

Planning Proposal

177-183 Greenwich Road, Greenwich



Amendment to Lane Cove Local Environmental Plan 2009

Prepared for Winten Property Group
Submitted to Lane Cove Council

December 2024

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Table of Contents

1	Introduction	10
1.1	Project Team.....	11
1.2	Report Structure.....	11
2	Case for Change.....	12
3	The Site and Locality	14
3.1	Site Description	14
3.1.1	Existing Built Form.....	17
3.1.2	Vegetation	18
3.1.3	Topography	18
3.1.4	Heritage	18
3.2	Surrounding Locality	18
3.2.1	Immediate locality	18
3.2.2	Broader locality.....	21
3.3	Surrounding Transport Networks	23
4	Engagement with Council	24
5	Statutory Context	27
5.1	Land Use Zone.....	27
5.2	Height of Buildings	28
5.3	Floor Space Ratio	28
5.4	Land Reservation Acquisition	29
5.5	Heritage.....	29
5.6	Environmental Protection Land.....	30
6	Planning Proposal Assessment	31
6.1	Part 1: Objectives and Intended Outcomes	31
6.1.1	Voluntary Planning Agreement.....	32
6.2	Part 2: Explanation of provisions	33
6.2.1	Rationale for Proposed Development Standards	34
6.3	Part 3: Justification of strategic and site-specific merit	38
6.3.1	Section A: Need for a Planning Proposal	38
6.3.2	Section B: Relationship to Strategic Planning Framework.....	39
6.3.3	Section C: Environmental, Social and Economic Impact	55
6.3.4	Section D: Infrastructure.....	68
6.3.5	Section E: State and Commonwealth Interests.....	68
6.4	Part 4: Mapping.....	68
6.5	Part 5: Community Consultation	70
6.6	Part 6: Project Timeline.....	70
7	Conclusion.....	71

Figures

Figure 1: Subject site and Planning Proposal (Source: Nearmap)	15
Figure 2: Surrounding locality (Source: PBD Architects)	15
Figure 3: View of site from 183 Greenwich Road facing north-west (Source: Google Maps).....	16
Figure 4: View of site from 179 Greenwich Road facing west (Source: Google Maps)	16
Figure 5: View of site from 177 Greenwich Road facing west (Source: Google Maps)	16
Figure 6: Southern portion broader 177-183 Greenwich Road land	17
Figure 7: Site Survey for east of the site (Source: PBD).....	17
Figure 8: Aerial view of site facing east (Source: Nearmap)	19
Figure 9: Aerial view of site facing west (Source: Nearmap)	20
Figure 10: Adjacent sites and built form (Source: PBD Architects).....	20
Figure 11: Jago Street Reserve identified in green (Source: PBD Architects)	21
Figure 12: The site in context of the Eastern Harbour City	22

Figure 13: Surrounding locality (Base source: Near Maps)	22
Figure 14: Walking distances to Ferry and Train Stations (Base source: Nearmaps)	23
Figure 15: Land Zoning Map (Source: Espatial Viewer)	27
Figure 16: Height of Buildings Map (Source: Espatial Viewer)	28
Figure 17: FSR Map (Source: Espatial Viewer)	28
Figure 18: Land Reservation Acquisition Map (Source: Espatial Viewer).....	29
Figure 19: Heritage Map (Source: LCLEP 2009)	30
Figure 20: Environmental Protection Map (Source: Espatial Viewer)	30
Figure 21: Proposed waterfront access (PBD Architects).....	33
Figure 22: Envelope massing comparison (Source: PBD Architects).....	37
Figure 23: Active Transport Map	40
Figure 24: North District Plan (Base source: North District Plan)	42
Figure 25: Structure Plan (Base source: LSPS).....	44
Figure 26: North District Population Growth (Source: LSPS 2020)	45
Figure 27: Coastal Use Area Map (Base source: NSW Spatial Viewer).....	52
Figure 28: Coastal Environment Area Map (Base source: NSW Spatial Viewer)	52
Figure 29: Site Plan (Source: PBD)	57
Figure 30: Section Plan (Source: PDB Architects).....	57
Figure 31: Massing study (PBD Architects)	58
Figure 32: Indicative street presence (Source: PBD)	58
Figure 33: Bushland boundary with 10m buffer (Source: Habitat Solutions)	61
Figure 34: Achievable rear setback.....	62
Figure 35: View from Greenwich Road (Source: Virtual Ideas)	64
Figure 36: View from Lane Cove River (Source: Virtual Ideas)	64
Figure 37: Proposed Height of Building Map	69
Figure 38: Proposed FSR Map.....	69

Tables

Table 1: Summary of Planning Proposal.....	7
Table 2: Project Team	11
Table 3: Planning Proposal report structure.....	11
Table 4: Legal description	14
Table 5: Consultation with Council	24
Table 6: DRP key comments.....	26
Table 7: Summary of proposed amendments to the LCLEP 2009	32
Table 8: R4 zone precedents	35
Table 9: Summary of recent DPHI reforms	35
Table 10 Strategic and site-specific merit test	38
Table 11: Alignment with the Greater Sydney Regional Plan	42
Table 12: Consideration of key planning priorities of the <i>North District Plan</i>	43
Table 13: LSPS assessment (Source: LSPS).....	46
Table 14: Consideration of key planning priorities of the Lane Cove LSPS	47
Table 15: Consistency with Local Housing Strategy Objectives	49
Table 16: Open Space Plan assessment.....	51
Table 17: Relevant State Environmental Planning Policies	53
Table 18 Section 9.1 Directions by the Minister	55
Table 19: Setback compliance	60
Table 20: Summary of Habitat Solutions assessment	67
Table 21 Indicative Project Timeline	70

Appendices

Appendix 1	Architectural Letter of Support
Appendix 2	Letter of Offer
Appendix 3	Concept Architectural Scheme
Appendix 4	Bushland Assessment
Appendix 5	Ecological Impact Assessment
Appendix 6	Traffic Impact Assessment
Appendix 7	Geotechnical Desktop Assessment
Appendix 8	Arboricultural Impact Assessment
Appendix 9	Services Infrastructure Report

Abbreviations

Applicant	Winten Property Group
BC Act	<i>Biodiversity Conservation Act 2016</i>
BOS	Biodiversity Offsets Scheme
CBD	Central Business District
DA	Development Application
DP	Deposited Plan
DPHI	Department of Planning, Housing and Infrastructure
EIA	Ecological Impact Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GFA	Gross Floor Area
HCA	Heritage Conservation Area
LCDCP 2010	<i>Lane Cove Development Control Plan 2009</i>
LCLEP 2009	<i>Lane Cove Local Environmental Plan 2009</i>
LEP	Local Environmental Plan
LGA	Local Government Area
LHS	Local Housing Strategy
LSPS	Local Strategic Planning Statement
RFB	Residential Flat Building
SEPP	State Environmental Planning Policy
TfNSW	Transport for New South Wales
TAR	Transport Assessment Report
VPA	Voluntary Planning Agreement

Executive Summary

This Planning Proposal has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Winten (No 52) Pty Ltd* (the Applicant) for land at 177-183 Greenwich Road, Greenwich, in the Lane Cove Local Government Area (LGA).

The Planning Proposal seeks to amend the height and floor space ratio (FSR) development standards that apply to part of the land under the *Lane Cove Local Environmental Plan 2009* (LCLEP 2009) to facilitate the future development of a 5 to 8-storey residential flat building.

The site

177-183 Greenwich Road Greenwich comprises nine land parcels which are zoned part R4 High Density Residential and part C2 Environmental Conservation and have a total combined area of 4,325 square metres (m²).

This Planning Proposal applies to part of these parcels, specifically, the R4 High Density Residential zoned land which fronts Greenwich Road and which is legally described as:

- Lot 1 DP 1164656
- Lot 1 DP1144468
- Lot 100 DP1181414
- Part Lot 1 DP 701766

Reference to 'the site' throughout this report should be taken to be the abovementioned lot and DP's.

The site is currently occupied by four single detached dwellings with a total area of 2,786m². The properties slope steeply to the west from Greenwich Road towards the Lane Cove River.

The site adjoins land zoned C2 Environmental Conservation, which is part of the broader land parcel comprising 177-183 Greenwich Road, and which has frontage to the Lane Cove River foreshore. Whilst this land is densely vegetated, the vegetation is generally in poor condition being dominated by exotic grasses and vines. The planning proposal does not seek any amendments to the zoning or applicable controls of the C2 zoned land.

The site does not contain any heritage items or conservation areas under the LCLEP 2009. However, the site is directly west of an Heritage Conservation Area (HCA) and local archaeological item identified as the 'Greenwich Conservation Area' (item no. H1) and the 'Fells Shale Oil Refinery' (item no. A1). Both items are not visible to pedestrians on Greenwich Road and maintain a discreet street presence as they are separated by a wired fence, surrounded by dense vegetation and sunken down from street level.

The Planning Proposal

The Planning Proposal seeks to amend the site's maximum building height and floor space ratio controls, as set out in LCLEP 2009. No change to the site's R4 High Density Residential zoning is proposed.

The proposed amendments to the current development standards are summarised in the table below.

Planning control	Existing development controls	Proposed development controls
Height of buildings	12m	21m
Floor space ratio	0.8:1	1.7:1

Table 1: Summary of Planning Proposal

The primary objective of the Planning Proposal is to provide appropriate development controls and a building envelope on the site that will facilitate the future development of a 5-8-storey residential flat building (subject to a future development application).

The Planning Proposal is justified as the current controls are not reflective of the site's R4 zoning and do not facilitate the feasible redevelopment of the site for a residential flat building. Furthermore, the proposed controls provide for a height and density of a similar scale to multiple existing residential flat buildings in the immediate locality and which is appropriately sited in relation to nearby bushland.

The Planning Proposal is supported by a Concept Architectural Scheme which demonstrates that a high-quality residential development of a suitable scale and character for the locality can be suitably accommodated on the site under the proposed controls.

In addition, a letter of support (Appendix 1) has been provided by Matthew Pullinger, Architect, who was engaged by the Applicant to peer review the proposal following its consideration by Council's Design Review Panel in September 2024. This letter concludes that the proposal represents a high quality urban design and architectural response to the character and setting of this part of Greenwich, and also reflects the efficient use of valuable R4 Zone High Density Residential land.

Strategic context

The Planning Proposal has been prepared with consideration of the following strategic plans and policies prepared by the NSW State Government and Lane Cove Council (Council):

- *Greater Sydney Region Plan – A Metropolis of Three Cities*
- *North District Plan*
- *Local Strategic Planning Statement Lane Cove Council 2020*
- *Lane Cove Local Housing Strategy 2021*
- *Liveable Lane Cove 2035 – Community Strategic Plan*
- *Open Space Plan 2016-2026*

The Planning Proposal is consistent with the relevant objectives and actions set out in these plans/policies as it will increase housing supply and diversity in the Lane Cove LGA and the broader Sydney region in a well-located area identified for high density residential development. The proposal's strategic merit is discussed further in Section 6.3.

Statutory context

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning, Housing and Infrastructure (DPHI) *Local Environmental Plan Making Guideline 2023*. The Planning Proposal is supported by technical information and investigations to justify the proposed amendments.

An assessment has also been undertaken against the relevant environmental planning instruments that apply to the site and Local Directions issued by the Minister for Planning and Public Spaces under section 9.1 of the EP&A Act. The Planning Proposal is consistent with the relevant statutory controls, including Environmental Planning Instruments and Local Directions.

Environmental, social and economic considerations

The Planning Proposal is accompanied by technical reports and studies which assess environmental, social and economic issues, including:

- built form, urban design and public domain
- traffic and transport
- contamination
- vegetation and biodiversity
- infrastructure
- economic
- social

The Planning Proposal is found to have a minimal and acceptable environmental impact and will provide net social and economic benefits for Greenwich and the locality. These matters are discussed in detail at Section 6.3.3.

Public benefits

The Planning Proposal will deliver significant public benefits, including:

- increasing housing stock and diversity in the Lane Cove LGA and broader Sydney region
- concentrating higher density housing on a site zoned for this purpose and with good access to transport and services

The Planning Proposal is also accompanied by a letter that outlines the items that Applicant may include in a Letter of Offer (Appendix 2) to enter into a Voluntary Planning Agreement (VPA) with Council. These items include:

- dedicating 1,539m² of continuous waterfront land which has an estimated value of approximately \$3 million
- assigning Council the maritime lease for the boatshed attached to 181 Greenwich Road

Next steps

The Planning Proposal is submitted to Council. The intent is for Council to support the proposed amendments to the LCLEP 2009 and refer the Planning Proposal to DPHI for review and subsequent issue of a Gateway determination.

Following the issue of a Gateway determination, the Applicant will continue to liaise closely with Council, prior to the formal public exhibition of the Planning Proposal.

Conclusion

There is a compelling strategic and site-specific justification for the Planning Proposal as it:

- provides development controls which are appropriate for a R4 High density residential zone and which will facilitate the future development of a residential flat building on the site
- will increase housing stock in the Lane Cove LGA and broader region which will assist in meeting housing targets and community needs
- concentrates housing with good access to transport and services
- diversifies unit mixes in an existing high-density residential environment
- demonstrates that future development will respect the amenity of nearby residences and maintain the character of the locality
- will not result in site isolation
- facilitates access to the foreshore land (via the proposed VPA) promoting accessibility and protection of public open space

1 Introduction

This Planning Proposal has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Winten (No 52) Pty Ltd* (the Applicant), to support amendments to the *Lane Cove Local Environmental Plan 2009* (LCLEP 2009). The Planning Proposal relates to land at 177-183 Greenwich Road, Greenwich, in the Lane Cove Local Government Area (LGA).

The land has a total area of 4,325m² is currently occupied by four single detached dwellings on the eastern part of the land zoned R4 High Density Residential, and densely vegetated areas on the western part of the land zoned C2 Environmental Conservation.

The Planning Proposal applies only to the R4 zoned land, which has a total area of 2,786m² and is legally described as:

- Lot 1 DP 1164656
- Lot 1 DP1144468
- Lot 100 DP1181414; and
- Part Lot 1 DP 701766

Reference to 'the site' throughout this report includes the abovementioned lots. Reference to 'the broader land parcel' includes all land at 177-183 Greenwich Road.

The Planning Proposal seeks to amend the LCLEP 2009, by:

- amending the maximum building height for the site from 12m to 21m
- amending the maximum FSR control for the site from 0.8:1 to 1.7:1

The primary objective of the Planning Proposal is to provide appropriate development controls and a building envelope on the site that will facilitate the future development of a 5-8 storey residential flat building (subject to a future development application (DA)).

The Planning Proposal retains the site's R4 zoning. Furthermore, it does not propose any amendments to the C2 zoning or controls applying to the western part of the site.

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning Industry and Environments (DPHI) *Local Environmental Plan Making Guideline* dated August 2023. The Planning Proposal is supported by technical information and investigations to justify the proposed amendments.

The Planning Proposal is submitted to Lane Cove Council (Council). The intent is for Council to support the proposed amendments to the LCLEP 2009 and refer the Planning Proposal to the DPHI for review and subsequent issuing of a Gateway determination.

1.1 Project Team

The project team formed to deliver the Planning Proposal is outlined in Table 2.

Discipline	Consultant
Urban Planning	Keylan Consulting
Arboriculture	Bradshaw Consulting Arborists
Geotechnical	JK Geotechnics
Traffic	Colston Budd Rogers & Kafes Pty Ltd
Concept Architectural Scheme	PBD Architects
Architectural Peer Review	Matthew Pullinger
Ecology	Habitat Solutions
Photomontages	Virtual Ideas
Infrastructure	Collective Engineering

Table 2: Project Team

1.2 Report Structure

Section	Overview
Executive Summary	An overarching summary of the findings and conclusions of the assessment contained within this Proposal.
1 Introduction	Introduction to the Planning Proposal.
2 Case for Change	Summary of the strategic merit and benefits of proposal
3 Site and Locality	A description of the site, the context and an assessment of the opportunities and constraints presented by the site.
4 Engagement with Council	A detailed description of the consultation carried out with Council throughout the preparation of the Planning Proposal
5 Statutory Planning Context	A detailed review of the proposal against relevant statutory planning legislation.
6 Planning Proposal Assessment	This section addresses each of the matters outlined in the <i>Local Environmental Plan Making Guideline</i>
7 Conclusion	A concluding statement taking into account the assessment of the proposal and a recommended course of action with regard to the determination of the proposal.

Table 3: Planning Proposal report structure

2 Case for Change

NSW is in the midst of a housing crisis. The state's current housing stock is insufficient and cannot accommodate projected population increases. The National Housing Accord (NHA) recognises the critical need to address this crisis and has set the NSW Government a target to deliver 377,000 new homes by 2029.

