 April 2025, Council considered the advice of the LPP and resolved not to support the planning proposal proceeding to Gateway.

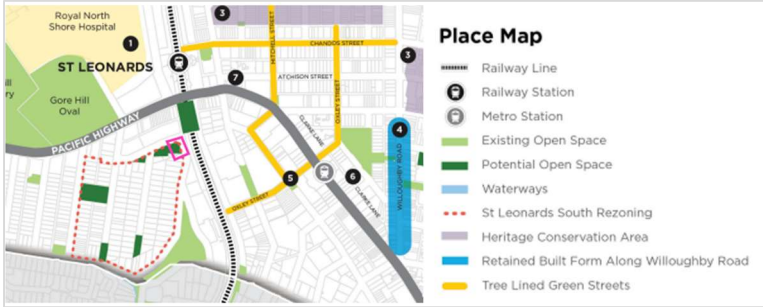
As noted in section 1.8 of this report, the planning proposal is the result of a rezoning review (RR-2025-8).

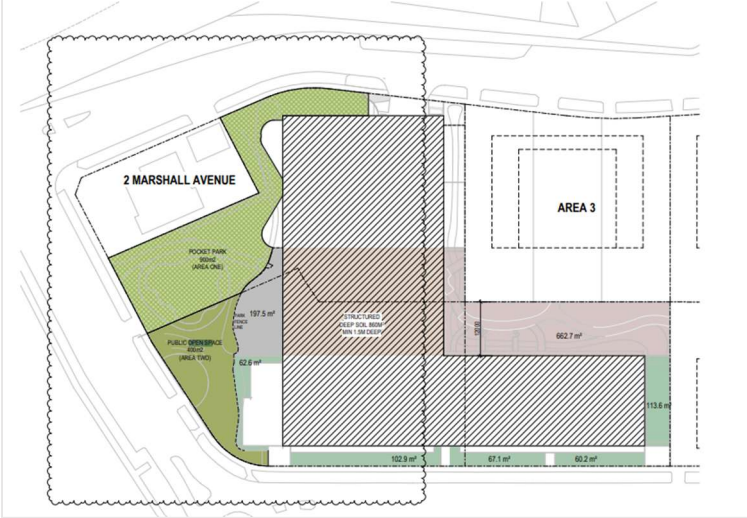
## 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

| Directions                                                  | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.4 Site Specific Provisions                                | Inconsistency justified    | <p>Direction 1.4 seeks to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposal includes changes to clause 7.1(2) and 7.1(4) to allow:</p> <ul style="list-style-type: none"> <li>• A residential flat building for the purposes of co-living</li> <li>• An incentive height of 72m</li> <li>• A new subclause requiring 180sqm off public open space and 10% of co-living apartments as affordable housing.</li> </ul> <p>The proposal is inconsistent with section 1(c) of the Direction as it imposes additional development standards/requirements in addition to those prescribed in the Lane Cove LEP 2009.</p> <p>This is of minor significance as;</p> <ul style="list-style-type: none"> <li>• The incentive height of buildings standard proposed is consistent with the R4 zoning of the site and is conditional.</li> <li>• The open space requirement has been included to directly address consistency with Direction 1.13.</li> <li>• The requirement for 10% affordable housing for the co-living component is consistent with strategic aims for the St Leonards South Precinct.</li> </ul> |
| 1.13 Implementation of St Leonards and Crows Nest 2036 Plan | Unresolved                 | <p>The Direction seeks to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the 2036 Plan).</p> <p>The proposal aligns with the plan with respect to the following precinct objectives:</p> <ul style="list-style-type: none"> <li>• Contain taller buildings between St Leonards Station and Crows Nest Metro Station.</li> <li>• In transition areas between low and high-rise developments, new development should consider the prevailing scale and existing character in the design of their interfaces.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                            | <ul style="list-style-type: none"> <li>Ensure new development contributes to a range of dwelling types in the area to cater for all life cycles.</li> <li>New development adjoining the increased setbacks and landscaped areas should contribute to its landscape character. For example, by providing planter boxes, lighting, green walls, deep planting, landscaped setbacks and forecourts.</li> </ul> <p>It is inconsistent with the following precinct objective;</p> <ul style="list-style-type: none"> <li>Ensure no additional overshadowing of public open spaces and important places in accordance with solar access controls identified on page 38 of the Plan.</li> </ul> <p>See further discussion under section 4.1 of this report. Consistency with this direction remains unresolved until further solar analysis is considered. A condition is also recommended for the planning proposal to be updated to address the inconsistency with the direction.</p> <p>The proposal is also inconsistent with the 2036 Plan as most of the site is identified as 'potential open space' (see <b>Figure 5</b>).</p>  <p><b>Figure 5 Excerpt of St Leonards and Crows Nest 2036 Plan - Site shown in pink (DPIE 2020)</b></p> <p>To provide public open space on the site, the proposal seeks to introduce an additional subclause requiring 180sqm of public open space at the ground level.</p> <p>The location and extent of the proposed open space does not directly correspond with the potential open space shown in the 2036 Plan. It is noted that there is no identified proposal to acquire the site for public open space.</p> <p>Clause 7.4 of the LCLEP 2009 requires 900 m<sup>2</sup> of public open space to be dedicated within Area 1 of the St Leonards South precinct. This requirement has been met through the provision of 900 m<sup>2</sup> of public open space on the adjoining site at 1–5 Canberra Avenue (<b>Figure 8</b>).</p> |

