



IRF25/1183

Gateway determination report – PP-2024-2749

177-183 Greenwich Road, Greenwich

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Architectural Letter of Support, Matthew Pullinger Architect, 14 December 2024
Letter of Offer to enter into Planning Agreement, Winten Property Group, 16 December 2024
Concept Architectural Plans, PBD Architects, 5 December 2024
Bushland Assessment, Habitat Solutions, November 2024
Environmental Impact Assessment, Habitat Solutions, July 2024
Traffic Impact Study, Colston Budd Rogers & Kafes Pty Ltd, December 2024
Geotechnical Desktop Assessment, JK Geotechnics, 10 December 2024
Arboricultural Assessment, Bradshaw Consulting Arborists, 6 December 2024
Services Infrastructure Report, Collective Engineering, 17 December 2024
NSROC Design Review Panel Minutes, 10 September 2024
Lane Cove Local Planning Panel Report and Advice, 2 April 2025
Council Report and Minute, 24 April 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lane Cove
PPA	Lane Cove Council
NAME	177-183 Greenwich Road, Greenwich
NUMBER	PP-2024-2749
LEP TO BE AMENDED	Lane Cove Local Environmental Plan 2009
ADDRESS	177-183 Greenwich Road, Greenwich
DESCRIPTION	<p>R4 zoned lots (subject to planning proposal):</p> <ul style="list-style-type: none">• Lot 1 DP 1007019• Lot 1 DP 1164656• Lot 1 DP 1144468• Lot 100 DP 1181414• Part of Lot 1 DP 701766 <p>C2 zoned lots (subject to associated local planning agreement):</p> <ul style="list-style-type: none">• Lot 1 DP 100206• Lot 1 DP 100205• Lot 2 DP 1144468• Lot 1 DP 329254• Part of Lot 1 DP 701766
RECEIVED	1/05/2025
FILE NO.	EF25/7093
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

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

The objective of the planning proposal is to provide appropriate development controls and a building envelope on the site that facilitates the future development of a 5-8 storey residential flat building comprising 29 dwellings.

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.

The objective and intended outcomes of this planning proposal are clear and adequate.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R4 High Density	No Change
Maximum height of the building	12m	RL48.85 (approximately 21m)
Floor space ratio	0.8:1	1.68:1
Number of dwellings	4 dwellings	29 dwellings

Overall, the proposed controls would result in a residential flat building of 5 storeys fronting Greenwich Road and potentially 8 storeys at the rear of the site, comprising 29 dwellings.

It is noted that the planning proposal, as submitted by the proponent, requested a height of 21m and FSR of 1.7:1. At its meeting of 24 April 2025, Council resolved to support the planning proposal with amendments to the proposed height and FSR controls (as detailed in **Table 3**). A Gateway condition is recommended to ensure the planning proposal is updated prior to community consultation to reflect these amendments.

1.4 Site description and surrounding area

The site is approximately 2,786m² and contains 4 detached dwellings. The planning proposal seeks to change the height and floor space ratio controls applying to five lots (outlined in red in **Figure 1**), being:

- Lot 1 DP 1007019
- Lot 1 DP 1164656
- Lot 1 DP 1144468
- Lot 100 DP 1181414
- Part of Lot 1 DP 701766

The site adjoins land zoned C2 Environmental Conservation, which is part of the broader land parcel and approximately 1,539m² (outlined in yellow in **Figure 1**) and extends to the foreshore of the Lane Cove River, being:

- Lot 1 DP 100206
- Lot 1 DP 100205
- Lot 2 DP 1144468
- Lot 1 DP 329254
- Part of Lot 1 DP 701766

The planning proposal does not seek any amendments to the zoning or applicable controls of the C2 zoned land, which are identified on the Land Reservation Acquisition Map for local open space and proposed to be dedicated to Council through a local planning agreement. Council have advised they intend to report the local planning agreement to Council separately.

The site is adjoined by residential flat buildings and an industrial facility known as ‘The Gore Bay Terminal’, a commercial oil terminal which supplies bunker fuels to visiting cruise liners and other ships and is operated by Shell Australia. The terminal is a Heritage Conservation Area and contains two heritage items under Lane Cove LEP.