To deliver these 377,000 homes, NSW needs to deliver more than 6,000 homes every month. Australian Bureau of Statistics data shows NSW is slipping behind the required dwelling approvals. In July 2024 (the first month of the NHA), 3,668 dwellings were approved, followed by 3,425 in August and 2,918 in September.

In this regard, the *Review of housing supply challenges and policy options for New South Wales* report prepared by the NSW Productivity and Equality Commission in 2024 outlines that a critical component of increasing housing supply is ensuring planning controls are appropriately tailored to facilitate residential development.

The report specifically states:

'planning constraints, especially zoning restrictions, make developable land scarce in these feasible areas' and 'The government can support housing supply by allowing further density in feasible locations'.

The site subject to this Planning Proposal is entirely suitable for greater housing density as it is a large single ownership site (2,786m²), already zoned R4 High Density Residential under the LCLEP 2009 and surrounded by existing residential flat buildings and in proximity key services and infrastructure.

However, despite its high-density zoning and strategic location, the applicable height and FSR controls under the LCLEP 2009 (12m and 0.8:1 respectively) are relatively low, and similar to those typically found in low to medium density residential zones.

Accordingly, the effect of these controls has been to sterilise the site from any redevelopment to date, resulting in an anomalous built form outcome whereby four detached dwellings are otherwise surrounded by several older, large-scale residential flat buildings to the north and south (refer to Section 3.2). That is, the current controls have prevented the feasible redevelopment of the site for a residential flat building, in accordance with the objectives of the R4 zone and the character of the surrounding locality.

The existence of such unsuitable controls in some areas of the Lane Cove LGA is specifically recognised in the *Lane Cove Housing Strategy 2021*, which states:

"...it is not clear that Council residential flat building controls are well placed to deliver market rate residential flat buildings in areas outside of St Leonards South without substantial variations."

The Lane Cove LGA's population is forecast to increase by 41% between 2016 and 2036 (from 37,350 to 52,600). This growth rate is the second highest in the North District and is significantly higher than other surrounding LGA's.

Furthermore, Lane Cove's housing target is 3,400 new dwellings by 2029. To achieve this target, suitable sites should be identified and, where required, planning controls revised to facilitate housing supply.

This Planning Proposal makes the case that the site warrants additional FSR and height uplift to enable redevelopment for the purposes of a residential flat building, which can directly contribute to the accelerated delivery of diverse housing in a well located area.

The Planning Proposal is supported by the state and local strategic planning framework and provides comprehensive strategic and site-specific justification for the proposed amendments to the LCLEP 2009. Specifically:

- The site is strategically located in proximity to the Greenwich local centre (located 450m to the Greenwich local centre) and key transport/open space infrastructure (100m from two bus routes, 400m from Greenwich Wharf and 230m from Shell Park)
- The site is located within a broader R4 High Density Residential zone and surrounded by several existing multi-storey residential flat buildings to its immediate north and south.
- Given the site's size, current R4 zoning, and the character of the surrounding locality, it is entirely suitable for providing higher density housing and a greater dwelling mix than the existing 4 detached dwellings.
- The Concept Architectural Scheme prepared in support of the Planning Proposal demonstrates that a high-quality residential development of a suitable scale and character for the locality can be suitably accommodated on the site under the proposed controls.

The site currently contains the only detached dwellings in the broader R4 zone in the locality and therefore comprises a "missing piece" in high density residential built form character of the locality. It is entirely appropriate that the applicable height and FSR controls be reviewed and updated to enable the site to be developed in accordance with the zone's objectives and consistent with the higher density character of the locality.

Further discussion of strategic and site-specific merit is contained in Section 6.3.

3 The Site and Locality

3.1 Site Description

177-183 Greenwich Road, Greenwich, comprises nine parcels of land which are zoned part R4 High Density Residential and part C2 Environmental Conservation and which have a total combined area of 4325 square metres (m²). The legal descriptions of each lot are outlined within the table below.

Site address	Legal description
177 Greenwich Road, Greenwich	<ul style="list-style-type: none"> • Lot 1 DP 100205 • Lot 1 DP 1164656 • Lot 1 DP 100206 • Lot 1 DP 1007019
179 Greenwich Road, Greenwich	<ul style="list-style-type: none"> • Lot 2 DP 1144468 • Lot 1 DP1144468
181 Greenwich Road, Greenwich	<ul style="list-style-type: none"> • Lot 1 DP 329254 • Lot 100 DP1181414
183 Greenwich Road, Greenwich	<ul style="list-style-type: none"> • Lot 1 DP 701766

Table 4: Legal description

This broader land parcel (outlined in yellow in Figure 1 below) has a primary street frontage of approximately 65m to Greenwich Road and a secondary frontage to the Lane Cove River of approximately 65m.

This Planning Proposal applies to part of this broader land parcel, specifically, the R4 High Density Residential zone which fronts Greenwich Road, has a total area of 2,786m² and is legally described as:

- Lot 1 DP 1164656 (within 177 Greenwich Road)
- Lot 1 DP1144468 (within 179 Greenwich Road)
- Lot 100 DP1181414 (within 181 Greenwich Road)
- Part Lot 1 DP 701766 (within 177 Greenwich Road)

Reference to 'the site' throughout this Planning Proposal includes the four above-mentioned Lots (as outlined in red in Figure 1 below).

The site adjoins land zoned C2 Environmental Conservation, which is part of the broader land parcel and which extends to the foreshore of the Lane Cove River. Although densely vegetated, the vegetation currently is in poor condition with the majority of the area being dominated by exotic grasses and vines (further discussed in Section 6.3.3.) There is also a boatshed partially located on Lot 1 DP 329254 and the Lane Cove River. The Planning Proposal does not seek any amendments to the zoning or applicable controls of the C2 zoned land.

The site does not contain any heritage items or conservation areas under the LCLEP 2009.

The site and broader land parcel are shown within Figure 1 - Figure 6 below.



Figure 1: Subject site and Planning Proposal (Source: Nearmap)



Figure 2: Surrounding locality (Source: PBD Architects)



Figure 3: View of site from 183 Greenwich Road facing north-west (Source: Google Maps)



Figure 4: View of site from 179 Greenwich Road facing west (Source: Google Maps)



Figure 5: View of site from 177 Greenwich Road facing west (Source: Google Maps)



Figure 6: Southern portion broader 177-183 Greenwich Road land (Source: Habitat Solutions)

3.1.1 Existing Built Form

As shown in the figures above and survey plan below, within the site there are four existing two storey detached dwellings, two backyard swimming pools in Lot 1 DP1164656 and Lot 1 DP1144468 respectively and three rendered garages in Lot 1 DP1144468, Lot 100 DP1181414 and Lot 1 DP701766.

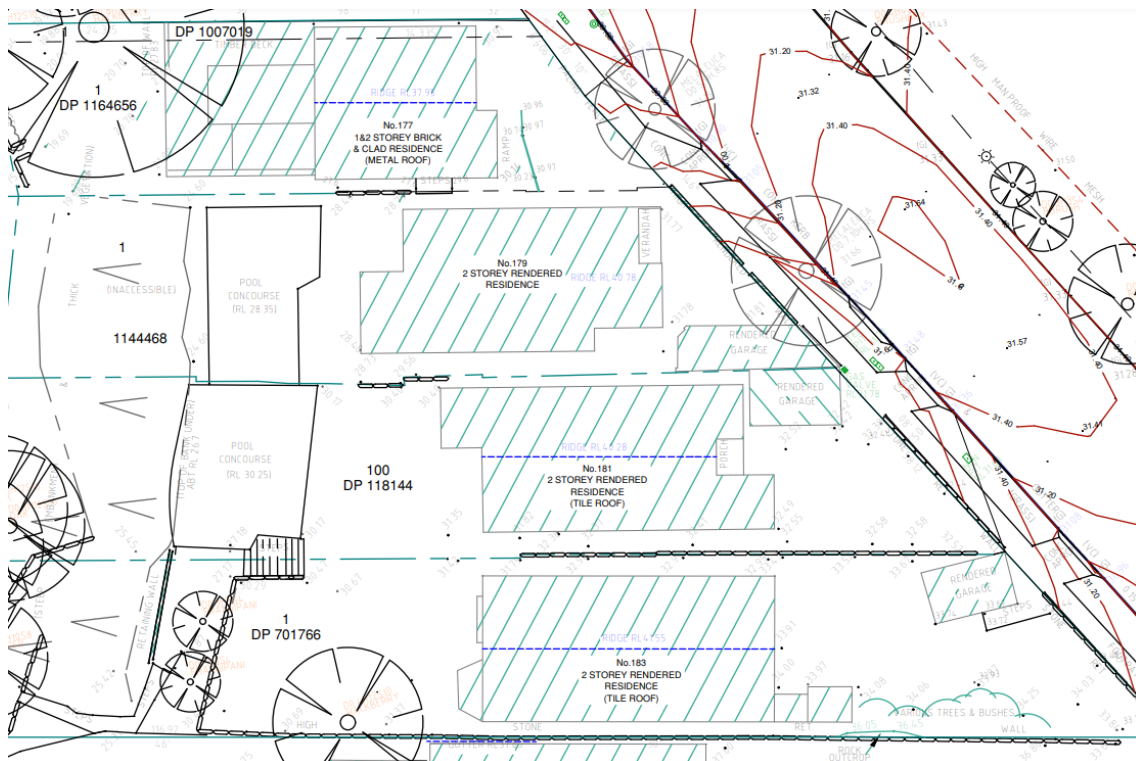


Figure 7: Site Survey for east of the site (Source: PBD)

3.1.2 Vegetation

Habitat Solutions have confirmed the vegetated area within the subject site (R4 zoned land) *...is highly degraded with no native species to align with a Plant Community Type and is classified as Exotic Vegetation.*

The broader land parcel comprises dense vegetation from the rear of each dwelling to the foreshore (refer to Figure 6). As discussed in Section 6.3.3, this vegetation is currently in poor condition with majority of the area being dominated by exotic grasses and vines.

3.1.3 Topography

The broader land parcel slopes steeply to the west from Greenwich Road towards the Lane Cove River, with each property having foreshore frontage. The fall is approximately 33m to the west.

3.1.4 Heritage

Aboriginal

The site is not known to have any archaeological potential for items of Aboriginal significance given the site has been previously developed. The site is also not known to be a site of Aboriginal significance.

Based on the above, no further assessment of Aboriginal heritage has been undertaken for the purpose of this report.

European

The site does not contain any items of European heritage, nor is it located within a Heritage Conservation Area (HCA).

3.2 Surrounding Locality

3.2.1 Immediate locality

The site's immediate locality is demonstrated in the figures below. As shown:

- Land to the north is characterised by high density residential flat buildings at 171-175 Greenwich Road and 167 Greenwich Rd (four storeys). Jago Street Reserve (identified in green on Figure 11) is accessed via Greenwich Road and comprises stairs and a 107m access path to the foreshore.
- Land to the south is characterised by several high density residential flat buildings. Specifically at 1 Landenburg Place (multi-storey) 2 Landenburg Place (6 storey), 3 Landenburg Place (multi storey) 4 Landenburg Place (5 storey) and 205 Greenwich Road (6 storey)
- Land to the east is an industrial facility known as 'The Gore Bay Terminal'. The terminal is a commercial oil terminal which supplies bunker fuels to visiting cruise liners and other ships and is operated by Shell Australia. The terminal is identified as a HCA and comprises an archaeological item known as 'Greenwich Conservation Area' (item no. H1) and 'Fells Shale Oil Refinery' (item no. A1) under LCLEP 2009.

Both items are not visible to pedestrians on Greenwich Road and maintain a discreet street presence as they are separated by a wired fence, surrounded by dense vegetation and sunken down from street level. Therefore a detailed heritage assessment has not been undertaken as part of this Planning Proposal (further discussed in Sections 5.5 and 6.3.3.)

- Land to the west is zoned C2 Environmental Conservation which extends to the Lane Cove River. A boat shed is also located at the rear of Lot 1 DP329254.

Importantly, the immediately adjacent sites to the north and south, comprising high density residential flat buildings share the same zoning, height and FSR controls as the site subject to this Planning Proposal (R4, 12m and 0.8:1 respectively). These sites comprise older style developments, all of which exceed current height and FSR controls. It appears that no high density residential development has occurred under the current density controls.



Figure 8: Aerial view of site facing east (Source: Nearmap)



Figure 9: Aerial view of site facing west (Source: Nearmap)

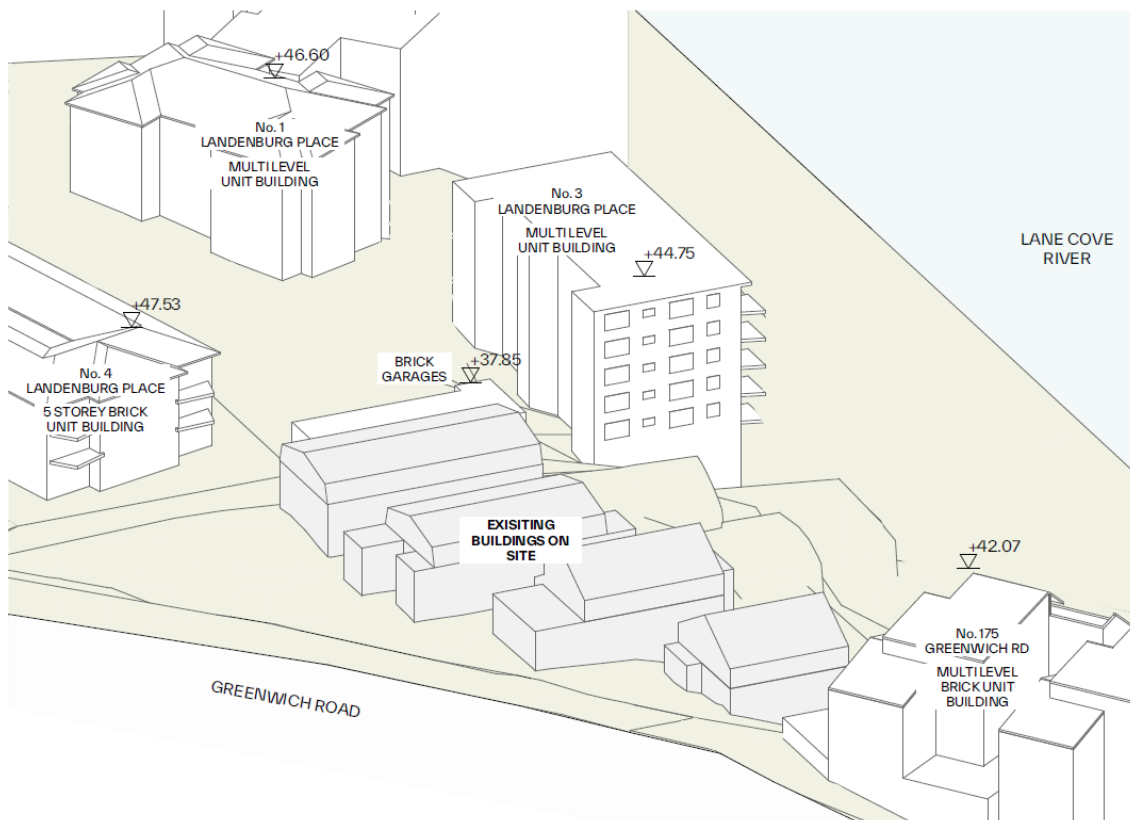


Figure 10: Adjacent sites and built form (Source: PBD Architects)



Figure 11: Jago Street Reserve identified in green (Source: PBD Architects)

3.2.2 Broader locality

The site is approximately 1.5km south-west of the St Leonards health and education precinct, 2km west of the North Sydney CBD and 3.3km north-west of the Sydney CBD.

The site's proximity to key surrounding services and infrastructure is described below:

- Greenwich Wharf (400m northwest)
- Greenwich Local Centre (450m north)
- Shell Park (230m), Holloway Reserve (550m) and Gore Creek (730m) reserves and their associated open space, recreation and sport facilities
- Greenwich Point Wharf (1 km)
- HammondCare Greenwich Hospital (1.5kms north)
- Royal North Shore Hospital (2.2kms north)
- St Leonards Train Station (1.9kms north east)
- Wollstonecraft Railway Station (1.3kms north east)

The site is also located within 100m walking distance from two bus stops north and south of the site along either side of Greenwich Road. The bus stops are serviced by routes 265 and 267, providing access to Greenwich Point Wharf, Chatswood, St Leonards and North Sydney.

Given the site's proximity to Greenwich Wharf, it is within an “accessible area”, as defined in *State Environmental Planning Policy (Housing) 2021* (see Section 6.)

The site in the context of its broader locality is shown in the figures below.