| Directions   | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              |                            |  <p><b>Figure 6 Excerpt of Stamped Plans for DA79/2022 showing a 900m2 pocket park at 1-5 Canberra Avenue - Area 1 (Lane Cove Council 2023)</b></p> <p>The additional 180sqm of public open space proposed on the site would supplement the approved open space on the adjoining site and contribute to the broader open space outcome envisaged by the 2036 Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.1 Flooding | Unresolved                 | <p>This Direction seeks to ensure that development of flood prone land is consistent with the NSW Flood Planning Framework and ensure LEP provisions are commensurate with the flood behaviour and consider the potential impacts on and off the land.</p> <p>The planning proposal seeks to enable a co-living development allowing a significant increase in the development and/or dwelling density of that land in the flood planning area. It is unclear if the proposal will result in significant flood impacts to other properties.</p> <p>The planning proposal is supported by a flood assessment, prepared by GRC Hydro (January 2024). Overall, the report demonstrates that some hydrologic and hydraulic modelling has been undertaken in the existing scenario however noting the existing structure on site has not been considered. However, it cannot be relied on as a complete flood impact risk assessment as there are several significant technical, policy and planning gaps.</p> <p>The flood assessment is required to demonstrate that the development can occur without unacceptable flood risk. The proposed building footprint is anticipated to increase, however the flood assessment has not demonstrated changes in flood behaviour or flood impacts on others.</p> |

| Directions            | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       |                            | <p>The flood report does not address the following matters necessary to assess the flood impacts and risks associated with the proposed development:</p> <ul style="list-style-type: none"> <li>• changes to flood levels or the direction and distribution of flood flows</li> <li>• the full range of flood risks, up to and including the probable maximum flood</li> <li>• access, evacuation and emergency response arrangements</li> <li>• the effects of climate change</li> <li>• maintenance of floodplain storage and conveyance capacity</li> <li>• impacts on the site, surrounding land and infrastructure</li> <li>• measures to manage flood impacts and any remaining risks.</li> </ul> <p>The assessment does not provide a flood impact and risk assessment consistent with current guidance.</p> <p>A Gateway condition is recommended to require the preparation of a Flood Risk Impact Assessment.</p> <p>Consistency with this Direction remains unresolved. Agency consultation with DCCEEW is recommended as a gateway condition.</p> |
| 6.1 Residential Zones | Consistent                 | <p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services and minimise the impact of residential development on environment and resource lands.</p> <p>The proposal aims to facilitate a co-living development with 180sqm of open space and 10% affordable housing on land zoned R4 High Density Residential. The site is currently occupied by a single dwelling house.</p> <p>The proposal supports the direction's aims to broaden the choice of building types available in the housing market through enabling a co-living housing development onsite and making use of existing infrastructure through proximity to the St Leonards train station. The proposal does not seek to rezone the land or reduce the permissible residential uses on the land.</p> <p>The planning proposal is consistent with the terms of the Direction.</p>                                                                                                                                                                   |