Figure 1 Subject site (source: Nearmap, 2025)



Figure 2 Site context (source: Planning Proposal, December 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Lane Cove maps, which are suitable for community consultation.



Figure 3 Current zoning map (Source: Planning Proposal, 2024)



Figure 4 Current height of building map (Source: Planning Proposal, 2024)



Figure 5 Proposed height of building map (Source: Planning Proposal, 2024)



Figure 6 Current floor space ratio map (Source: Planning Proposal, 2024)

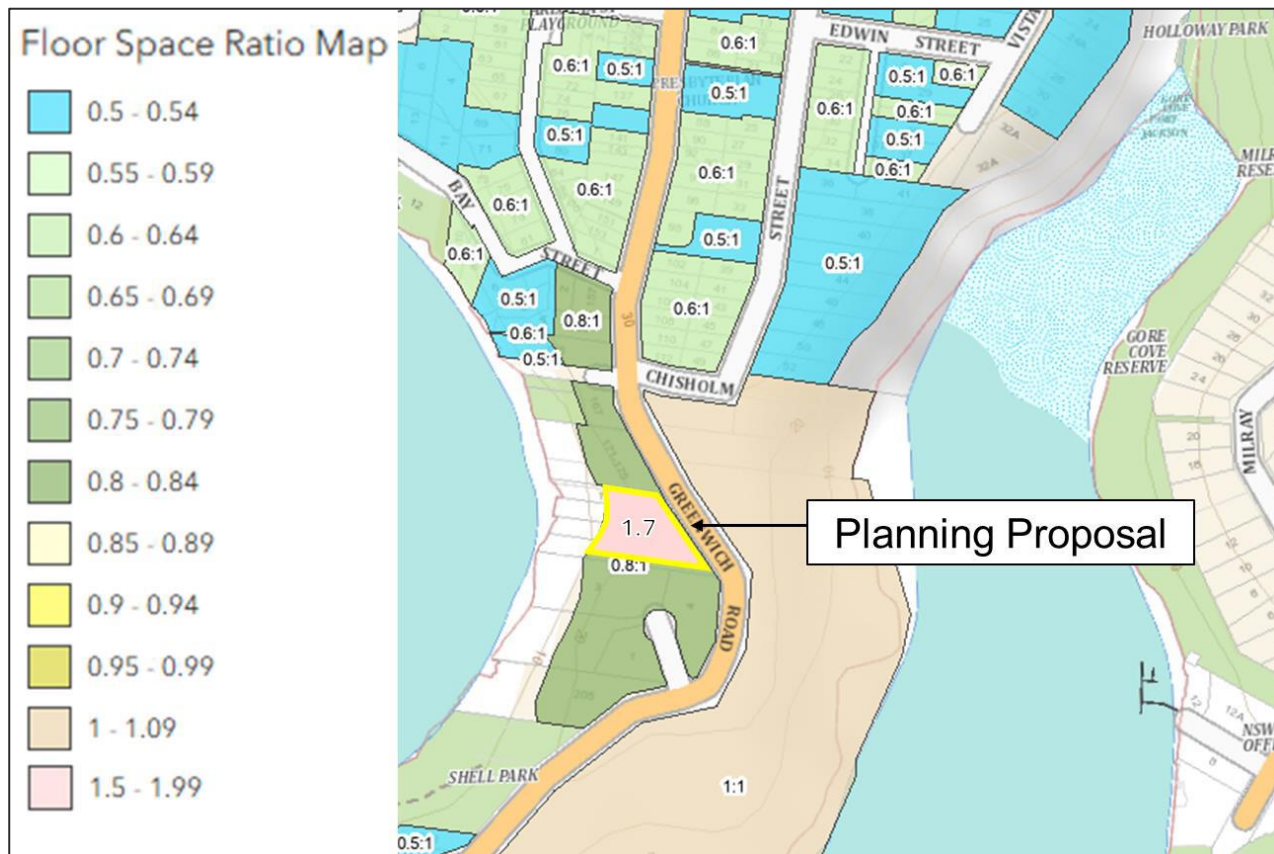


Figure 7 Proposed floor space ratio map (Source: Planning Proposal, 2024)

It is noted that the planning proposal, as resolved by Council, has sought amendments to the proposed height and FSR controls. A Gateway condition is recommended to ensure the planning proposal and associated mapping are updated prior to community consultation to reflect these amendments.