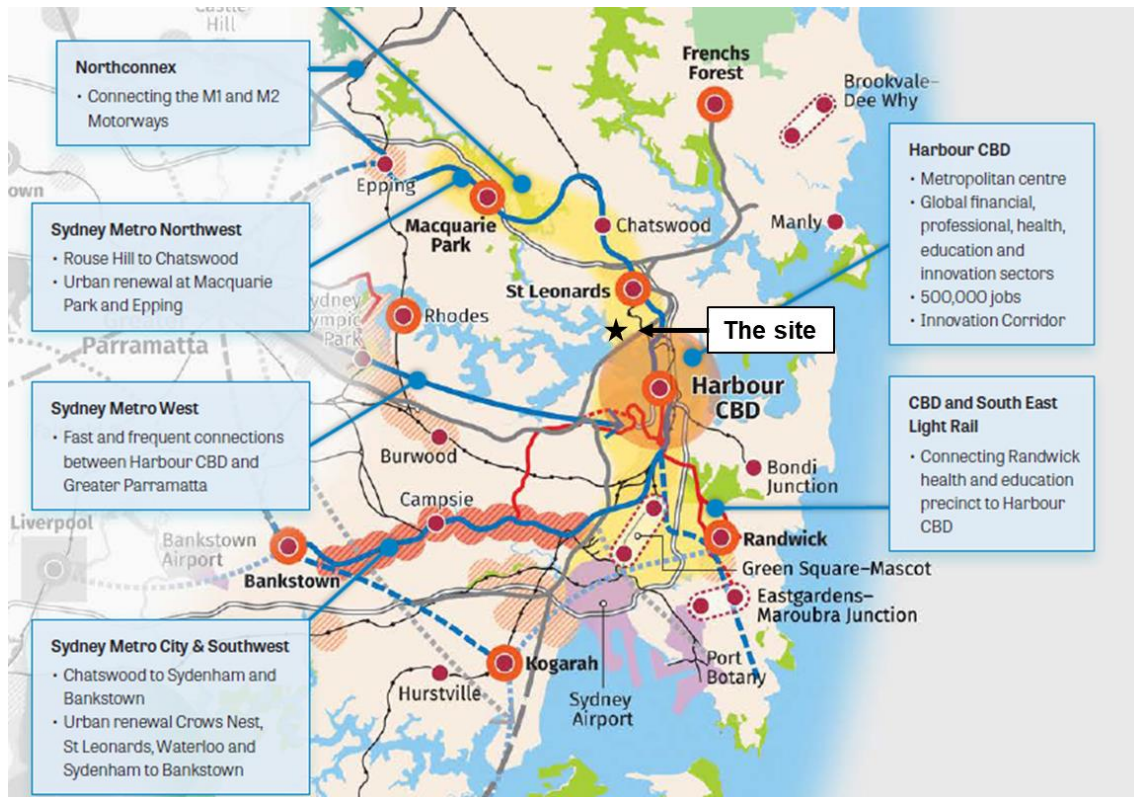


Figure 12: The site in context of the Eastern Harbour City (Source: Greater Sydney Region Plan)



Figure 13: Surrounding locality (Base source: Near Maps)

3.3 Surrounding Transport Networks

The site is well serviced by public transport in the form of bus, train and ferry services as outlined below:

- **Bus:** Two bus stops are located approximately 100m walking distance north and south of the site along Greenwich Road. Corresponding bus stops are located on the opposite side of the road as well. The bus stops are serviced by routes 265 and 267, providing services every 30 minutes during peak AM and PM midweek periods from Lane Cove to North Sydney Station via Greenwich Point Wharf.
- **Train:** As shown in the figure below, the site is located approximately 1.9kms southeast of the St Leonards Train Station 1.3kms south east of Wollstonecraft train station which are serviced by the T1 and T9 lines every 5-10 minutes.
- **Ferry:** As shown in the figure below, Greenwich Wharf is located approximately 400m north west of the site, with services available to Circular Quay and Lane Cove every 30 minutes during peak AM and PM midweek periods. It is also noted Greenwich Point Wharf is approximately 950m south of the site is currently being upgraded with work expected to be completed by the end of 2024.

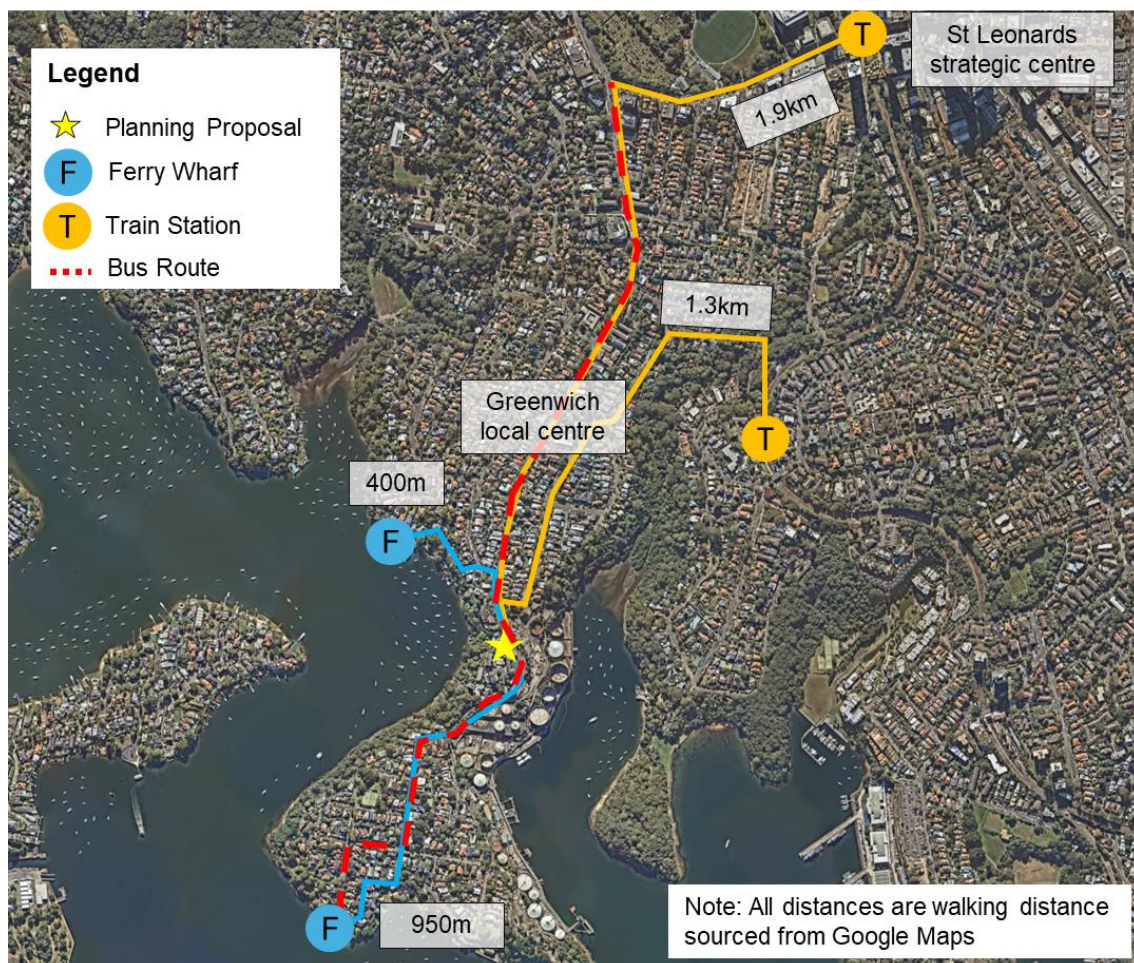


Figure 14: Walking distances to Ferry and Train Stations (Base source: Nearmaps)

4 Engagement with Council

The Applicant and its project team have undertaken extensive consultation with Council officers in preparing the Planning Proposal. The table below provides a summary of consultation to date.

The Applicant will continue to consult Council post Planning Proposal lodgement.

Date	Meeting topic	Key matters discussed with Council officers
4 Dec 2023	Planning Pathway	<ul style="list-style-type: none"> A Concept Architectural Scheme dated 30/11/2023 was presented. Council officers confirmed that a Planning Proposal, rather than a clause 4.6 variation request, is the most appropriate planning pathway to vary the height and FSR development standards.
8 Aug 2024	Planning Proposal pre-lodgement	<ul style="list-style-type: none"> A Concept Architectural Scheme dated 16/07/2024 was presented. Council officers agreed that the proposal is generally consistent with the scale of the surrounding built form and raised no fundamental objection to the proposed building envelope. Council officers recommended the proposal be reviewed by the Design Review Panel. Public benefit offer was also discussed, generally comprising dedication of C2 zoned waterfront land to Council which is currently reserved for acquisition under the LCLEP 2009
10 Sept 2024	Design Review Panel (DRP)	<ul style="list-style-type: none"> A Concept Architectural Scheme dated 5/09/2024 was presented to the Panel. The DRP commended the Applicant's early engagement with the design review process; however, raised issues with the bulk and scale, building mass and setback encroachments and recommended that the design be reviewed to respond to these issues. These issues are further addressed in Table 6 below.
5 Nov 2024	Planning Proposal next steps	<ul style="list-style-type: none"> The Applicant undertook a design review to address the Panel's comments. Key design refinements include: <ul style="list-style-type: none"> a north south separation to break up the building (rather than one building mass) increased setback to Greenwich Road ability to provide communal open space on the rooftop Council officers confirmed the amendments were generally satisfactory in addressing the Panel's comments.

Table 5: Consultation with Council

As noted above, the proposal was considered by Council's DRP on 10 September 2024. The DRP raised several issues relating to the proposed bulk and scale, building mass and setbacks and recommended that the design be reviewed to respond to these issues.

Following the DRP's comments, the Applicant engaged Matthew Pullinger, Architect, to undertake a peer review of and contribute to the refinement of the concept design in response to the DRP's comments. Matthew has now provided a letter of support in relation to the revised concept design, which confirms that:

Since my engagement, I have collaborated with the proponent's design team - led by PBD Architects - as a peer reviewer of the site planning strategies, urban design response and the detailed reference design, seeking to ensure the final PP submission represents a high quality urban renewal proposition that meaningfully responds to feedback raised by Council's Design Review Panel during early consultation.

A summary of how the revised concept design responds to the DRP's key comments is provided in the table below:

Matter	DRP comment summary	Applicant response	Addresses DRP comment?
Context and Neighbourhood Character	<ul style="list-style-type: none"> Insufficient site analysis. 	<ul style="list-style-type: none"> A detailed site analysis is provided within the Concept Architectural Scheme. 	✓
Built form and scale	<ul style="list-style-type: none"> Encroachment into the 7.5m front setback is not supported. 4 storey frontage should be retained and penthouse removed. Single building mass should be broken up and may include a north-south break. Roof tops should maximise communal open space. 	<ul style="list-style-type: none"> The concept design is fully compliant with the 7.5m front setback control. 	✓
		<ul style="list-style-type: none"> The proposal has a defined street wall height of four storeys, with a recessed fifth floor which is compatible with other buildings in the locality within the R4 Zone 	✓
		<ul style="list-style-type: none"> Building mass has been broken into two distinct separate elements – one addressing Greenwich Road and the other addressing the harbour 	✓
		<ul style="list-style-type: none"> The revised concept design demonstrates that the penthouse can be retained without any adverse visual impact as it is located on the eastern element of the building but setback approximately 6m from Greenwich Road frontage to present as a four storey development to its street frontage. It also significantly setback approximately 20m from the building's 	✓

Matter	DRP comment summary	Applicant response	Addresses DRP comment?
		<p>western parapet maintains a stepped building form that follows the site's topography.</p> <ul style="list-style-type: none"> • Western rooftop will provide communal open space as part of a future DA • The proposal minimises the potential for overlooking of and view loss from adjacent developments through providing generous side setbacks which establishes meaningful landscaped areas (with vegetative screening) and good building separation • designing large building breaks on both side boundaries meaning windows will be predominantly located east and west (towards views and sunlight) • where windows are provided along the side boundaries, they will be offset to prevent overlooking opportunities 	
Density	<ul style="list-style-type: none"> • Proposed FSR is not supported without a sufficient site analysis. 	<ul style="list-style-type: none"> • A detailed site analysis is provided within the Concept Architectural Scheme. 	✓
Landscape	<ul style="list-style-type: none"> • The site adjoins bushland which requires a 10m landscape buffer. 	<ul style="list-style-type: none"> • The proposal complies with the 10m landscape buffer, refer to Section 6.3.3 	✓

Table 6: DRP key comments

5 Statutory Context

The LCLEP 2009 is the principal environmental planning instrument applying to the site.

The applicable land use zone and development standards are outlined in subsections 5.1 to 5.6 below.

This Planning Proposal seeks to amend two development standards (height and FSR) by way of an amendment to the LCLEP 2009. This is discussed further in Section 6.

5.1 Land Use Zone

Clause 2.1 outlines the land use zones which apply under the LCLEP 2009. As shown in the figure below, the site is zoned R4 High Density Residential.



Figure 15: Land Zoning Map (Source: Espatial Viewer)

The intended future development on the site will comprise a residential flat building which is permissible with consent in the R4 zone and entirely consistent with the zone objectives detailed below:

- To provide for the housing needs of the community within a high-density residential environment.
- To provide a variety of housing types within a high-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a high concentration of housing with good access to transport, services and facilities.
- To ensure that the existing amenity of residences in the neighbourhood is respected.
- To avoid the isolation of sites resulting from site amalgamation.
- To ensure that landscaping is maintained and enhanced as a major element in the residential environment.

As previously noted, the site is adjacent to land zoned C2 Environmental Conservation which forms part of the broader land parcel at 177-183 Greenwich Road.

5.2 Height of Buildings

Clause 4.3 of CLEP 2009 states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. As shown in the figure below, the maximum permissible building height for the site is 12 metres.



Figure 16: Height of Buildings Map (Source: Espatial Viewer)

5.3 Floor Space Ratio

Clause 4.4 states that the FSR of a building on any land is not to exceed the maximum FSR shown for the land on the Floor Space Ratio Map. As shown in the figure below, the maximum permissible FSR for the site is 0.8:1.



Figure 17: FSR Map (Source: Espatial Viewer)

5.4 Land Reservation Acquisition

Clause 5.1 identifies land reserved for a public purpose. As shown in the figure below, the site is adjacent to land that is reserved for local open space acquisition.

As noted in Section 6.1.1 below, a Letter of Offer has been prepared by the Applicant (Appendix 2) which proposes to dedicate this land to Council.

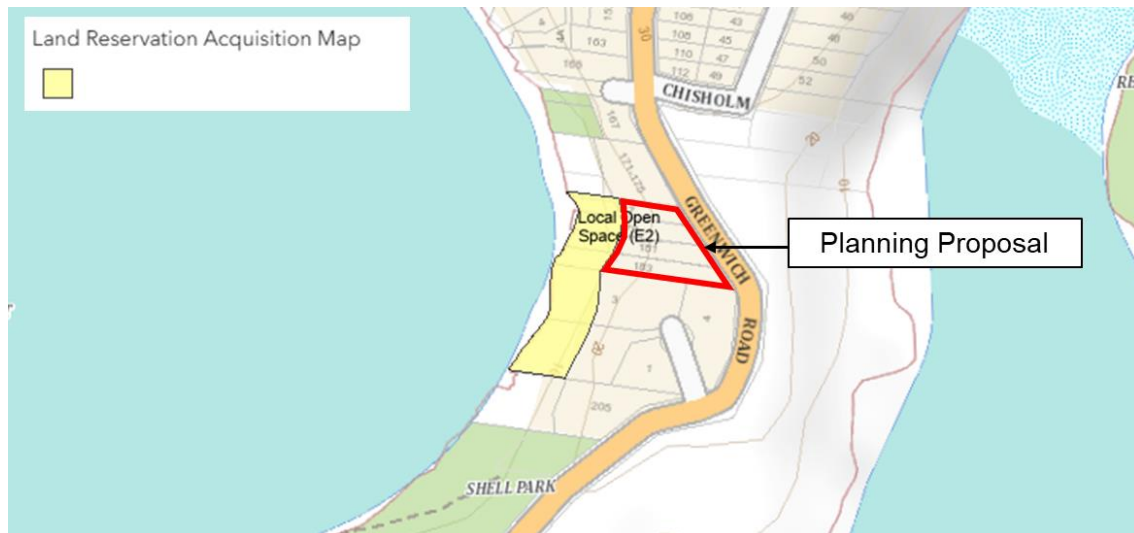


Figure 18: Land Reservation Acquisition Map (Source: Espatial Viewer)

5.5 Heritage

The intent of Clause 5.10 is to conserve items and areas of heritage significance.

