

**Item No:** 7  
**Subject:** Planning Proposal 40 - 2 Marshall Avenue, St Leonards  
**Record No:** SU10206 - 20432/25  
**Division:** Planning and Sustainability Division  
**Author(s):** Christopher Pelcz

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### **Executive Summary**

This report relates to the Planning Proposal 40 for the site at 2 Marshall Avenue, St Leonards.

The PP prepared by Planning Ingenuity Pty Ltd seeks to amend the Lane Cove Local Environmental Plan 2009 (LCLEP2009) to rezone land located at 2 Marshall Avenue, St Leonards.

The Proposal was reported (**AT-1**) to the Lane Cove Local Planning Panel (LCLPP) for advice on the 25 March 2025. In accordance with Section 9.1 of the EP & A Act, staff prepared an assessment report with recommendations in relation to the Planning Proposal including whether the proposal should be forwarded to the Minister for a Gateway Determination.

The Panel was requested to review, consider relevant issues proposed by the proponent along with the views and concerns raised in the staff report.

The LCLPP advised that Planning Proposal 40 is not supported and should not proceed to the Gateway Determination (**AT-2**).

In relation to the advice of the Lane Cove Local Planning Panel, it is recommended that Planning Proposal 40 not be supported and not be forwarded to the Department of Planning, Infrastructure and Environment.

It is also recommended that Council consider the future use of this site (and surrounding ones) as part of its upcoming LEP review.

### **Background**

The subject site is located on the southern side of Marshall Avenue and sits at the corner of Marshall Avenue and Canberra Avenue (see **Figure 1**). The site is relatively rectangular in shape and contains an area approximately 688 m<sup>2</sup>.

The site has a primary northern frontage to Marshall Avenue measured at 15.6m, with a corner splay of approximately 4.4m, and a secondary eastern frontage to Canberra Avenue of 33.5m.

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**Figure 1:** Location of site

Existing on the site is a single storey dwelling house with vehicle access provided from Canberra Avenue to a detached garage.

The immediate context of the site is dominated by high density residential buildings, either newly built or under construction, with building heights starting at 5 storeys and reaching more than 20 storeys in height.

To the north of the site is the Embassy Tower at No. 1-13 Marshall Avenue which sits on the opposite side of Marshall Avenue and reaches a height of 29 storeys.

The land directly adjoining the subject site to the east and south is currently under construction in accordance with the approval under DA79/2022. This DA was approved by Sydney North Planning Panel on 6 April 2023 for demolition of existing structures and constructions of three (3) residential flat buildings (ranging from 12 to 19 storeys) comprising a total of 232 apartments and basement parking for 348 vehicles.

### *Proposal*

The proponent-led Planning Proposal seeks the following amendments to Lane Cove LEP 2009 for the subject site:-

- Maintain the existing R4 High Density Residential zone,
- Amendment of the St Leonards South LEP clauses (Part 7) to permit the development with consent while excluding itself from the requirements for bedroom mixes, affordable housing, and minimum public open space;
- Increase the Incentive height of buildings from 2.5 metres to 53 metres,
- Retain the Incentive floor space ratio of 3.85:1 and

- Provide a small open space.

Overall, the proposed controls would result in a co-living development of 19 storeys on a 680 m<sup>2</sup> site.

#### *Further information*

Following the Panel meeting, the applicant submitted revised documents in an attempt to respond to the Panel's initial comments. These are contained in **AT-3** to **AT-8**.

After review, they are relatively similar to what was submitted to the Panel originally and do not appear to fundamentally change the proposed level of development.

#### *Submissions*

Previous comments received are discussed in **AT-1**.

### **Discussion**

#### Referral to Local Planning Panel

Planning Proposal 40 for 2 Marshall Avenue, St Leonards was referred for advice to the Lane Cove Local Planning Panel, under Section 9.1 of the EP&A Act 1979. The Panel was requested to review and consider issues and amendments proposed by the proponent along with the views and concerns raised in a staff report (**AT-1**).