2 Need for the planning proposal

The planning proposal is the result of a proponent-initiated application to amend the height and floor space ratio controls under Lane Cove LEP to facilitate a 5-8 storey residential flat building comprising 29 dwellings.

The planning proposal states that 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 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.

Council's report to the local planning panel states that under the current height control, a potential building 4 storeys tall (fronting Greenwich Road) would be permissible, however the floor space ratio (FSR) would only allow for approximately 2,229 m² of Gross Floor Area (GFA). Considering setback and landscaping requirements, the current FSR would only allow a 2-storey building fronting Greenwich Road (and potentially 5-storeys at the rear) and not the 4-storey building envisaged. Council found that, in this case, there does appear to be a mismatch between the LEP building height and floor space ratio.

Council is of the view that the planning proposal provides an opportunity for transferring ownership of the adjoining C2 zoned land to Council, which has been earmarked for acquisition since the 1960s for the purposes of a broader foreshore walk in Greenwich (see **Figure 8**).



Figure 8 Proposed public foreshore access (Source: Local Planning Panel Report, 2 April 2025)

The planning proposal is the best means of achieving the objectives and intended outcomes for the site.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

The site is within the North District and the former Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability. In particular, the planning proposal is consistent with the following priorities:

- Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport
- Planning Priority N16 – Protecting and enhancing bushland and biodiversity
- Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid connections

The planning proposal is consistent with Planning Priority N5 as it will facilitate greater housing supply in an area already zoned for higher density residential development.

Whilst separate from the planning proposal, the proposed local planning agreement between Council and the proponent seeking transfer of the C2 zoned land to Council's ownership, is consistent with Planning Priorities N16 and N19 as this will allow for biodiversity conservation and restoration of bushland corridors and enable a publicly accessible foreshore, contributing to Lane Cove's Green Grid.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

3.3 Local

The table below provides an assessment of consistency with the following local plans and endorsed strategies.

Table 4 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	The Lane Cove LSPS was endorsed by the former Greater Sydney Commission 2020. The LSPS seeks to provide a strategic land use vision for Lane Cove and

aligns local planning with the objectives and priorities of the Region and District Plans.

The planning proposal is consistent with the following actions of the Lane Cove LSPS:

- Ensure the LEP delivers diversity and housing choice from zones providing for houses, flats, townhouses, duplexes, boarding houses and shop top housing, including near centres
- Improve connections to the Green Grid, where possible, to enhance liveability
- Plan wildlife corridors and reserve linkages strategically on a regional basis.

Whilst the site is not located near a local or strategic centre, the planning proposal would facilitate a marginal increase in dwellings in an area already zoned for high density residential development.

The LSPS states that locating higher density housing stock further from urban centres will not improve access to amenity such as recreation, the public realm, and increased walkable and cycle-friendly connections to centres. In some instances, it will reduce access to such amenity. Whilst the planning proposal does not seek to change the zoning, it does seek to change planning controls required to enable high density housing away from urban centres. The planning proposal should be updated to address why the proposed uplift on the site should be supported in this instance.

The LSPS states that Council is also working to map opportunities to restore and reconnect areas of habitat in established urban areas which would complement the delivery of the Greater Sydney Green Grid. The proposed dedication of the E2 zoned to be facilitated through a local planning agreement between Council and the Proponent presents an opportunity to connect the Jago Street walking track all the way down to the Greenwich Ferry Terminal, improving connection to the existing Green Grid further north of the site.