As shown in the figure below, the site does not contain any heritage items or conservation areas.

It is noted the site is directly west of an HCA and local archaeological item identified as the 'Greenwich Conservation Area' (item no. H1) and the 'Fells Shale Oil Refinery' (item no. A1) respectively. However, both items are not visible to pedestrians on Greenwich Road and maintain a discreet street presence as they are separated by a wired fence, surrounded by dense vegetation and sunken down from street level. Therefore, the proposed residential development will not have any adverse impacts on the HCA or archaeological item.

The site is also in proximity of several other local heritage items/HCA's and a state heritage item. However, given the distance to these items and existing built form and vegetation which screens the site, future development will not be visible from these items.

Therefore, a detailed assessment and expert heritage advice to assess potential impacts is not considered necessary for this Planning Proposal.

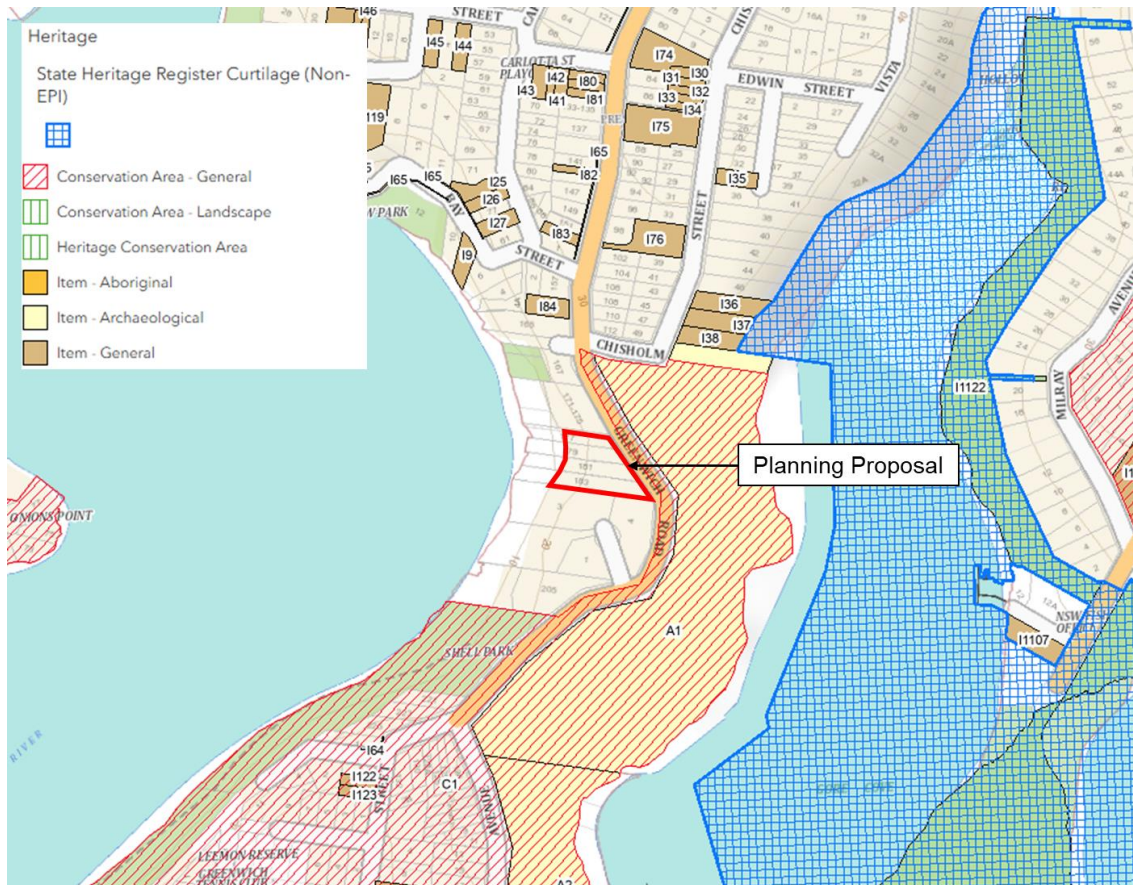


Figure 19: Heritage Map (Source: LCLEP 2009)

5.6 Environmental Protection Land

As shown in the figure below, the site is adjacent to land identified as environmentally protected land. As noted in Section 6.1.1 below, a Letter of Offer has been prepared by the Applicant (Appendix 2) which proposes to dedicate this land to Council.



Figure 20: Environmental Protection Map (Source: Espatial Viewer)

6 Planning Proposal Assessment

The Planning Proposal has been prepared in accordance with Section 3.33(2) of the EP&A Act and DPHI's *Local Environmental Plan Making Guideline* dated August 2023, which outlines the required contents of a Planning Proposal. Accordingly, this section addresses each of the matters outlined in the guidelines, including:

- a statement of the objectives or intended outcomes of the proposed instrument (refer Section 6.1)
- an explanation of the provisions that are to be included in the proposed instrument (refer Section 6.2)
- the justification for those objectives, outcomes and provisions and the process for their implementation, including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1 of the EP&A Act (refer Section 6.3)
- draft maps to be adopted by the proposed instrument (refer Section 6.4)
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument (refer Section 6.5)
- details on the proposed project timeframe for the completion of the Planning Proposal (refer Section 6.6).

6.1 Part 1: Objectives and Intended Outcomes

The primary objective of the Planning Proposal is to provide appropriate development controls and a building envelope on the site that facilitates the future development of a 5-8 storey residential flat building (subject to a future DA).

The intended outcomes of the Planning Proposal are to:

- establish a development envelope for a residential flat building which is appropriate in height, bulk and scale and consistent with the scale and character of surrounding development
- retain and promote a compatible land use within an existing high density residential zone
- deliver high-quality, well-located housing that is supported by attractive public spaces, transport and amenity
- respond to housing shortage crisis within the North District and greater Sydney
- facilitate a high-quality development accommodating a mix of dwelling configurations and unit sizes
- realise the development potential of the site
- activate waterfront land by facilitating public foreshore access

To facilitate the above, amendments to the LCLEP 2009 maximum height of building and maximum FSR development standards (and associated maps – refer Section 6.4) are required. The proposed amendments are summarised in the table below.

Planning control	Existing development controls	Proposed development controls
Land Use Zone	R4 High Density Residential	No change
Height of Building	12m	21m
FSR	0.8:1	1.7:1

Table 7: Summary of proposed amendments to the LCLEP 2009

The Planning Proposal is accompanied by a Concept Architectural Scheme (Appendix 3) to demonstrate the intended built form outcome on the site. It generally comprises a 5-8 storey building containing 29 apartments comprising a mix of 1-3 bedroom apartments.

The design reflects a comprehensive analysis of relevant objectives of both State and Council strategic plans, the characteristics of the site and locality and feedback from Council officers and Council's Design Review Panel during the pre-lodgement process. It demonstrates that a future residential flat building on the site can be designed in a manner that responds to the site and is compatible with the character of the locality with no adverse bulk and scale impacts.

6.1.1 Voluntary Planning Agreement

The Planning Proposal is accompanied by Letter of Offer to enter in a Voluntary Planning Agreement (VPA) with Council (Appendix 2). The Letter of Offer proposes to:

- dedicate 1,539m² of continuous waterfront land valued at \$3,000,000 to Council – as shown in Figure 18 above, this land is reserved for acquisition under the LCLEP 2009
- assign Council the maritime lease for the existing boatshed attached to 181 Greenwich Road

The proposed land dedication presents a unique opportunity for four continuous lots (which have been identified for acquisition since 1968) to be transferred to public ownership.

As demonstrated in the figure below, this land acquisition is of significant public benefit as it assists in closing the missing link between Jago Street Reserve and Shell Park and facilitates greatly enhanced public access to and use of the Lane Cove River foreshore (refer to the orange dotted line on the figure below). This is consistent with the *2016-2026 Open Space Plan* and the *Lane Cove River Estuary Coastal Zone Management Plan 2013*.

A VPA, consistent with the letter of offer, will be entered into prior to the updated planning controls coming into effect.



Figure 21: Proposed waterfront access (PBD Architects)

6.2 Part 2: Explanation of provisions

The Planning Proposal seeks to achieve the intended outcomes outlined under in Section 6.1) by:

- amending the LCLEP 2009 Height of Buildings Map, Sheet 4 (HOB_004) by increasing the maximum building height from 12m to 21m
- amending the LCLEP 2009 Floor Space Ratio Map, Sheet 4 (FSR_004) by increasing the maximum FSR from 0.8:1 to 1.7:1

The proposed amendments to the relevant maps under the LCLEP 2009 are provided Section 6.4.

6.2.1 Rationale for Proposed Development Standards

This Planning Proposal and supporting reports make the case to amend existing development standards to enable the future redevelopment of the site for a residential flat building.

The proposed height and FSR controls are based on an evidence-based approach which has considered the potential economic, environmental and social impacts of a residential flat building built in accordance with the proposed controls.

Planning justification and rationale for these proposed controls is detailed below.

1. Zoning

Residential flat buildings are permissible with consent in the R4 High Density Residential zone. Accordingly, the site's current R4 zoning will be retained and no amendment to the zoning map or Schedule 1 Additional Permitted Uses is sought.

The future development of a residential flat building on the site is consistent with the R4 zone objectives as it will:

- increase housing supply to meet community needs
- provide a variety of unit mixes within a high-density residential environment
- facilitate public access to the foreshore land (via a future VPA) to meet day to day needs of residents
- concentrate housing with good access to transport and services
- respect the existing amenity of residences in terms of visual impact, privacy and solar access
- not result in site isolation
- result in a built form envelope capable of accommodating substantial landscaping on the site which will enhance the residential environment

2. Proposed Built Form Controls (Height & FSR)

Despite the site being zoned for high density residential purposes, the applicable height and FSR controls (12m and 0.8:1) are similar to those found in low and medium density residential zones. For example, nearby land to the north and south of the site is zoned R2 Low Density Residential with a maximum height of 9.5m and a maximum FSR of 0.6:1, which are only marginally lower than the maximum height and FSR in the R4 zone.

Furthermore, there are multiples other R4 zones within the Lane Cove LGA which are zoned R4 and have much greater height and FSR controls than 12m and 0.8:1. These are outlined in the table below.

R4 Zone Location	FSR	Height
Mowbray Rd West, Lane Cove North	1.6:1, 1.8:1	14.5m, 17.5m
Longueville Rd, Lane Cove North	2.4:1	18m
Pacific Highway, Lane Cove	1.2:1, 2.4:1	15m, 25m
Lane Cove Local Centre	1.2:1, 1.7:1	12m, 18m
Waterview Drive, Lane Cove	2:1	25m

Table 8: R4 zone precedents

Therefore, the current controls are not commensurate with a high-density residential zone and effectively sterilise the site as they do not enable the feasible redevelopment for higher density housing, which is the intended purposes of the zone and objectives. It is also noted that the existing, older residential flat buildings on neighbouring sites are of a height and scale that exceeds the current height and FSR controls.

It is also noted that the site does not benefit from any upzoning or height/FSR bonuses available under State level planning instruments, which further undermines the feasibility of its redevelopment for a residential flat building. This is summarised in the table below

Initiative	Summary	Comment
Infill affordable housing bonuses	Part 2 of Division 1 of State Environmental Planning Policy (Housing) 2021 (Housing SEPP) enables 30% height and FSR bonuses (on top of the base control) for projects that include 10–15% affordable housing accessible area	The Applicant does not intend to utilise these affordable housing bonuses.
Low-rise and mid-rise housing reforms	DPHI has proposed reforms which would introduce non-refusable standards for residential flat buildings which increase height and FSR controls for land zoned R2 Low Density Residential and R3 Medium Density Residential	This pathway is not available as the site is not within a station or town centre precinct.
Transit Orientated Development (TOD) program	Chapter 5 of the Housing SEPP identifies land within certain LGAs as TOD areas (generally within 400 m of transport infrastructure) for increased housing density. DPHI has also identified 8 priority growth area for accelerated rezoning to boost housing supply.	The TOD provisions do not apply to the site as: <ul style="list-style-type: none"> There is no land within Lane Cove identified on the TOD map The site is not within a priority growth area

Table 9: Summary of recent DPHI reforms

3. Surrounding character

As outlined in Section 3.2, the site is bound by several large, multi-storey, residential flat buildings to the north and south. There are no residential uses to the east or west.

As shown in Figure 10, these sites comprise high density residential buildings which significantly exceed the height and FSR controls applying to the site. The adjacent sites comprise older style buildings and it is assumed they were constructed pre implementation of the current planning controls. Consequently, as noted above, they are of a scale that exceeds the current height and FSR controls in this R4 zone.

Given the existing high-density residential context, a residential flat building on the site, with a height and FSR as sought under this Planning Proposal, will fit seamlessly into its surroundings.

4. Conceptual architectural scheme

The Planning Proposal is accompanied by a Concept Architectural Scheme (Appendix 3) to demonstrate the intended built form outcome on the site. It shows an indicative FSR of 1.68:1 and height of 20.5m.

For the purpose of the proposed LEP amendments, the FSR has been rounded up to 1.7:1 to align with the LCLEP 2009 FSR Map legend and the height has been rounded up to 21m to allow for a degree of design flexibility during the DA stage (and minimise the potential need for clause 4.6 variation requests).

The Concept Architectural Scheme includes an 'envelope massing comparison' which compares FSR and height schemes under the existing controls (0.8:1 and 12m) on the left and proposed controls (1.7:1 and 21m), see figure Figure 22 below.

The comparison demonstrates that the existing controls would result in a built form outcome which is inconsistent with the scale of adjacent large-scale residential flat buildings. It would also significantly limit the number of new dwellings that could be developed on the site, which would limit the site's capacity to contribute to increased housing supply and diversity.

The site slopes steeply to the west towards Lane Cove River. Future development will utilise this topography to step the buildings bulk down with the site and ensure interface with Greenwich Road largely presents as a four-storey development. Future development can be appropriately set back from bushland within the C2 Environmental Conservation zone. This is discussed further in Sections 6.3.3.

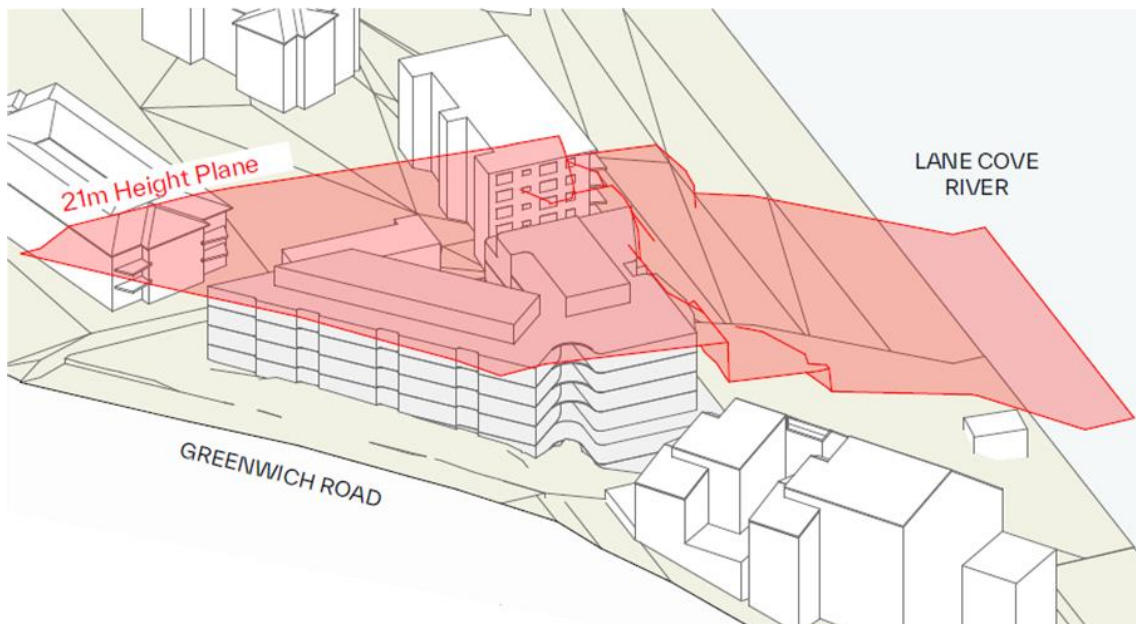


Figure 22: Envelope massing comparison (Source: PBD Architects)

6.3 Part 3: Justification of strategic and site-specific merit

6.3.1 Section A: Need for a Planning Proposal

The *Local Environmental Plan Making Guideline 2023* identifies the matters to be considered in justifying the strategic and site-specific merit of a Planning Proposal.