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is generally consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

| SEPPs                                                | Consistent/<br>Not Applicable | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP<br>(Housing)<br>2021                            | Unresolved                    | <p><b><u>Chapter 3 Diverse Housing, Part 3 - Co-living housing</u></b></p> <p>Chapter 3 Part 3 permits co-living development on the site under Clause 67(b), as development for the purposes of residential flat buildings is permitted under another environmental planning instrument (<i>Lane Cove LEP 2009</i>).</p> <p>The Housing SEPP sets out non-discretionary development standards and other requirements for co-living housing. The planning proposal has not considered these provisions. A gateway condition is therefore recommended requiring the planning proposal to be updated to consider the relevant provisions of Chapter 3, Part 3 of the Housing SEPP.</p> <p>It is noted that the requirements of the Housing SEPP will be considered further at the detailed development assessment stage.</p> |
| SEPP<br>(Transport<br>and<br>Infrastructure)<br>2021 | Consistent                    | <p>The SEPP plans for the provision of infrastructure and services across NSW and sets consultation requirements with relevant public authorities during the development assessment process.</p> <p>Subdivision 2 of Chapter 2 Division 15 of the Transport, and Infrastructure SEPP identifies the requirements for development adjacent to rail corridors.</p> <p>Consistency with these provisions including any proposed excavation within 25m of the rail corridor or crane use in rail airspace will be considered as part of the detailed development assessment stage. A condition of gateway is recommended for the planning proposal to consider the requirements of this SEPP.</p>                                                                                                                             |

## 4 Site-specific assessment

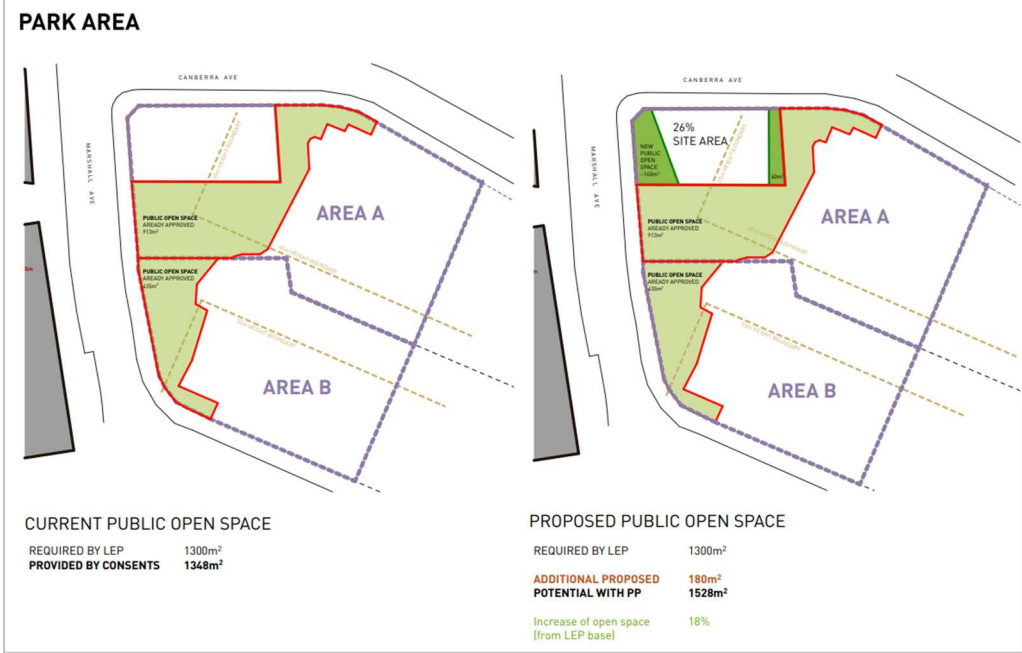
### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