The subject site includes land zoned E2 Environmental Conservation which is identified as 'high environmental value land' in the LSPS. The planning proposal states that this land is proposed to be dedicated to Council through a local planning agreement. Whilst the local planning agreement is being considered separately by Council, the proposed dedication of this land to Council will assist in achieving the LSPS action to plan wildlife corridors and reserve linkages strategically on a regional basis.

The LSPS states that the Lane Cove LEP seeks to support and reinforce the aims of the Sydney Harbour Catchment SREP, through the aims of the LEP, where possible, restoring all riparian, bushland (public and private) and foreshore land to as close as possible to a natural state. It also significantly limits the extent of the development on lands which directly adjoin the foreshore. The planning proposal does not provide detail on how the E2 zoned land will be restored to its natural state, meeting the LSPS requirement. However, it is noted that the dedication of that land is to be facilitated through a local planning agreement and is not part of this planning proposal.

Notwithstanding the above, the LSPS highlights the importance of protecting the Greenwich Industrial land which adjoins the subject site (**Figure 9**). The LSPS states that this industrial and urban services land has continuously operated as industrial land since 1903 to house facilities for a large proportion of Sydney's fuel requirements. It is essential that it is retained for the foreseeable future.



Figure 9 Greenwich Industrial Area (Source: Lane Cove LSPS, 2020)

An assessment of risks associated with proximity to this industrial land is required to ensure conflicting land uses do not impact the ongoing operation of the site. This is further detailed in section 4.1 below.

The planning proposal should be updated to provide an analysis on the impact that increasing density in this location may have on the adjoining industrial land. A condition is recommended to this effect.

Local Housing Strategy (LHS)

The LHS states that housing is to be consolidated around strategic (St Leonards) and local centres (Lane Cove Village/ Plaza) to achieve transit oriented development, however not at the expense of jobs. The site is approximately 450m from Greenwich neighbourhood centre, a small strip of shops including a neighbourhood supermarket. However, the site is located approximately 2km from St Leonards train station and Crows Nest metro station and approximately 3.5km from Lane Cove Village/ Plaza, where the LHS seeks to consolidate housing.

The LHS states that it is not recommended that controls for remnant lands be loosened, as market demand can be met elsewhere in areas that are planned to be serviced by infrastructure and high quality design.

The LHS states that further upzoning is not required to meet housing capacity requirements for the LGA. Planning proposals should expressly be linked to

	<p>furthering the objectives, priorities, principles and actions of the Local Strategic Planning Statement and LHS.</p> <p>The planning proposal states that it will directly achieve the principles and actions of Council's Local Strategic Planning Statement. However, the planning proposal should be updated to provide further justification as to why permitting uplift outside the areas identified in the LHS on 'remnant land' should be supported. A condition is recommended to this effect.</p>
Community Strategic Plan (CSP)	<p>The <i>Liveable Lane Cove 2035 Community Strategic Plan</i> (CSP) was adopted by Council in 2017. The CSP sets out the broader strategic directions and supporting strategies for the Lane Cove LGA through 6 'themes' over a four-year delivery program.</p> <p>Of 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.</p> <p>The proposed 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.</p>

3.4 Local planning panel (LPP) recommendation

On 2 April 2025, the Lane Cove LPP advised Council that the planning proposal is supported only with amendments and should proceed to the Gateway Determination. The Panel raised the following points relating to the planning proposal:

- The panel is not satisfied that sufficient justification has been provided by the applicant to support the proposed 21m height limit. Therefore, the Panel has formed the opinion that the maximum building height should be set to the level shown at the top of the concept lift overrun as shown on the plan titled 'section + height plane'.
- Similarly, the panel notes that the planning proposal refers to an indicative FSR of 1.68:1 in the planning proposal report prepared by Keylan Consulting which in the opinion of the Panel should be consistent with the reduced height referred to above.

It is noted that the Panel provided further advice on the future planning agreement, to be considered by Council separate to the planning proposal.

On 24 April 2025, Council considered the advice of the LPP and resolved to support the planning proposal proceeding to Gateway, with the above amendments. A Gateway condition is recommended to ensure the planning proposal is updated prior to community consultation to reflect these amendments.