The table provides a summary of the proposal's strategic and site-specific merit.

Provision	Comment	Consistency?
Does the proposal have strategic merit? Will it:		
<i>Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or</i>	Yes, refer to Section 6.3.1	✓
<i>Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or</i>		✓
<i>Respond to a change in circumstances that has not been recognised</i>		✓
Does the proposal have site-specific merit, having regard to the following?		
<i>the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i>	Yes, refer to Section 6.3.2	✓
<i>existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates</i>		✓
<i>services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>		✓

Table 10 Strategic and site-specific merit test

1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is not a direct result of an endorsed LSPS, strategic study or report, but is consistent with Council's *Local Strategic Planning Statement* (LSPS) and *Local Housing Strategy 2021* (LHS), as outlined in Section 6.3.2.

Furthermore, as noted in Section 2, the Planning Proposal directly responds to the need to accelerate the supply of well located housing in order for NSW to meet its housing delivery targets under the NHA.

Although currently zoned R4, the site is underutilised and accommodates only 4 detached dwellings. Subject to the proposed amendments to the applicable height and

FSR controls, the site is capable of accommodating approximately 29 apartments of varying sizes.

This substantial increase in dwelling supply and mix on the site directly aligns with Council's LSPS and LHS and NSW's dwelling supply targets under the NHA.

The Planning Proposal is also consistent with the goals and priorities outlined in the following strategic plans which is discussed in detail in Section 6.3.2

- *Greater Sydney Region Plan – A Metropolis of Three Cities*
- *North District Plan*
- *Local Strategic Planning Statement Lane Cove Council 2020*
- *Liveable Lane Cove Community Strategic Plan 2035*
- *Open Space Plan 2016-2026*

All strategic plans mentioned in this section are discussed in further detail in Section 6.3.2.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best, and most appropriate means of achieving the desired future density as the current height and FSR development standards:

- are not commensurate with the objectives of the R4 High Density Residential zone, and
- prevent feasible redevelopment of the site for the purposes of a residential flat building, as envisaged under the site's zoning and consistent with the surrounding built form character of the locality

As outlined in Section 4, Council was consulted during the preliminary phases of the proposal in relation to preferred planning pathway for the proposed increases in height and FSR. Council advised its preference for a Planning Proposal to amend these development standards rather than lodgement of a Clause 4.6 application to vary the development standards at the DA stage.

Accordingly, the Planning Proposal is considered the most appropriate of achieving the intended outcome of a facilitating a future residential flat building on the site.

6.3.2 Section B: Relationship to Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal aims to give effect to the objectives and actions of the following metropolitan, district and other plans:


- *Greater Sydney Region Plan – A Metropolis of Three Cities*
- *North District Plan*

Greater Sydney Region Plan – A Metropolis of Three Cities

The *Greater Sydney Region Plan – A Metropolis of Three Cities* (the Region Plan) sets a 40-year vision to 2056 and establishes a 20-year plan for Greater Sydney to manage growth and change in the context of social, economic and environmental matters.

The overriding vision of the Plan is to rebalance Sydney into a metropolis of three unique but connected cities – the Eastern Harbour City, the Western Parkland City and the Central River City. The site is located within the Eastern Harbour City.

The Plan sets out broad priorities and actions which focus on four themes – infrastructure and collaboration, liveability, productivity and sustainability. The table below reproduces the relevant themes/action items and demonstrates the Planning Proposal's consistency with these items.

Objective	Comment	Consistency?
Liveability		
O7: <i>Communities are healthy, resilient and socially connected</i>	<ul style="list-style-type: none"> • The Planning Proposal achieves this by objective co-locating housing with transport and open space infrastructure i.e. proximity to wharves, bus stops, future cycleway infrastructure, walking tracks and Shell Park. Refer to Section 3 and Figure below.  <p>Figure 23: Active Transport Map (Source: Lane Cove Local Strategic Planning Statement 2020)</p>	✓
O10: <i>Greater housing supply</i>	<ul style="list-style-type: none"> • The site is envisaged to accommodate approximately 29 new dwellings which will contribute towards the NSW Governments housing supply targets (set by the NHA) of 377,000 new homes within NSW and 3,400 within Lane Cove LGA by 2029. • Therefore, the proposal is consistent with this objective. 	✓
O11: <i>Housing is more diverse and affordable</i>	<ul style="list-style-type: none"> • This objective highlights the importance of housing diversity to meet changing community needs. The Planning Proposal is consistent with this direction as it is capable of providing diverse unit configurations ranging from 1-3 bedrooms in addition to adaptable dwellings. 	✓
O13: <i>Environmental</i>	<ul style="list-style-type: none"> • The site does not contain any heritage items. 	✓

Objective	Comment	Consistency?
<i>heritage is identified, conserved and enhanced</i>	<ul style="list-style-type: none"> However, as outlined within Section 5.5, two heritage items (listed below) are identified under the LCLEP 2009 and located directly east of the site: <ul style="list-style-type: none"> HCA known as 'Gore Bay Terminal (C1)' which is an active fuel import and storage facility Archaeological site known as 'Fells Shale Oil Refinery' (A1) As discussed in Section 5.5, the Planning Proposal will not adversely impact on these items. 	
Productivity		
<i>O14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i>	<ul style="list-style-type: none"> This objective outlines the relationship between connectivity and productivity and supports the creation of a '30-minute city' to ensure residents can access metropolitan centres within 30 minutes by public transport. The site is consistent as it is currently able to access: <ul style="list-style-type: none"> St Leonards Strategic Centre by bus in approximately 10 minutes Chatswood Strategic Centre by bus and rail in 25 - 30 minutes North Sydney CBD by bus and rail in 25 - 30 minutes Sydney CBD by bus, rail and ferry in 30 - 40 minutes Greenwich Wharf is located approximately 400m north west of the site 	✓
A City in its Landscape		
<i>Objective 25: The coast and waterways are protected and healthier</i>	<ul style="list-style-type: none"> This objective, specifically 25.2, aims to improve and manage access to foreshores and for recreation purposes. The Letter of Offer to enter into a VPA (Appendix 2) which accompanies this Planning Proposal is consistent with this as it proposes to dedicate continuous waterfront land to Council to facilitate future access between Jago Street Reserve and Shell Park. 	✓
<i>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i>	<ul style="list-style-type: none"> As confirmed within the Ecological Impact Assessment (Appendix 5), 'the proposed development poses no significant impact to native flora or fauna' and therefore future development is consistent with this objective. 	✓
<i>Objective 31: Public open space is accessible, protected and enhanced</i>	<ul style="list-style-type: none"> As noted above, the Planning Proposal is accompanied by a Letter of Offer which proposes to dedicate the C2 zoned land to Council which will increase publicly accessibility to open space land and allow for its protection and enhancement. 	✓
<i>Objective 32: The Green Grid</i>		✓

Objective	Comment	Consistency?
links parks, open spaces, bushland and walking and cycling paths		
An Efficient City		
Objective 34: Energy and water flows are captured, used and re-used	<ul style="list-style-type: none"> The Applicant is committed to managing resource consumption by minimising waste, increasing energy efficiencies and lessening environmental impact where possible. Such measures will be explored in greater detail as part of future DAs for the site. 	✓

Table 11: Alignment with the Greater Sydney Regional Plan

North District Plan

The North District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters in the North District which includes the Lane Cove LGA. The District Plan identifies a number of Planning Priorities to achieve a liveable, productive and sustainable future for the district.

It provides the district level framework to implement the goals and directions outlined in the Regional Plan and is intended to be used to inform the preparation of Local Environmental Plans, Planning Proposals, and strategic land use and transport and infrastructure planning.

The figure below shows the site in the context of the broader North District.

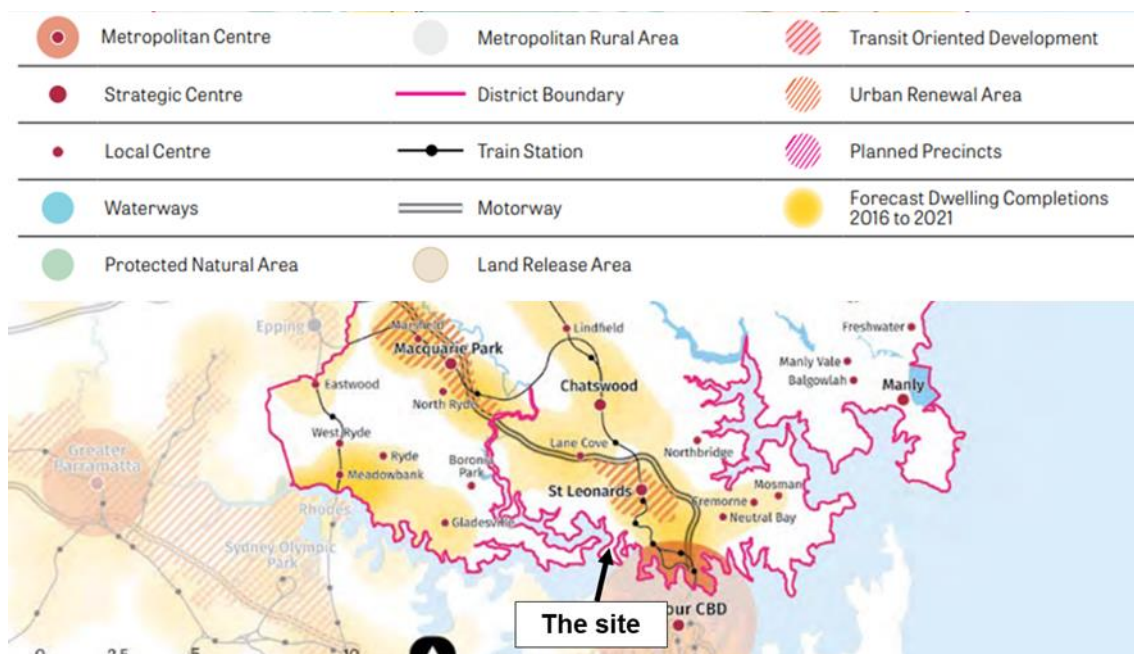


Figure 24: North District Plan (Base source: North District Plan)

The table below outlines the Planning Proposal's consistency with the relevant directions of the District Plan.

Direction	Comment	Consistency?
Liveability		
<i>N5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.</i>	<ul style="list-style-type: none"> The District Plan requires housing supply to be coordinated with local infrastructure to create well connected spaces. The Planning Proposal is consistent in that it can deliver housing in a strategic location near key infrastructure and services outlined in Section 3.2. 	✓
<i>N6: Creating and renewing great places and local centres, and respecting the District's heritage</i>	<ul style="list-style-type: none"> As outlined in Section 5.5, there are no heritage items on the site. Whilst the site is directly west of HCA and Archaeological item, as previously noted, the proposed building envelope considered these items and was designed to achieve an appropriate interface without any adverse impacts on these times. 	✓
Productivity		
<i>N12: Delivering integrated land use and transport planning and a 30-minute city</i>	<ul style="list-style-type: none"> This objective seeks to integrate land use and transport planning to deliver a 30 minute city. Future development on the site is consistent with this objective as: <ul style="list-style-type: none"> St Leonards Strategic Centre is accessible by bus in approximately 10 minutes North Sydney CBD by bus and rail in 25 - 30 minutes Sydney CBD by bus, rail and ferry in 30 - 40 minutes Greenwich Wharf is located approximately 400m north west of the site 	✓
Sustainability		
<i>N16: Protecting and enhancing bushland and biodiversity</i>	<ul style="list-style-type: none"> The Letter of Offer (Appendix 2) proposes to dedicate 1,539m² of C2 zoned land to Council. Council ownership will ensure biodiversity is protected and managed appropriately. 	✓
<i>N20 Delivering high quality open space</i>	<ul style="list-style-type: none"> The District Plan emphasises that active open space is in high demand across the District, however there is limited opportunity to provide additional capacity. The Letter of Offer (Appendix 2) offers a unique opportunity to expand the LGA's public open space through the dedication of foreshore land to Council. 	✓
<i>N21: Reducing carbon emissions and managing energy, water and waste efficiently</i>	<ul style="list-style-type: none"> Energy efficiency and sustainable measures will be incorporated to ensure compliance with BASIX and resultingly reduce the carbon footprint of the development at DA stage. 	✓

Table 12: Consideration of key planning priorities of the *North District Plan*

4. Is the Planning Proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Yes. The Planning Proposal is consistent with the following local strategies prepared by Council:

- *Local Strategic Planning Statement Lane Cove Council 2020*
- *Lane Cove Local Housing Strategy 2021*
- *Liveable Lane Cove 2035 – Community Strategic Plan*
- *Open Space Plan 2016-2026*

Lane Cove Local Strategic Planning Statement

On 30 March 2020, the Greater Cities Commission endorsed the *Lane Cove Council Local Strategic Planning Statement 2020* (LSPS) which outlines a plan for the LGA's economic, social and land use needs over the next 20 years.

The LSPS includes a structure plan that sets the land use vision for the LGA and aligns with the broader regional and district strategic directions in the Greater Sydney Region Plan and the North District Plan. The structure plan (extract below), indicates the site is:

- identified for high density residential purposes (red shading); and
- located adjacent to a frequent bus network (blue line), in close proximity to parks/open space known as Shell Park (green shading) and is approximately 850m from the boundary of the St Leonards Strategic Centre (orange circle)

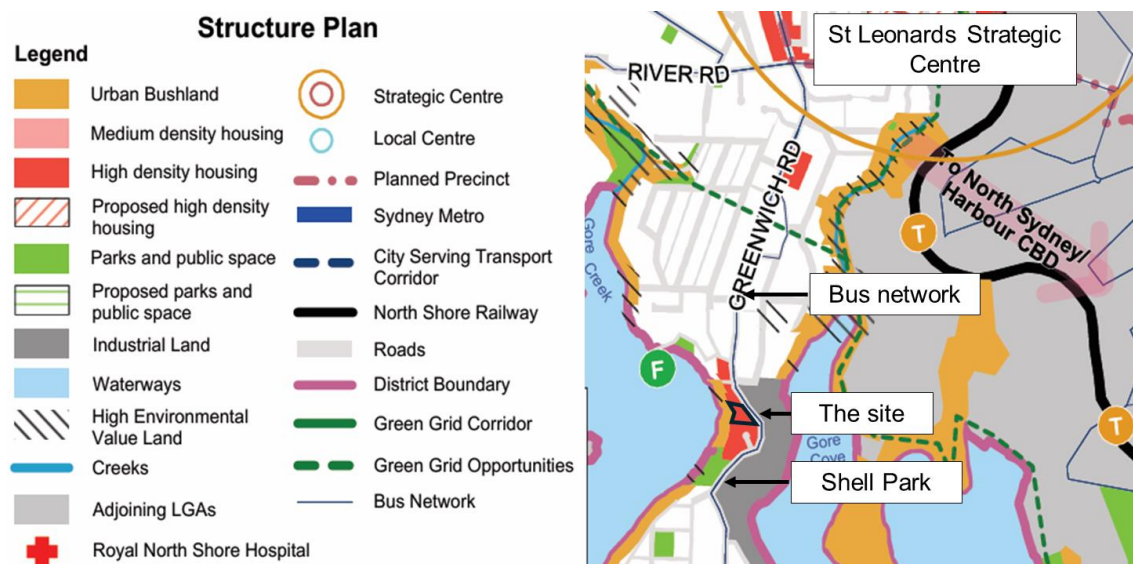


Figure 25: Structure Plan (Base source: LSPS)

As shown in the figure below, the LSPS forecasts the LGA's population will increase by 41% between 2016 to 2036 (from 37,350 to 52,300).

This growth rate is the second highest in the North District and is significantly higher than other surrounding LGA's. This growth will need to be supported by the accelerated

delivery of diverse housing and emphasises the need for this Planning Proposal which can deliver housing quickly.

Local Government Area	Population in 2016	Population Growth		Population in 2036
Hornsby	149,650	28,450	17%	178,100
Hunters Hill	14,500	1,250	9%	15,750
Ku-ring-gai	123,500	31,000	25%	154,500
Lane Cove	37,350	14,950	41%	52,300
North Sydney	72,150	19,500	27%	91,650
Ryde	119,950	51,700	44%	171,650
Northern Beaches	263,700	34,250	13%	297,950
Willoughby	76,450	12,200	17%	88,650

Figure 26: North District Population Growth (Source: LSPS 2020)

To align Council and community visions for the LGA, the LSPS lists 12 Planning Priorities relating to infrastructure, liveability, productivity and sustainability and sets out specific actions to deliver these.

The table below identifies the relevant planning priorities/action items and the proposal's consistency with each.

