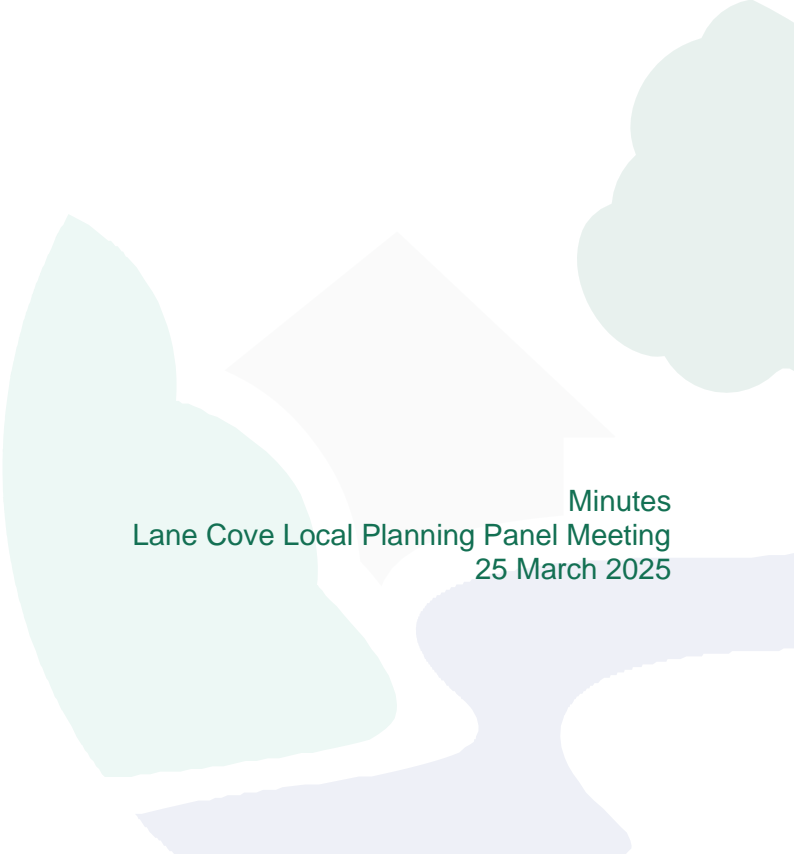




**Lane Cove  
Council**



Minutes  
Lane Cove Local Planning Panel Meeting  
25 March 2025

**Lane Cove Local Planning Panel 25 March 2025  
MINUTES**

**PRESENT:** Ms Jan Murrell, Chair  
Mr Brendan Randles, Planning Expert  
Ms Sandra Robinson, Planning Expert  
Mr Ian Longbottom, Community Representative

**ALSO PRESENT:** Mr Mark Brisby, Director, Planning and Sustainability  
Mr Christopher Pelcz, Co-ordinator, Strategic Planning  
Ms Angela Panich, Panel Secretary

**DECLARATIONS OF INTEREST:** Nil

**APOLOGIES**

Nil

**LANE COVE LOCAL PLANNING PANEL REPORTS**

**PLANNING PROPOSAL 40 - 2 MARSHALL AVENUE, ST LEONARDS**

**RECOMMENDATION**

Pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel at its meeting of 25 March 2025 recommends to the Lane Cove Council that Planning Proposal No. 40 not proceed to Gateway for the following reasons:-

**A. Does not Pass the Strategic Merit Test**

*Reasons:*

- 1) Is inconsistent with the *Greater Sydney Region Plan* Objective 31 that “*public open space is accessible, protected and enhanced*”.
- 2) Is inconsistent with the *North District Plan* Actions 31 & 34 which is to deliver and implement a Place Strategy and Infrastructure Plan for the St Leonard’s health precinct and to “*deliver new high open space, upgrade public areas, and establish collaborative place-making initiatives*” – in St Leonard’s.
- 3) Is inconsistent with the State Government’s Crow’s Nest TOD plans (including the Design Guide) which show this site specifically as public open space.
- 4) Is inconsistent with Section 9.1 Ministerial Direction 1.13 because it does not achieve (and undermines) the intended outcomes of the Crow’s Nest TOD plans and is not of minor significance.
- 5) Is inconsistent with the following actions of Council’s *Local Strategic Planning Statement*.
  - a. Implement Council’s planning responses in St Leonards South to facilitate delivery of the 6 - 10 year (2021 - 2026) housing supply.
  - b. Improve connections to the Green Grid, where possible, to enhance liveability.

c. Identify opportunities for the provision of more open space in the planning proposal and development assessment phases.