3.5 Section 9.1 Ministerial Directions

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

Table 5 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
1.4 – Site Specific Provisions	Consistent	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The Direction states that a planning proposal must not contain or refer to drawings that show details of the proposed development.

		<p>Whilst the planning proposal does include concept architectural plans of the future proposed residential flat building on the site, this provides greater clarity on the form of development envisaged by the proposed changes and the way relevant environmental, social and economic issues can be satisfactorily addressed.</p> <p>The planning proposal is consistent with this direction as it does not seek to lock in a development concept through the proposed amendments. Furthermore, the proposal does not apply any new requirements or development standards outside of those already in the LEP.</p>
3.1 – Conservation Zones	Consistent	<p>The objective of this direction is to protect and conserve environmentally sensitive areas. The Direction states that a planning proposal that applies to land within a conservation zone must not reduce the conservation standards that apply to the land.</p> <p>The planning proposal notes the intent to dedicate the C2 zoned land to Council through a local planning agreement. No changes to the zone or other planning controls are sought through this planning proposal.</p> <p>The planning proposal is consistent with the terms of the direction.</p>
3.9 – Sydney Harbour Foreshores and Waterways Area	Unresolved	<p>The objective of this direction is 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 associated local planning agreement intends to dedicate foreshore land to Council, which enables the protection, maintenance and public access to this land. However, the planning proposal does not address how the future development might protect and enhance the visual quality of the foreshore. As the Foreshores and Waterways Area also applies to the R4 portion of the site, the planning proposal should be updated to undertake a visual impact assessment to demonstrate the appropriateness of the scale and size of the proposed development and the visual impact on the foreshore from the harbour. A Gateway condition is required to this effect.</p> <p>Until this analysis is considered, consistency with this direction remains unresolved.</p>

4.2 – Coastal Management	Consistent	<p>The objective of this direction is to protect and manage coastal areas of NSW.</p> <p>The site is identified 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>.</p> <p>The planning proposal is consistent with the direction as it will not adversely impact coastal environment values and natural coastal processes.</p>
5.1 – Integrating Land Use and Transport	Consistent	<p>The objectives of this direction are to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the planning objectives detailed in the direction relating to access, reducing car dependency, supporting the efficient and viable operation of public transport services and the movement of freight.</p> <p>The planning proposal seeks to facilitate a residential flat building comprising 29 dwellings. The additional 25 dwellings are unlikely to create a significant impact on the local roads, however, the traffic impacts of the proposed development will be considered at the development assessment stage.</p> <p>The planning proposal is consistent with the direction as it will provide residential development close to established services, shops, open space and public transport.</p>
5.5 – High pressure dangerous goods pipelines	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring high pressure dangerous goods pipelines (relevant pipelines) are considered by planning proposal authorities.</p> <p>The direction states that if a development is within 140 metres either side of a gas pipeline, or 200 metres either side of a natural gas pipeline, then a Land Use Safety Study is required.</p> <p>The Gore Bay pipeline is a multi-purpose pipeline that can carry jet-fuel, diesel or petrol and has a trigger distance of 140m from either side of the pipeline.</p> <p>In response to early feedback received, the Proponent has submitted additional information which finds that the direction does not apply to the site as the pipeline is at least 160 metres from the closest point.</p> <p>The Proponent also noted that the site is already zoned R4 High Density Residential and does not propose a rezoning or change of land use and that the locality is already characterised by multiple residential flat buildings of a size and scale similar to the scale that the planning proposal seeks to facilitate.</p> <p>The LPP report states that any potential hazards have been addressed by the applicant at this stage and further studies are not recommended for the rezoning stage. However, further detailed</p>