Planning Priority	Comment	Consistency?
Liveability		
<i>P5: Plan for the growth of housing that creates a diverse range of housing types and encourages housing that is sustainable, liveable, accessible and affordable</i>	<ul style="list-style-type: none"> As outlined within the Concept Architectural Scheme (Appendix 3), the proposed height and FSR can potentially accommodate 29 new dwellings which will diversify housing options and contribute towards the wider housing market in the locality and broader NSW. P5 provides principles for location of future housing supply. These have been reproduced within the table below with an associated consistency assessment. 	✓

Planning Priority	Comment			Consistency?
	Principle	Comment	Consistent?	
	Areas 800m or less from Strategic or Local Centre	The site is approximately 450m from E1 Local Centre to the north of the site.	Yes	
	High environmental value	<p>The site is adjacent to land zoned C2 Environmental Conservation.</p> <p>An Ecological Impact Assessment has been prepared to support this Planning Proposal (Appendix 5). The assessment concludes future development will not have any adverse impacts. Further details of the assessment are provided in Section 6.3.3.</p>	N/A	
	Bush fire prone land	<p>The LCLEP 2009 and LCDCP 2010 do not contain bushfire maps.</p> <p>A search of the NSW Rural Fire Service website on 14/08/2024 confirmed the site is not bushfire prone.</p>	N/A	
	Centres with limited transport and service access	<p>As outlined in Section 3, the site within 400m of Greenwich Wharf.</p> <p>Given the proximity to the Wharf, the site meets the criteria of an 'accessible area' under the <i>State Environmental Planning Policy (Housing) 2021</i> and is considered to be a strategically located site with good access to transport and services.</p>	✓	
	Contaminated or acid sulfate affected land	The site is not identified on the LCLEP 2009 Acid Sulfate Soils Map and is not known to be affected by contamination.	N/A	
<p>Table 13: LSPS assessment (Source: LSPS)</p> <ul style="list-style-type: none"> It is noted P5 states 'Council's housing target is being exceeded due to strategic planning of higher densities in the Mowbray Road and St Leonards precincts' and that 'there is no intention or need to increase housing densities elsewhere in Lane Cove.' However, it is understood that this refers to precinct-scale upzoning 				

Planning Priority	Comment	Consistency?
	in other parts the LGA, rather a review of existing controls within existing R4 zones. The Planning Proposal is not an upzoning. Rather it is a revision of existing density controls. In this regard, as previously noted, the LHS also identifies some existing R4 zones within the LGA as being constrained by the restrictive height and FSR development standards and, therefore, unable to be redeveloped and meet the objectives of the zone.	
<i>P6. Create and renew public spaces and facilities to improve our community's quality of life</i>	<ul style="list-style-type: none"> The LSPS notes development adjacent to bushland may also provide the opportunity to consider acquisition through Voluntary Planning Agreements. As outlined in section 6.1.1, this Planning Proposal has an associated Letter of Offer which proposes to dedicate the foreshore C2 zoned land to Council. This will facilitate green grid connections and enhance liability. 	✓
Productivity		
<i>P8. Implement transport upgrades and fresh approaches to public transport route design to facilitate time-efficient, people-friendly transport within Lane Cove and from Lane Cove to strategic centres, to improve access to employment and services</i>	<ul style="list-style-type: none"> As shown within Figure 23above, cycling infrastructure is proposed along the entirety of Greenwich Road (refer to the blue dotted line). These improvements provide future residents with safe and accessible routes to local destinations and services and promote non vehicle travel for short distances. 	✓
Sustainability		
<i>P10. Enhance our urban tree canopy, bushland and waterways</i>	<ul style="list-style-type: none"> The priority seeks to protect remnant vegetation. The Planning Proposal is consistent with this priority as it will dedicate the C2 zoned land which will be under Council ownership and management to ensure bushland is maintained and restored where necessary. 	✓

Table 14: Consideration of key planning priorities of the Lane Cove LSPS

Lane Cove Council Local Housing Strategy 2021

On 14 September 2021, DPHI approved Council's adopted *Local Housing Strategy 2021*.

The intended purpose of the LHS is to provide a framework to guide the delivery of Housing within the Lane Cove LGA during 2016-2036 in a way that supports a diverse population over the next 20 years. It does this by outlining housing targets and constraints and opportunities within the LGA.

The LHS considers Council to be on track to meet the current overall 2016 to 2026 housing target of 4,900 to 5,400 dwellings. However, from 2026-2036, limited housing growth is projected with only 200 dwellings anticipated. According to the LHS:

'the limited growth is likely due to an assumption that nearly all dwelling capacity will be used by that time. However, given the high prices for housing, there is likely to be high demand for housing should there be capacity.'

The LHS further identifies that there are remnant high density residential lands, characterised by dwelling houses (i.e. the site) which are yet to be developed to their full high-density capacity due to irregular lot boundaries and unachievable controls (bold our emphasis).

'The Lane Cove LGA's R4 High Density Residential lands outside of the St Leonards South precinct have largely been developed, with a range of older and newly built housing stock. However, several areas have yet to be developed and are currently characterised by dwelling houses...

... These lots may also have non standard geometries, which could also result in non-compliances with setback or frontage requirements...

...it is not clear that Council residential flat building controls are well placed to deliver market rate residential flat buildings in areas outside of St Leonards South without substantial variations.'

The site meets the description of the bolded text above as it is characterised by four dwelling houses which, given the restrictive building height and FSR controls which apply in this R4 zone, have been unable to be redeveloped for higher density housing.

Noting the LHS identifies housing growth will be limited during 2026-2036 period, it is imperative that appropriate controls are in place to enable development and improve housing stock. This Planning Proposal seeks appropriate controls and can deliver 29 new dwellings during 2026-2036.

Further, the LHS sets housing priorities and action items. An assessment against the Planning Proposal's consistency with these items is provided within the table below.

Objective	Comment	Consistency?
Objectives		
<i>Plan for up to approximately 5,400 to 6,400 additional dwellings in the 2016 to 2036 period with the goal of meeting market and community needs for housing</i>	<ul style="list-style-type: none"> The LHS notes some underdeveloped R4 zones are the result of unachievable development standards. The proposed development standards enable redevelopment of the site which will provide approximately 29 new dwellings and contribute towards the 2036 housing targets. 	✓
<i>Enable the priorities of the North District Plan</i>	<ul style="list-style-type: none"> Key priorities are housing and infrastructure. The Planning Proposal will facilitate housing on the site and the future VPA supports provision of infrastructure. 	✓
<i>Coordinate housing with the funding and delivery supporting infrastructure, including long term embellishments when growth slows</i>	<ul style="list-style-type: none"> The Planning Proposal seeks to enable the future development of a residential flat building on a site already zoned for high density residential development given its location in relation to transport infrastructure and services. The Planning Proposal is accompanied by a Letter of Offer proposing the dedication of foreshore land to enhance open space provision in the LGA. 	✓
<i>Deliver truly diverse housing in new medium and high density developments that recognise and respond to needs related to affordability, different household types and the variety of needs of residents</i>	<ul style="list-style-type: none"> As demonstrated within the Concept Architectural Scheme (Appendix 3), future development can accommodate a mix of unit types including 1-3 bedroom dwellings and adaptable units. 	✓
Actions		
<i>Further upzoning is not required to meet housing capacity requirements for the LGA. Planning proposals should expressly be linked to furthering the objectives, priorities, principles and actions of the Local Strategic Planning Statement and LHS.</i>	<ul style="list-style-type: none"> No upzoning is proposed – the R4 zone is remaining. As outlined throughout this section, the proposal furthers the relevant objectives and actions within the LHS and LSPS 	✓

Table 15: Consistency with Local Housing Strategy Objectives

Liveable Lane Cove Community Strategic Plan 2035

The *Liveable Lane Cove 2035 Community Strategic Plan* (Community Strategic Plan) was adopted by Council in 2017. The Community Strategic Plan sets out the broader strategic directions and supporting strategies for the Lane Cove LGA through 6 ‘themes’ over a four-year delivery program. The 6 themes include:

- Theme 1: Our society
- Theme 2: Our built environment
- Theme 3: Our natural environment
- Theme 4: Our culture
- Theme 5: Our local economy
- Theme 6: Our Council

Of particular relevance to the Planning Proposal is Theme 2, Strategies 2.2.1 and 2.2.2 which aim to ensure high quality housing which is adaptable, accessible, affordable is provided within the Lane Cove LGA.

As discussed above, amendments to the FSR and height development standards will enable redevelopment of the site for the purposes of a residential flat building which can include adaptable and accessible dwellings.

Open Space Plan 2016-2026

The purpose of the Open Space Plan 2016-2026 is to ‘*shape the location and character of development within and adjacent to open space*’.

The table below identifies the relevant planning objectives/action items within the plan and justifies the proposals consistency.

OSP Objective	OSP Action item	Consistency
1. Provide parks that are diverse in character and structure, maintaining current provision standards so that residents live within 500 metres of a park or reserve	<ul style="list-style-type: none"> • Acquire additional open space land as identified on a site by site basis. • Investigate land acquisitions i.e. at Upper String Bark Creek. 	<p>✓</p> <p>This proposal is consistent with Objective 1 as the Letter of Offer (Appendix 2) proposes to dedicate to Council, land reserved for acquisition for open space purposes.</p>
2. Manage development to maintain enough open space for the growing population	<ul style="list-style-type: none"> • Encourage the use of rooftop design in high density works (private development and Council projects), replacing the green space that is lost beneath the footprint of higher density structures. Where feasible create publicly available open space on top of or below new developments, using building income through rent, charges or 	<p>✓</p> <p>The proposal is consistent with this objective as future development will be able to provide communal open space on the rooftop. This is demonstrated within the Concept Architectural Scheme (Appendix 3).</p>

OSP Objective	OSP Action item	Consistency
	<i>sales to pay for the building and open space</i>	
3. Maximise the use of open spaces for a wide range of users, in step with dynamic community demographics and needs.	<ul style="list-style-type: none"> Complete the foreshore walk program and upgrade tracks to improve access to reserves and the Lane Cove River. Investigate opportunities to improve engagement with the foreshore, including improved linkages, facilities (cafes/restaurants), interpretive signs and public art. 	<p>✓</p> <p>The proposal is consistent with this objective as dedication of land, as proposed within the Letter of Offer (Appendix 2), will contribute to provide continuous public foreshore access envisaged by Council.</p>

Table 16: Open Space Plan assessment

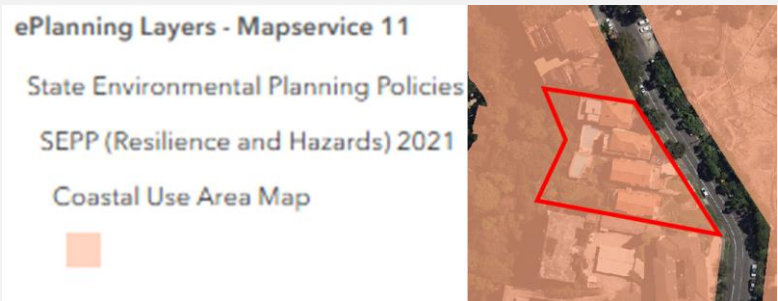

5. *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

There are no other relevant studies.

6. *Is the Planning Proposal consistent with applicable SEPPs?*

The table below confirms the Planning Proposal is consistent with relevant *State Environment Planning Policies* (SEPP).

State Environmental Planning Policy	Discussion
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<p>Chapter 2 works together with the <i>Biodiversity Conservation Act 2016</i> and <i>Local Land Services Act 2013</i> to create a framework for the regulation of clearing of native vegetation in NSW.</p> <p>The site is not mapped as containing any land of high biodiversity value on NSW Spatial viewer. Any tree removal requiring consent will be addressed as part of a future DA.</p>
<i>State Environmental Planning Policy (Housing) 2021</i>	<p>Chapter 4 seeks to improve the design of residential development in NSW. The proposed building envelope is capable of compliance with the <i>Apartment Design Guide 2015</i> and will be addressed in detail at the DA stage.</p> <p>It is also noted the site meets the definition of ‘accessible area’ (extract below) as it is 400m from Greenwich Wharf.</p> <p>accessible area means land within—</p> <p>a) 800m walking distance of—</p> <ol style="list-style-type: none"> a public entrance to a railway, metro or light rail station, or for a light rail station with no entrance—a platform of the light rail station, or a public entrance to a wharf from which a Sydney Ferries ferry service operates, or <p>b) (Repealed)</p>

State Environmental Planning Policy	Discussion
	<p>c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—</p> <ul style="list-style-type: none"> i. 6am and 9pm each day from Monday to Friday, both days inclusive, and ii. 8am and 6pm on each Saturday and Sunday.
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<p>Chapter 2 aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone.</p> <p>As shown on the figures below, the site is identified on the Coastal Use Area Map and Coastal Environment Area Map under the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p> <p>Section 2.10-2.11 provides specific assessment requirements for developments located within the Coastal Environment area and Coastal Use Area. The proposal will be capable of satisfying all assessment requirements at DA stage as it will:</p> <ul style="list-style-type: none"> • facilitate safe access to the foreshore via the proposed VPA • not have adverse impacts on visual amenity, aboriginal/cultural/built heritage, ecological environment, overshadowing and heritage <div data-bbox="544 1115 1326 1415" data-label="Image">  </div> <p>Figure 27: Coastal Use Area Map (Base source: NSW Spatial Viewer)</p> <div data-bbox="544 1469 1326 1769" data-label="Image">  </div> <p>Figure 28: Coastal Environment Area Map (Base source: NSW Spatial Viewer)</p>
<p><i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></p>	<p>The <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process</p>

State Environmental Planning Policy	Discussion
	<p>of measuring and reporting on the embodied emissions of construction materials.</p> <p>Sustainability commitments and objectives have been incorporated into the design of the proposed development to achieve a high level of energy efficiency and sustainability.</p> <p>Specific design elements will be integrated in the development to ensure the building embodies best practice sustainable design. Such measures will be outlined in detail at DA stage.</p>

Table 17: Relevant State Environmental Planning Policies

7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions) or key government priority?

The Planning Proposal is consistent with the Directions issued by the Minister for Planning and Public Spaces under section 9.1 of the EP&A Act. The Directions that are relevant to the Planning Proposal are addressed in the below table.

Relevant Ministerial Direction	Consideration
Focus Area 1 - Planning Systems	
Direction 1.1: Implementation of Regional Plans	As detailed in Section 6.3.2, the proposal is consistent with the Region Plan.
Direction 1.4: Site Specific Provisions	<p>This Planning Proposal includes concept architectural plans of the future proposed residential flat building on the site. The inclusion of concept designs or plans is common practice for Planning Proposals relating to changes to built form controls as it provides greater clarity on the form of development envisaged by the proposed changes and the manner in which relevant environmental, social and economic issues can be satisfactorily addressed.</p> <p>As outlined within this Direction, a planning proposal may be inconsistent with this direction if it can be demonstrated that the inconsistency is of minor significance. The inconsistency with this direction is considered to be relatively minor and justifiable as it provides greater certainty on the form and function of future development on the site. It is also considered that the inclusion of urban design heads of consideration within the site specific provision justifies the inclusion of detailed plans indicating the anticipated design outcomes for the proposal.</p>
Focus Area 3 - Biodiversity and Conservation	
Direction 3.1: Conservation Zones	<p>The objective of Direction 3.1 is to protect and conserve environmentally sensitive areas.</p> <p>C2 zoned land is contained within 177-183 Greenwich Road; however, does not form part of the subject site. Notwithstanding, the proposal is consistent with this</p>

Relevant Ministerial Direction	Consideration
	direction as it seeks to dedicate the C2 zoned land to Council as part of a Letter of offer (Appendix 2) to ensure the ecological viability of the bushland.
Direction 3.2: Heritage Conservation	<p>The objective of Direction 3.2 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site does not contain any heritage items and as detailed in Section 6.3.3, it will not impact the conservation of neighbouring heritage items to the north and south and the HCA to the east.</p>
Division 3.7: Public Bushland	<p>The objective of Direction 3.2 is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland.</p> <p>Bushland/vegetation is contained within 177-183 Greenwich Road, however not the subject site. The proposal is consistent with this direction as the accompanying public benefit offer is the dedication of foreshore public bushland to Council.</p> <p>As also shown in the Concept Architectural Scheme (Appendix 3), future development on the site can be appropriately setback from bushland within the C2 Environmental Conservation zone.</p>
Division 3.9: Sydney Harbour Foreshores and Waterways Area	<p>The direction aims to protect and enhance Sydney Harbour's natural and cultural assets, ensure ecological and community well-being, mitigate climate change impacts, and promote equitable use and economic prosperity for sites within Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.</p> <p>This direction applies as the site is identified on the Foreshores and Waterways Area Map.</p> <p>The Planning Proposal is consistent with this direction as the accompanying public benefit offer is the dedication of foreshore land to Council, which enables the protection, maintenance and public access to this land.</p>
Focus Area 4 - Resilience and Hazards	
Direction 4.2: Coastal Management	<p>The objective of Direction 4.2 is to protect and manage coastal areas of NSW.</p> <p>As outlined in Section 6.3.2, the site is classified as coastal use area and the coastal environment area identified by chapter 2 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The Proposal will not adversely impact coastal environment values and natural coastal processes.</p>

Relevant Ministerial Direction	Consideration
Focus Area 5 - Transport and Infrastructure	
Direction 5.1: Integrating Land Use and Transport	<p>The objectives of Direction 5.1 are to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> • improving access to housing, jobs and services by walking, cycling and public transport • increasing the choice of available transport and reducing dependence on cars • reducing travel demand including the number of trips generated by development and the distances travelled, especially by car • supporting the efficient and viable operation of public transport services • providing for the efficient movement of freights <p>As discussed in Section 3.2, the proposal will provide residential development close to established services, shops, open space and public transport and therefore, is consistent with this direction.</p>
Direction 5.2: Reserving Land for Public Purposes	The proposal does not seek to alter, reduce or remove the land reserved for a public purpose. Thereby, consideration of this direction is not necessary.
Focus Area 6 - Housing	
Direction 6.1: Residential Zones	<p>The objectives of Direction 6.1 are to:</p> <ul style="list-style-type: none"> • encourage a variety and choice of housing types to provide for existing and future housing needs • make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services • minimise the impact of residential development on the environment and resource lands. <p>The Planning Proposal is consistent with this direction as it will provide new high-quality housing and greater housing diversity in proximity to key services and infrastructure described in Section 3.2.</p>

Table 18 Section 9.1 Directions by the Minister

6.3.3 Section C: Environmental, Social and Economic Impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?*

The Planning Proposal is supported by an Ecological Impact Assessment prepared by Habitat Solutions (Appendix 5).