The Report to the Panel examines the detailed provisions of the proponent's Planning Proposal against the strategic and site-specific merit test as well as other relevant matters. The discussion is contained within that report (see **AT-1**).

At the meeting, Council staff provided an overview of Planning Proposal 40. The proponent addressed and provided a presentation to the Panel.

Following the meeting, the Panel deliberated and provided their considered advice in the form of recommendations and reasons for their decision.

#### Panel advice to Council

In providing their advice to Council (see **AT-2**), the Panel (LCLPP) unanimously supported the recommendation of the staff's report but raised some matters for clarification – which are contained in **AT-2** and discussed below.

*The Panel notes the Officer's Report above, however, makes the following points to correct and clarify certain statements in the Report:*

- a) The Report should acknowledge that the NSROC Design Review Panel (DRP) on 24 March 2024 considered a pre-DA for a co-living housing development prepared by a different architect, and not the PP currently being considered. The Panel considers that the PP should have been referred the DRP for comment on its site specific merit.*

Comment: Prior to the Panel meeting, this matter was discussed with the Panel Chairperson and staff. It was agreed that the new plans were relatively similar to the previous submitted plans and no further review was required.

- b) *The Report should also acknowledge that the site is identified on the indicative map of low and mid-rise (LMR) housing areas and benefits from the uplift in FSR and height relevant to land in Zone R4 pursuant to Chapter 6 of the Housing SEPP). The LMR provisions are only a recent statutory planning change but provides future development alternatives for the subject site, subject to a merits assessment of the development application.*

Comment: At the time of writing the Panel report, the Low and Mid rise reforms were not known to either staff or the applicant. The reforms came into effect on 28 February 2025. However, it is acknowledged that the reforms apply to this site and others due to the proximity of the St Leonards train station.

Overall, the Panel recommended that:

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.*

## **Conclusion**

It is recommended that Council not support the Planning Proposal as suggested by the Local Planning Panel.

Further, it is recommended that Council consider the future use of this site and others in the precinct as part of its upcoming LEP review.

## **RECOMMENDATION**

That Council:

1. receives, notes and endorses the advice of the Local Planning Panel,
2. not support Planning Proposal 40 as it lacks strategic and site-specific merit, and
3. includes this site and others, indicated in Council's planning documents, for the upcoming LEP review.

Mark Brisby  
**Director - Planning and Sustainability**  
**Planning and Sustainability Division**

## **ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Local Planning Panel - REPORT	20 Pages	Available Electronically
<b>AT-2</b> <a href="#">View</a>	Local Planning Panel - ADVICE	5 Pages	
<b>AT-3</b> <a href="#">View</a>	Additional Info - Cover letter	4 Pages	Available Electronically
<b>AT-4</b> <a href="#">View</a>	Additional Info - Sample Basement Plan	1 Page	Available Electronically

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<b>AT-5</b> <a href="#">View</a>	Additional Info - Sample mid and upper level plan	1 Page	Available Electronically
<b>AT-6</b> <a href="#">View</a>	Additional Info - Solar Access Analysis	1 Page	Available Electronically
<b>AT-7</b> <a href="#">View</a>	Additional Info - Solar and Outlook Anyalsis	1 Page	Available Electronically
<b>AT-8</b> <a href="#">View</a>	Additional Info - Letter of Offer	2 Pages	Available Electronically
<b>AT-9</b> <a href="#">View</a>	Planning Proposal 40	65 Pages	Available Electronically
<b>AT-10</b> <a href="#">View</a>	Concept Building Envelope	1 Page	Available Electronically
<b>AT-11</b> <a href="#">View</a>	Solar Access Analysis	1 Page	Available Electronically
<b>AT-12</b> <a href="#">View</a>	Flood Assessment	15 Pages	Available Electronically
<b>AT-13</b> <a href="#">View</a>	Final minutes of the NSROC Design Review Panel	5 Pages	Available Electronically