		<p>studies would be required if it progressed to the future Development Application stage.</p> <p>As the site is located 160m from the pipeline, the planning proposal is generally consistent with the terms of the Direction.</p> <p>However, the site is located within 25m of the Gore Bay Terminal. An assessment of the risks associated with this hazard is detailed in Section 4.1 below.</p>
6.1 – Residential Zones	Consistent	<p>The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services, minimise the impact of residential development on the environment and resource lands.</p> <p>The planning proposal is consistent with this direction as it will provide additional housing and greater housing diversity in an established urban area.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, except for SEPP (Biodiversity and Conservation) 2021, which remains unresolved as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistency	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	Unresolved	<p>This site is identified on the Foreshores and Waterways Area Map - Zone 8—Scenic Waters—Passive Use under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p> <p>The objectives of Zone 8 are, in part, to:</p> <ul style="list-style-type: none"> • give preference to unimpeded public access along the intertidal zone, the visual continuity and significance of the landform and the ecological value of waters and foreshores • ensure the scale and size of development are appropriate to the locality • ensure the scale and size of development protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in the zone or areas of public access <p>Whilst future development would be assessed against these objectives as part of a future development application on the site, as discussed in section 3.5, the planning proposal should be updated to undertake a visual impact assessment to demonstrate the appropriateness of the scale and size of the proposed development and the visual impact on the foreshore from the harbour.</p> <p>Until this analysis is considered, consistency with this SEPP remains unresolved.</p>

SEPPs	Consistency	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	Consistent	<p>Chapter 4 seeks to improve the design of residential development in NSW. The planning proposal states that the proposed building envelope is capable of compliance with the Apartment Design Guide and will be addressed in detail at the DA stage.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>
SEPP (Resilience and Hazards) 2021	Consistent	<p>Chapter 2 aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone.</p> <p>The site is identified on the Coastal Use Area Map and Coastal Environment Area Map under the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>Section 2.10-2.11 provides specific assessment requirements for developments located within the Coastal Environment area and Coastal Use Area. The planning proposal states that future development on the site 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 local planning agreement • not have adverse impacts on visual amenity, aboriginal/cultural/built heritage, ecological environment, overshadowing and heritage. <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>