The assessment found the Planning Proposal will not have any significant impact to native flora and fauna and, therefore, an Assessment of Significance (5 Part-test) under

s7.3 of BC Act and referral to the Australian Government Minister for the Environment (the Minister) is not required.

The Ecological Impact Assessment is discussed in further detail in the section below.

9. Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal has considered a range of potential environmental effects including:

- built form, urban design and public domain
- traffic and transport
- contamination
- vegetation and biodiversity
- infrastructure
- economic and social impacts

Specialist consultant reports addressing these issues have been prepared in support of the Planning Proposal. These are discussed below and demonstrate that the proposal will have minimal environmental impacts and is an appropriate response to the site and its context.

Built Form, Urban Design and Public Domain

Bulk and scale

The Concept Architectural Scheme (Appendix 3) provides a detailed assessment of the site and locality. It specifically considered the relationship of future development on the site to adjoining properties and the C2 zoned land.

The proposed building envelope (5-8 storeys) has been designed to step down with the east to west slope of the site and appear as a four-storey development fronting the street. This achieves a street height plane along Greenwich Road consistent with the surrounding high-density developments. Refer to the massing study in Figure 31 below.

The building's bulk and scale can also be effectively managed through the v-shaped building design and provision of appropriate setbacks. The buildings shape creates a large north-south break through the site, a response to the non-standard lot geometry (specifically fronting Greenwich Road) and enables compliance with key built form controls discussed below. These design features were specifically included in response to the advice of Council's Design Review Panel.

The Concept Architectural Scheme (Appendix 3) indicates future redevelopment of the site can comply with all LCDCP 2010 setback requirements and can exceed *Apartment Design Guideline 2015* solar access requirements. This is discussed further below.

Extracts from the Concept Architectural Scheme (Appendix 3) are provided below.

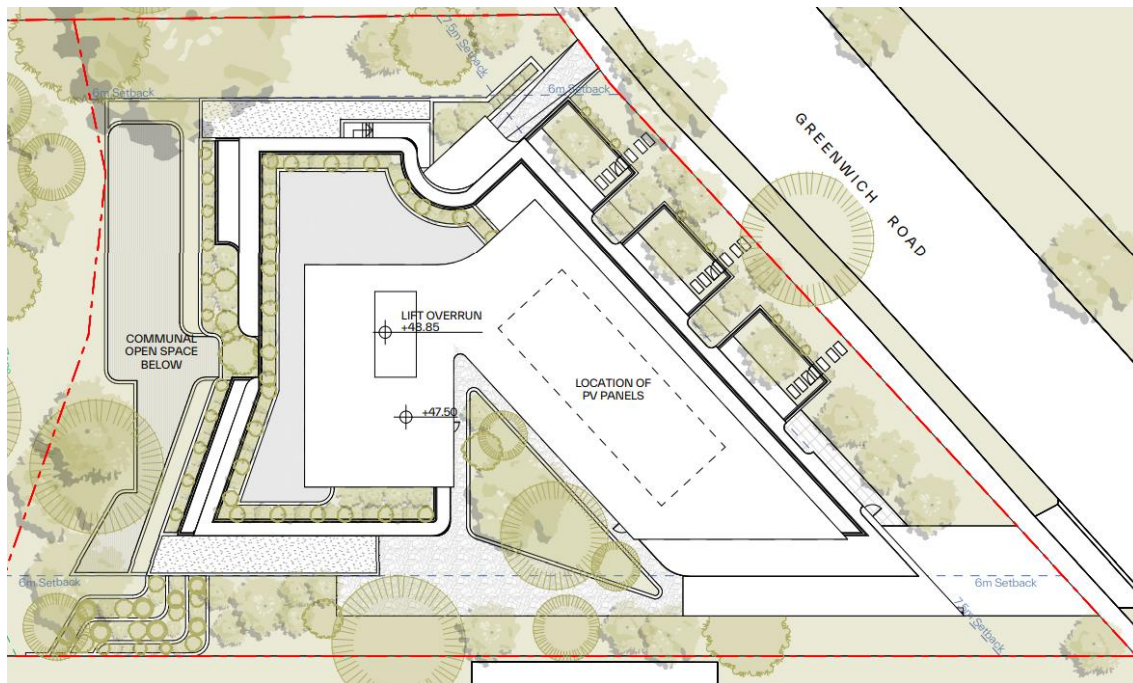


Figure 29: Site Plan (Source: PBD)

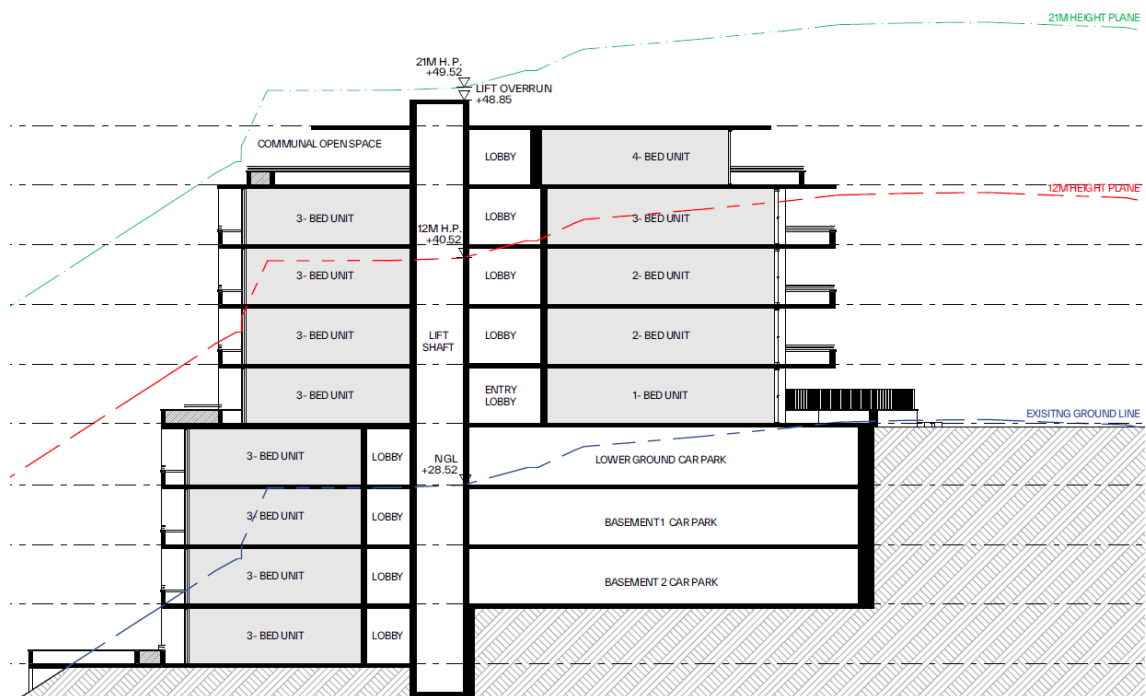


Figure 30: Section Plan (Source: PDB Architects)

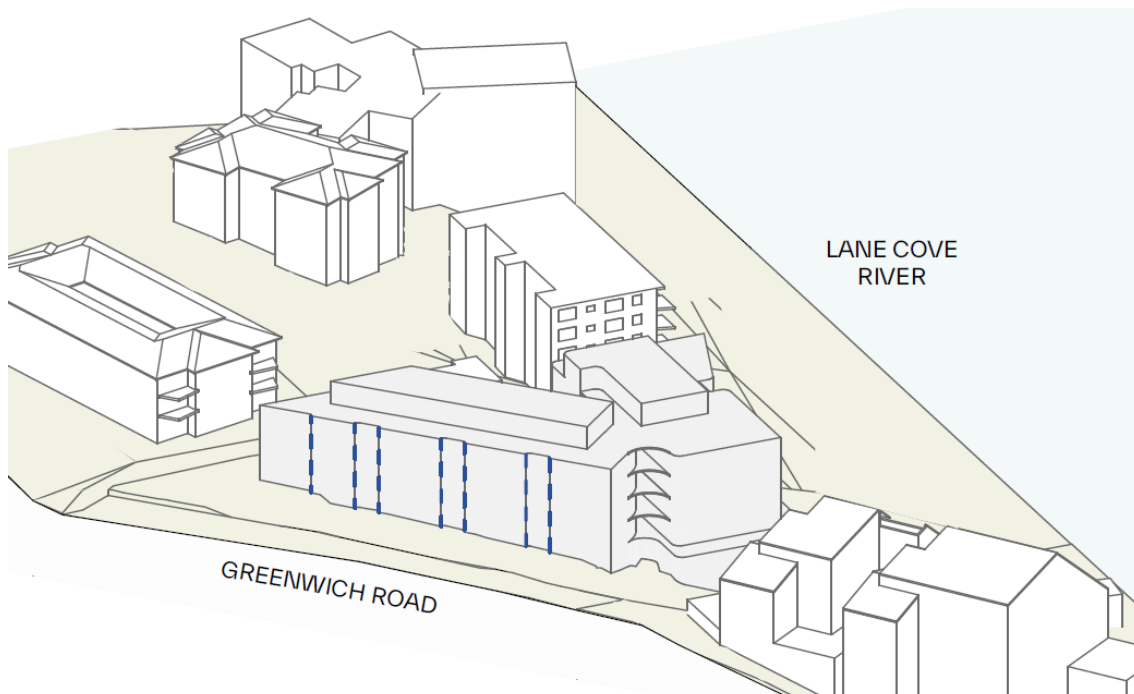


Figure 31: Massing study (PBD Architects)



Figure 32: Indicative street presence (Source: PBD)

As previously noted, the Applicant engaged Matthew Pullinger, Architect, to undertake a peer review of and contribute to the refinement of the concept design following comment's received by Council's DRP.

Matthew has prepared a letter in support of the Concept Architectural Scheme, see Appendix 1. An extract is provided below.

The PP represents a contextually sensitive, responsive and high quality renewal of the site and the broader urban landscape, bringing with it a range of benefits which include:

- *Contributing to the renewal of this part of Greenwich Road as a distinctive higher density residential street and a defining element of the Greenwich peninsula's landscape character.*
- *Adopting the general street alignment of the two immediate neighbouring buildings and achieving consistency with the prevailing street alignment of other buildings elsewhere along Greenwich Road.*
- *Providing generous side setbacks to each of the neighbouring buildings, sufficient to establish meaningful landscaped areas, provide good building separation and maintain appropriate privacy between neighbours.*
- *Adopting a forward building alignment towards the west that respects the land mapped as C2 Zone Environmental Conservation and striking a logical alignment with the two immediate neighbouring buildings as they address the Harbour.*
- *Establishing a defined street wall height of four storeys, with recessed fifth floor, comfortable and familiar to the scale of other existing built elements within the R4 Zone*
- *High Density Residential - this is key to achieving a streetscape form, bulk and scale appropriate to Greenwich Road.*
- *Introducing a highly modelled building envelope, dividing the proposed building mass into two distinct, separate elements - one addressing Greenwich Road, the other addressing the Harbour.*
- *Between these two separate building forms, landscaped communal open space is provided in a manner that brings relief, improved building separation, better environmental performance and better residential amenity.*
- *The two separated building forms also allow the proposal to respond positively to the steeply sloping topography that falls towards the Harbour to the west.*
- *Further modelling of the building envelope as it presents to the Harbour, such that the lower four levels are captured within the existing tree canopy associated with the C2 Zone Environmental Conservation land, while the more visible upper levels are setback.*
- *Presenting a clear point of address to Greenwich Road, signalling the formal building entry and providing an associated expanded landscape area.*
- *Offering individual street addresses for other ground floor apartments, each with landscaped front gardens within the site frontage.*

For each of these reasons, I am satisfied that the PP submission in its final form now represents a high quality urban design and architectural response to the character and setting of this part of Greenwich, and also reflects the efficient use of valuable R4 Zone High Density Residential land.

Setbacks

The Concept Architectural Scheme (Appendix 3) demonstrates future development on the site is capable of compliance with the LCDCP 2010 setback controls, as outlined in the table below.

Location	LCDCP 2010 control	Proposed	Compliant?
Front	<ul style="list-style-type: none"> 7.5 (predominate street setback) 	7.5m	✓
Side (north)	<ul style="list-style-type: none"> 6m up to 4 storeys 9m for 5-8 storeys 12m for 9 storeys and above encroachments into the setback zone up to 2m if the structure is not more than 1.2m above ground level may be permitted 	9m	✓
Side (south)	<ul style="list-style-type: none"> 6m up to 4 storeys 9m for 5-8 storeys 12m for 9 storeys and above encroachments into the setback zone up to 2m if the structure is not more than 1.2m above ground level may be permitted 	6m (except for carpark entrance which can be designed to be not more than 1.2 m above ground level)	✓
Rear	<ul style="list-style-type: none"> 10m buffer to 'bushland' 	22.5-29.8	✓

Table 19: Setback compliance

A Bushland Assessment has been prepared by Habitat Solutions (Appendix 4) as the site adjoins land containing native vegetation which is identified for acquisition by Council for open space and identified for environmental conservation under the LCLEP 2009 (refer to Section 5.4 and 5.6). Part of this land contains 'public bushland' under the LCLEP 2009, see definition below (bold our emphasis):

public bushland means land—

- a) on which there is vegetation that is—
 - i. **a remainder of the natural vegetation of the land, or**
 - ii. representative of the structure and floristics of the natural vegetation of the land, and
- b) that is owned, managed or **reserved for open space** or environmental conservation **by the Council** or a public authority.

Part H and J of the LCDCP 2010 (specifically H.6 6.2.1 and Part J 5.4) require a 10m 'buffer area' to 'bushland'. The LCDCP 2010 definition of 'bushland' is below and is consistent with the definition of 'public bushland' quoted above.

Bushland means land (private or public) on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative in part of the structure and floristics of the natural vegetation and which contains topographic and natural features. (Bush)

The objective of control H.6 6.2.1 is provided below (there are no objectives for J 5.4):

The objective of buffer areas is to provide a transition area between the building and bushland area so as to reduce the impacts of development upon bushland.

The Bushland Assessment has been undertaken to determine the location and extent of any bushland (as defined in the LCDCP 2010) on the broader land parcel and therefore the extent of the 10m buffer area requirement.

The assessment concludes that the area of the broader land parcel which meets the DCP definition of bushland is limited to the western extent of the site near the foreshore, as shown in green on Figure 33 below. The remainder of the broader land parcel and site contains Exotic Modified Landscape (shown in red on the figure below), which:

contains introduced fill soils that has significantly altered the natural vegetation of the land. This vegetation is not representative of the structure and floristics of the natural vegetation, as the ground cover and understory species are predominantly exotic and there are very few canopy species within this zone that are naturally occurring. The topography through this area has been significantly modified as a result of historical filling and gardening practices, as well as the construction of retaining walls, and sewerage infrastructure.