| Environmental Impact                   | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flooding                               | An assessment against the provisions of Section 9.1 Direction 4.1 Flooding is in Section 3.8 of this report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Building Bulk, Visual impact and Scale | <p>The existing 2.5 m incentive height control was introduced as part of the St Leonards South rezoning to facilitate contiguous open space across the precinct. This control assumed that the site would be amalgamated with adjoining land, allowing residential development and open space to be distributed across a larger development site. The subject site has subsequently become isolated from the remainder of the precinct, constraining its development for high-density residential purposes while achieving the 2.5m height control applying to most of the site.</p> <p>The planning proposal seeks to respond to this constraint by concentrating the proposed building towards the centre of the site and providing open space around it, including open space contiguous with the approved open space on the adjoining site. Amending the application of the incentive height control would enable the permitted floor space to be concentrated within a smaller building footprint while retaining open space at ground level.</p> <p>The planning proposal states that the proposed scale is consistent with the built form envisaged for the St Leonards South precinct by the 2036 Plan, including the principle of concentrating housing density close to transport infrastructure such as St Leonards Station. Land surrounding the site is subject to maximum building heights of up to 94m to the north and incentive height controls of up to 65m to the south. In this context, the proposed 72m incentive height is not expected to be inconsistent with the emerging built form of the surrounding area.</p> <p>The proposed increase in incentive height would allow the floor space permitted under the unchanged incentive FSR of 3.85:1 to be redistributed vertically within a smaller footprint. This would support the proposed slender tower form and the provision of open space at ground level. The detailed built form, including building bulk, setbacks and impacts on the surrounding area, would require further consideration through the assessment of a future development application.</p> |
| Solar access and overshadowing         | <p>A shadow analysis prepared by Smith and Tzannes (October 2024) was submitted with the rezoning review. However, the analysis predates the reduction in building footprint arising from RR-2025-8 and should be updated to reflect the revised building envelope.</p> <p>The analysis indicates that solar access to the proposed building would be affected by the Embassy Tower between 12pm and 1pm on 21 June.</p> <p>The greatest potential impact on the neighbouring residential development is to the approved development currently under construction immediately south at 2-5 Canberra Avenue.</p> <p>The planning proposal states that this impact is reasonable as the living rooms of the development will receive solar access at 10am and after 1pm. However, the analysis does not demonstrate the proportion of apartments that would retain a minimum of two hours of direct sunlight to living rooms and private open space between 9am and 3pm on 21 June. Further analysis is therefore required to quantify the impact of the revised building envelope on solar access to the approved development to the south.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Environmental Impact | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p>The 2036 Plan includes solar access requirements that seek to protect key public open spaces by requiring new development not to cause substantial additional overshadowing during specified hours on 21 June. For St Leonards South, the Plan identifies indicative public open space to be protected from substantial additional overshadowing between 10am and 3pm on 21 June. The Plan notes that these controls may limit the bulk and scale of new development to maintain hours of solar access to these spaces.</p> <p>The proposal includes 180sqm of public open space on the site, which is expected to receive solar access between 2pm and 3pm on 21 June. Further analysis should be provided to clarify the overall solar access outcomes for both the adjoining and proposed public open spaces. This analysis should show the extent and duration of overshadowing caused by the revised building envelope, distinguish this from overshadowing caused by existing and approved development, and identify the area and proportion of each open space receiving direct sunlight at hourly intervals between 10am and 3pm on 21 June.</p> <p>An updated solar analysis should therefore be provided to demonstrate:</p> <ul style="list-style-type: none"> <li>• the shadows cast by the revised building envelope at hourly intervals on 21 June;</li> <li>• 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</li> <li>• 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.</li> </ul> <p>The analysis should distinguish the additional overshadowing caused by the proposal from that caused by existing and approved development.</p> |
| Open space           | <p>The site falls within 'Area 1' of the St Leonards South Area, as outlined in Part 7 of the <i>Lane Cove LEP 2009</i>. Under Clause 7.4 of the LEP a minimum 900m<sup>2</sup> of recreation area is required for Area 1. This minimum requirement has been met with DA79/2022 adjacent to the site, which approved 900m<sup>2</sup> of open space in Area 1.</p> <p>As noted in Section 3.5 the site was also identified as 'potential open space' in the St Leonards and Crows Nest 2036 Plan.</p> <p>The proposed additional Clause 7.1(6) includes a requirement that development at 2 Marshall Avenue St Leonards is to provide 180sqm of public open space at the ground level. The proposal is supported by a Proposed Open Space &amp; Built Form plan (Smith &amp; Tzannes) which conveys that 26% of the site area (180m<sup>2</sup>) is designated for open space, with 140m<sup>2</sup> to the north of the site and 40m<sup>2</sup> at the rear of the site to the south. <b>Figure 19</b> demonstrates that Area 1 will receive a total of approximately 1080sqm of open space, in excess of the requirement set by Part 7 of the LEP.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Environmental Impact  | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | <p><b>PARK AREA</b></p>  <p><b>Figure 7 Excerpt of open space plan (Smith &amp; Tzannes)</b></p>                                                                                                                                                                                                                                                                                                                        |
| Transport and Parking | <p>The site is well serviced by public transport, located 200m south of St Leonard's train station, 650m walking distance from Crows Nest Metro station, and has access to high frequency bus services from the Pacific Highway. The Department notes consideration of car parking requirements would be assessed at the development application stage. Consultation with Transport for NSW has been included as a condition of the gateway due to the site being within 25m of the railway corridor.</p> |