- 6) Is inconsistent with Council's adopted Local Housing Strategy which states that Council should only pursue planning proposals or other planning framework changes in the Lane Cove LGA if they include a principal affordable housing purpose. The proposal actively seeks to remove itself from this requirement

**B. Does not comply with Section 3.33 of the NSW Environmental Planning and Assessment Act**

*Reason:*

This section of the Act deals with the preparation, explanation and justification of Planning Proposals – which requires Proposals to state whether they will give effect to both a Local Strategic Planning Statement and comply with the relevant directions under section 9.1.

Having considered the above, the Planning Proposal is inconsistent with Section 3.33 (2)(c) of the EP&A Act because the Planning Proposal will not “give effect to” Council's Local Strategic Planning Statement and does not comply with the relevant Section 9.1 Ministerial Direction (i.e. Direction 1.13).

**C. Does not pass the Site-specific Merit Test**

*Reasons:*

- 1) Both State Government and Council plans show this site as public open space (along with their surrounds) with no residential development. This is confirmed across a range of endorsed plans. It is correct that the area around the site was to be developed as residential with attached open space however Council's plans were for the developer to acquire this site and use it as public open space.
- 2) Based on the building envelope, Council is not satisfied that such a building could be built on site to satisfy controls (particularly setbacks, basements and waste).
- 3) Council's Design Review Panel found that the entire proposal lacked merit and *“the design proposal does not demonstrate design excellence in terms of master planning, built form, sustainability or connection with Country. In addition, the proposal does not demonstrate adequate design quality in respect to the Apartment Design Guide”*.
- 4) If the proposal is approved, it will reduce the amount of public open space infrastructure in the St Leonard's South precinct. The amount provided in the proposal is not an improvement or an offset.

**D. Does not comply with Council's intended plans for the site**

As shown above, all State and Local Government planning have consistently designated this site (and the surrounding ones) as public open space.

Based on recent Development Application (DA) approvals in the area, Council should give consideration to a future rezoning of this site and others in the area as RE1 Public Recreation.

**LOCAL PLANNING PANEL'S CONSIDERATION**

Lane Cove Local Planning Panel recommends that Lane Cove Council adopt the recommendation of the Officer's Report that the Planning Proposal (PP) should not proceed to Gateway as it lacks both site specific and strategic merit.

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.
- 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.

Prior to determination the towers to the south on 11 April 2023, the question of the subject site being isolated was considered in an assessment report and by the consent authority. On the basis of the development options presented, it was determined that the subject site was capable of being developed in accordance with the planning controls at that time and now the LMR option is available.

The Panel notes that while the Proponent referred to the dedication of a portion of the site for open space as a public benefit of the PP, there is no mechanism proposed to provide certainty that the ultimate development would include any community benefits. Furthermore, the public open space proposed may not achieve the desired urban design outcome set out in the various strategic plans for the area. The Panel also does not accept that the potential adverse impacts of the built form (such as overshadowing, impact on views/outlook and privacy) can or should be deferred to the DA stage.

Consultants for the Proposal stated a tall building is appropriate for the site because this is consistent with surrounding development and as such justifies the significant uplift. Indeed the amalgamation in the LEP envisaged that the subject site, and other open space to be dedicated, would provide the necessary open space and landscaped setting with a generous corner setback for the towers. The urban design outcome for the public domain was part of the Council's Strategy and a 53m tall building with a minimal setback, of 2 metres in places, would not achieve an appropriate urban design outcome.

The Proponent is now seeking in this PP an exponential uplift in height and FSR. At the same time, an exemption from the obligations currently required by the planning system (notably minimum site area, dedication of open space and provision of affordable housing) is sought. It was submitted that the quantum of open space is already provided by the large, amalgamated site to the south and therefore the subject site is not required for open space.

The Proponent further submits that the PP would 'reinstate' the controls previously provided in the LEP's incentive clause for the site amalgamation. However, that is now extinguished and it was only available through site amalgamation, and not for each site to be developed to that potential. This would be apposite to orderly and economic

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development with no consideration for the public benefit of intense redevelopment.

The Proponent is correct in saying there is no acquisition clause for the subject site as open space, and the LEP is 16 years old. At the same time, the large, amalgamated site to the south was only granted approval in the last two years. The Panel understands the LEP is in the process of being reviewed and exhibition is anticipated in the latter half of this year. Therefore, it appears timely that the subject site be evaluated as to the appropriate zoning and controls for inclusion in the review.

At the same time, the Proponent has the opportunity to seek redevelopment of the subject site in accordance with the current expanded planning regime that would then be comprehensively assessed on its merits.

**PANEL RECOMMENDATION TO THE 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.

The decision of the Panel was unanimous

**CLOSE**

The meeting closed at 5.40pm

\*\*\*\*\* END OF MINUTES \*\*\*\*\*