Accordingly, the 10m buffer area required by the LCDCP 2010 commences from the blue line in the figure below.

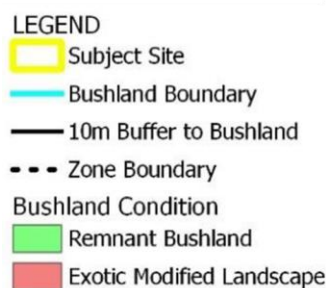


Figure 33: Bushland boundary with 10m buffer (Source: Habitat Solutions)

As shown on Figure 34 below, the Concept Architectural Scheme indicates that future development on the site is capable of achieving a bushland buffer of between 22.5m to 29.8m, which is substantially greater than the DCP's 10m buffer.

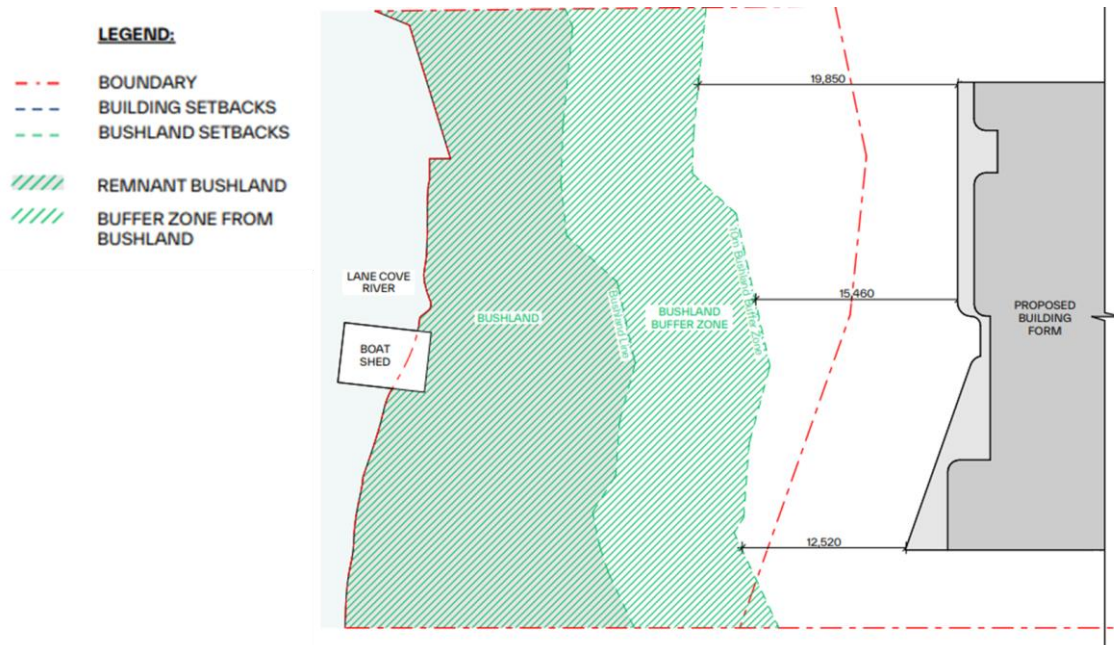


Figure 34: Achievable rear setback

Overshadowing

Although the ADG will be fully assessed at DA stage, the concept design has considered key objectives including ensuring that apartments, private open space and adjacent developments receive adequate solar access.

As indicated by the Concept Architectural Scheme (Appendix 3), future development can exceed solar access requirements as 97% of dwellings (28 out of 29 dwellings) can achieve a minimum 2 hours of solar access recommended by the ADG. Future development on the site, in accordance with the Concept Architectural Scheme, will also not unduly overshadow adjoining developments to the south.

Heritage

The site does not comprise any heritage items under the LCLEP 2009.

As noted in Section 5.5, an HCA and archaeological item area are located directly east of the site. The HCA is identified as the 'Greenwich Conservation Area' (item no. H1), and the archaeological item is identified as 'Fells Shale Oil Refinery' (item no. A1).

However, both items are not visible to local pedestrians and maintain a discreet street presence as they are separated by a wired fence, surrounded by lush vegetation and sunken down from street level. Therefore, future residential development on the site under the proposed amended height and FSR controls will not have any adverse impacts on the HCA or archaeological item.

Visual Impact / view analysis

As shown within Figure 35 below, the proposal represents a contextually sensitive and high-quality renewal of the site which adopts the prevailing height and scale adjacent developments along the Greenwich Road frontage. The building envelope, specifically on the southbound approach on Greenwich Road, will be largely screened by existing, mature street trees.

As outlined in Section 3, the site's only sensitive receivers are along the side boundaries to the north and south. The Conceptual Architectural Design (Appendix 3) has been designed to ensure appropriate privacy between neighbours is maintained by

- providing generous side setbacks which establishes meaningful landscaped areas (with vegetative screening) and good building separation
- designing large building breaks on both side boundaries meaning windows will be predominantly located east and west (towards views and sunlight)
- where windows are provided along the side boundaries, they will be offset to prevent overlooking opportunities

The principle views from the immediate adjoining residential flat building developments at 183 Greenwich Road, 4 Landenburg Place and 173-175 Greenwich Road are east-west views rather than across the site. There are limited northerly views across the site from some units in 4 Landenburg Place towards Greenwich Road and the low density residential areas to the north. The proposed building envelope has been designed to minimise view loss from adjacent properties by compliance with the side and front setbacks, which pulls the built form away from the side boundaries, as well as the upper level setbacks and highly modelled built form into two distinct elements. Combined, these factors minimise impacts on already limited northerly views across the site.

Other views to the site are from Lane Cove River to the west and Sydney Harbour to the east. Importantly, these views are not impacted as there are no residential developments to the immediate west or east.

It is noted the nearest dwelling to the west is 75 The Point Road Woolwich and is approximately 439m from the site. As shown within Figure 36, the lower four levels are largely captured within the existing tree canopy associated with the C2 Zone Environmental Conservation land, while the more visible upper levels are setback. The bulk and scale from this view point is consistent with the neighbouring developments fronting Lane Cove River.

In light of the above, our view, which is supported by the Architectural Letter of Support (Appendix 1) is that there will be minimal visual impacts resulting from the proposed development.



Figure 35: View from Greenwich Road (Source: Virtual Ideas)



Figure 36: View from Lane Cove River (Source: Virtual Ideas)

Transport and Traffic

A Traffic Assessment Report has been prepared by Colston Budd Rogers & Kafes (Appendix 6). The report considers future vehicular access, car parking and bicycle parking provision and a preliminary assessment of the traffic and transport impacts associated with the future redevelopment of the site.

The report concludes that the development will '*not have noticeable effects on the operation of the surrounding road network*'.

A full summary of the findings is below:

- Greenwich Road carries low to modest traffic flows in the vicinity of the site.
- The proposed development would increase residential densities close to existing public transport services consistent with the objectives of the Greater Sydney Region Plan and North District Plan.
- Traffic generated by the proposed development will have its greatest effects during weekday morning and afternoon peak periods when it combines with other traffic on the surrounding road network
- The development will have a very low traffic generation of some four or five vehicles per hour two-way at peak times, equivalent to an average of one vehicle every 12 to 15 minutes. Importantly, the difference between the scale of development permissible under the current controls and that envisaged in the planning proposal would be some two or three vehicles per hour. Such low traffic generations would not have noticeable effects on the operation of the surrounding road network.

Topography and subsurface conditions

A Geotechnical Desktop Assessment has been prepared by JKGeotechnics (Appendix 7). A summary of the topographical observations and subsurface conditions are detailed below:

Topographical:

- *The site is located on hilly topography which slopes down to the Lane Cove River (west) and also slopes gently to the north*
- *Based on the detailed survey prepared by Norton Survey Partners (Ref: 22195, Dated: 08.11.23), the surface levels within the site range from about 34mAHD within the south east corner of the site, 30mAHD within the north east corner and 0.70mAHD in the western portion of the site.*

Subsurface conditions:

- *The site is mapped to be underlain by Hawkesbury Sandstone comprising "medium to coarse-grained quartz sandstone, very minor shale and laminate lenses".*
- *Localised topsoil and fill are likely to be present at the site and are associated with the current residential development.*
- *Expect to encounter fill/topsoil directly overlying sandstone bedrock at shallow depths, although a thin layer of residual or slopewash soils overlying the bedrock may be present in some areas. Based on the exposed bedrock, the underlying sandstone is expected to be of low to medium strength on first contact.*

- *Groundwater seepage through existing defects was observed in the existing cliff face within the western portion of the site. Groundwater seepage is expected along the soil/rock interface and through defects in the bedrock, particularly during rainfall periods. Groundwater is expected to be encountered during the proposed development.*

Based on the above, JKGeotechnics conclude that the site is geotechnically suitable for the proposed development. It is noted JKGeotechnics also provide a number of recommendations regarding excavation, ground water, footings etc – these are matters which will be addressed as part of a future DA.

Biodiversity

An Ecological Impact Assessment has been prepared by Habitat Solutions (Appendix 5) to assess the impact of the proposed future building envelope on biodiversity.

Within the site, the vegetation is highly degraded and classified as Exotic Vegetation. The Ecological Impact Assessment emphasises the site contains no native species aligning with a Plant Community Type and that there are no threatened fauna species.

The Ecological Impact Assessment also provides an assessment against relevant legislation, as summarised in the table below.

The Ecological Impact Assessment concludes the proposed development will have no significant impact to native flora or fauna and does not require any further ecological assessments or referrals.

Act	Habitat Solutions assessment
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<ul style="list-style-type: none"> • This Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places which are considered Matters of National Environmental Significance (MNES). • No threatened flora or fauna observed within the site • One threatened species the Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) – Vulnerable has a medium likelihood of occurrence within the site. However, due to the high mobility and no feed trees or potential habitat for the animal, an Assessment of Significant Impact is not required. • No referral to the Australian Government Minister for the Environment (the Minister) is required as there are no native species which align to a Plant Community Type.
<i>Biodiversity Conservation Act 2016</i>	<ul style="list-style-type: none"> • This Act seeks to conserve biological diversity and promote ecologically sustainable development, to prevent extinction and promote recovery of threatened species, populations, and ecological communities and to protect Areas of Outstanding Biodiversity Value. • No threatened fauna species under this Act were observed during the survey. However, the five threatened fauna species listed below were determined to have a medium likelihood of occurring on the this site.

Act	Habitat Solutions assessment
	<ul style="list-style-type: none"> ○ Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) – Vulnerable under the BC Act and EPBC Act ○ Eastern Coastal Free-tailed Bat (<i>Micronomus norfolkensis</i>) - Vulnerable under the BC Act ○ Large Bent-winged Bat (<i>Miniopterus orianae oceanensis</i>) – Vulnerable under the BC Act ○ Southern Myotis (<i>Myotis macropus</i>) - Vulnerable under the BC Act ○ Greater Broad-nosed Bat (<i>Scoteanax rueppellii</i>) - Vulnerable under the BC Act. • Notwithstanding, as the above listed species are highly mobile and no trees or habitat for these species are expected to be impacted by the proposal, no Assessment of Significance (5 Part-test) under s7.3 of this Act is required.

Table 20: Summary of Habitat Solutions assessment

An Arboricultural Impact Assessment has also been prepared to support the Planning Proposal. This has been prepared by Bradshaw Consulting Arborists and is provided at Appendix 8.

The Arboricultural Impact Assessment identified 42 existing trees on site and provides a high-level assessment of the conceptual built form envelope. The assessment concludes based on the conceptual footprint, majority of trees can be retained as only 15 trees would require removal. This is based on the conceptual scheme and exact number of trees to be removed will be confirmed as part of the detailed design at DA stage.

Ecologically sustainable development

The proposal seeks to facilitate ecologically sustainable development through:

- optimising the buildings east-west orientation which maximises solar access and will minimise light and air conditioning consumption.
- promoting greater use of public transport and sustainable modes of transport including walking and cycling by situating a development near existing facilities – this approach will combat the use of private vehicles and contribute to a reduction in greenhouse emissions

Ecologically sustainable development measures to reduce the carbon footprint i.e. rainwater tanks will be addressed further as part of a future DA.

10. *Has the planning proposal adequately addressed any social and economic effects?*

The key social and economic effects of the Planning Proposal relate to its positive contribution to housing supply and diversity in a well-located, appropriately zoned locality.

Specifically, the proposal provides a building envelope that will facilitate the redevelopment of the site for a residential flat building comprising approximately 29 apartments of varying sizes. This will:

- Contribute to the achievement of the Lane Cove LGA's housing target of 3,400
- Contribute to the achievement of NSW's housing target under the NHA of 377,000
- Improve housing diversity and choice in the Lane Cove LGA
- Unlock the development potential of a site that has been unable to be redeveloped for higher density housing in accordance with its zoning due to the current restrictive development standards which apply

6.3.4 Section D: Infrastructure

11. Is there adequate public infrastructure for the planning proposal?

A Service Infrastructure Report has been prepared by Collective Engineering (Appendix 9) which confirms future development on the site will utilise existing public infrastructure and services including connections to water, sewerage, electrical and telecommunications infrastructure. These matters will be further considered at DA stage.

6.3.5 Section E: State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

As outlined in Section 4, the Applicant and project team have undertaken extensive consultation with Council prior to lodgement of this Planning Proposal.

Consultation with DPHI will be undertaken once the Planning Proposal has been referred for its review and subsequent issuing of a Gateway determination. Consultation with other State and Commonwealth public authorities will also be carried out at the Gateway determination stage.

6.4 Part 4: Mapping

The Planning Proposal will be accompanied by draft height and FSR maps prepared by Council when submitted to DPHI. The maps will be prepared in accordance with the Planning Proposal.

6.5 Part 5: Community Consultation

Following the pre-lodgement meeting with Council (discussed in Section 4), Council confirmed on 16/08/2024 a scoping proposal did not need to be prepared.

We understand that following lodgement, Council will undertake informal public exhibition of the Planning Proposal prior to determining whether to refer it for Gateway Determination.

Formal community consultation will take place following a Gateway Determination. As the proposal is categorised as 'standard' under the *Local Environmental Plan Making Guide 2023*, we recommend a public exhibition period of 20 days as per the Guideline.

6.6 Part 6: Project Timeline

The proposed project timeframe for the completion of the Planning Proposal is dependent on the nature of any additional information that may be required by Council and DPHI, including the need for agency and community consultation. On the basis that it is a standard Planning Proposal, an indicative timeline is provided below. This timeline will be confirmed with Council, following lodgement of the Planning Proposal.

Stage	Timeframe and/or date
Planning Proposal lodged	Dec 2024
Pre Gateway exhibition	Jan-Feb 2025
Consideration by Council/Council decision	Mar-April 2025
Gateway determination	Jun 2025
Public exhibition and assessment	Jul-Nov 2025
Finalisation	Dec 2025

Table 21 Indicative Project Timeline

7 Conclusion

The Planning Proposal seeks to amend the current maximum building height and FSR controls that apply to the site under the LCLEP 2009 as they currently sterilise any feasible redevelopment of the site.

It has been prepared in accordance with Section 3.33 of the EP&A Act and DPHI's *Local Environmental Plan Making Guide 2023*. It has also been prepared with regard to the key objectives identified in the state and local strategic plans. Specifically, the *Greater Sydney Region Plan, North District Plan, Local Strategic Planning Statement Lane Cove Council 2020, Liveable Lane Cove Community Strategic Plan 2035 and Open Space Plan 2016-2026*.

The Planning Proposal is supported by a conceptual architectural design and technical reports which justify the proposed amendments to the extent that they will establish a building envelope for the future development of a residential flat building on the site (subject to a future DA).

There is demonstrable strategic and site-specific justification for the Planning Proposal as it:

- provides development controls which are appropriate for a R4 High density residential zone and which will facilitate the future development of a residential flat building on the site
- will increase housing stock in the LGA and broader region which will assist in meeting housing targets and community needs
- concentrates housing with good access to transport and services
- diversifies unit mixes in an existing high-density residential environment
- demonstrates that future development will respect the amenity of nearby dwellings and maintain the character of the locality
- will not result in site isolation
- facilitates access to the foreshore land (via a future VPA) promoting accessibility and protection of public open space

The Planning Proposal is accompanied by a Letter of Offer (Appendix 2) which proposes to deliver significant public benefits including:

- dedication of 1,539m² of continuous waterfront land to Council valued at approximately \$3,000,000
- assigning Council the maritime lease for the boatshed attached to 181 Greenwich Road

In consideration of the above listed strategic justification and public benefits, it is considered that a compelling case is provided to Council to refer the Planning Proposal (as the Planning Proposal authority) to DPHI for review and subsequent issue of a Gateway determination.