## 4.2 Social and economic

The planning proposal is unlikely to result in any significant adverse social or economic impacts.

The provision of diverse housing through a co-living development with an affordable housing component will have positive social and economic impacts. It will increase affordable housing options for key workers and low-income workers in proximity to St Leonards train station and the Royal North Shore Hospital medical precinct.

The proposal includes publicly accessible open space that would connect with the public open space currently under construction on the adjoining site. This has the potential to support the connected open space network envisaged by the 2036 Plan and contribute to the amenity of the St Leonards South area.

The community will have an opportunity to share their views on the proposal during the consultation stage.

## 4.3 Infrastructure

The site is located within an established urban area which is serviced by infrastructure and utilities.

## 5 Consultation

### 5.1 Community

The planning proposal includes a proposed community consultation period of 28 days (20 working days), as per the LEP Plan Making Guidelines (August 2023).

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- DCCEEW

## 6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 23 July 2027 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

As the planning proposal is the subject of a rezoning review and the Sydney North Planning Panel is the Planning Proposal Authority, it is recommended that the Minister retains the local plan making authority role for this planning proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the Sydney Plan and Lane Cove's LSPS
- It will contribute diverse and affordable housing product in close proximity to train and metro services.
- It is generally consistent with the section 9.1 Directions, noting Direction 1.4 Site Specific Provisions justifiably inconsistent.
- Direction 1.13 Implementation of St Leonards and Crows Nest 2036 Plan remains unresolved until further solar analysis is considered.
- Direction 4.1 Flooding remains unresolved until a Flood Impact Risk Assessment is considered.
- It is generally consistent with relevant SEPPs, noting consistency with the Housing SEPP is unresolved.
- The proposal has given consideration to the likely environmental, social and economic, and infrastructure.

As discussed, the proposal should be updated to:

- Address the Sydney Plan.
- Address the inconsistency with Ministerial Direction 1.13 Implementation of St Leonards and Crows Nest 2036 Plan
- Address Chapter 2 of the SEPP (Transport and Infrastructure) 2021
- Address Chapter 3 Part 3 of SEPP (Housing) 2021
- 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.
- Provide updated solar analysis to demonstrate:
  - the shadows cast by the revised building envelope at hourly intervals on 21 June;
  - 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
  - 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.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions are justified.
- Note that the consistency with section 9.1 Direction 4.1 Flooding and Direction 1.13 Implementation of St Leonards and Crows Nest 2036 Plan and the Housing SEPP is unresolved and will require further justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated prior to consultation to:
  - Address the Sydney Plan.
  - Address the inconsistency with Ministerial Direction 1.13 Implementation of St Leonards and Crows Nest 2036 Plan
  - Address Chapter 2 of the SEPP (Transport and Infrastructure) 2021
  - Address Chapter 3 Part 3 of SEPP (Housing) 2021
  - 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.
  - Provide updated solar analysis to demonstrate:
    - the shadows cast by the revised building envelope at hourly intervals on 21 June;

- 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
- 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.



14 September 2026

Eleanor Robertson

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

Assessment officer

Claire Ferguson

Senior Planning Officer, Local Planning and Council Support (North and East)

9995 5844