4 Site-specific assessment

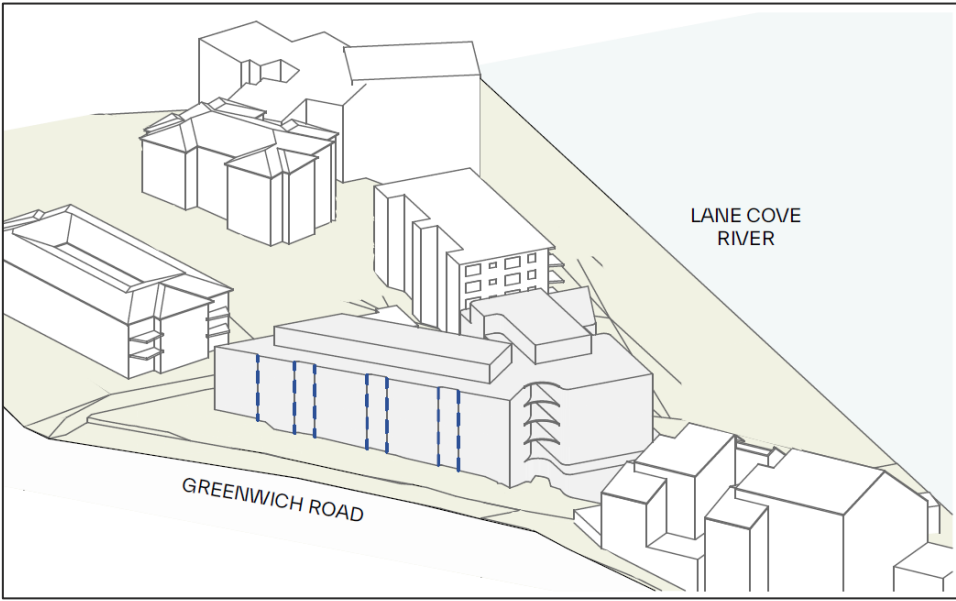
4.1 Environmental


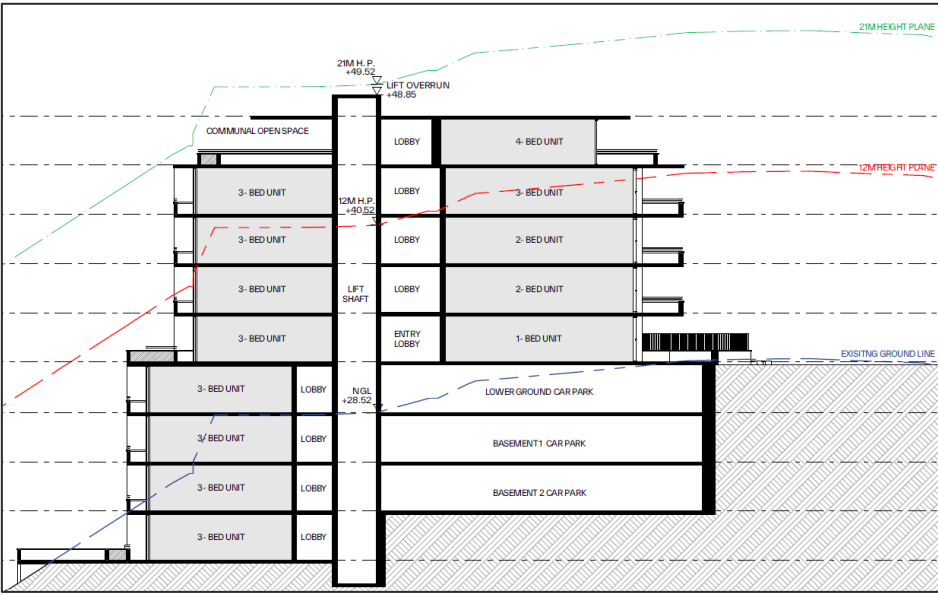
The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Proximity to hazardous use	<p>The site adjoins an industrial facility known as 'The Gore Bay Terminal', which the planning proposal identifies as a commercial oil terminal that has been operating since the early 1900s and supplies bunker fuels to visiting cruise liners and other ships. The Terminal is currently operated by Viva Energy.</p> <p>The terms of development consent for this terminal or whether it is licensed as a major hazards' facility, the types of fuel being stored on site and the associated capacities is unknown. It is understood that fuel is being imported from Gore Bay and transported to</p>

Environmental Impact	Assessment
	<p>Clyde Terminal in Rosehill via Gore Bay Pipeline. It is not certain whether fuel is being exported from Gore Bay Terminal.</p> <p>The proponent is of the view that, given the surrounding sites are already residential flat buildings and have existed for years, a Land Use Safety Study is not required. Council agreed that this type of study is not warranted at the rezoning stage, however, a further geotechnical study would be required at DA stage.</p> <p>The Department is of the view that there is insufficient information available to suitably assess the risks associated with the proximity of the Terminal. Consultation with the Terminal operator, Viva Energy, should be undertaken prior to community consultation to determine:</p> <ul style="list-style-type: none"> • Whether the Gore Bay Terminal is licensed as a major hazards facility • Whether the proposed development may cause a land use safety concern • The types of fuel being stored on site and the associated capacities • If there is a concern with emergency evacuation at this proposed site if major incident occurred at Gore Bay Terminal. <p>Consultation with SafeWork NSW is also recommended as this agency is a dangerous goods and major hazard facilities regulator. Consultation with Viva Energy and SafeWork NSW are recommended to be conditioned on the Gateway determination.</p> <p>It is unknown whether the risk associated with the Terminal was assessed when the land was rezoned to R4 High Density Residential. The outcome of this consultation will determine whether a Land Use Safety Study is required for this planning proposal.</p>
Biodiversity	<p>An Ecological Impact Assessment, Bushland Assessment and Arboricultural Impact Assessment have been prepared by Habitat Solutions to support the planning proposal 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 Lane Cove LEP.</p> <p>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.</p> <p>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.</p> <p>In accordance with the Lane Cove DCP, future development on the site will be required to provide a 10m buffer to public bushland. The planning proposal states that future development on the site can achieve a bushland buffer of between 22.5m to 29.8m, which is substantially greater than the DCP's 10m buffer.</p> <p>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, the 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.</p>

Environmental Impact	Assessment
	<p>The Department is satisfied that the ecological impacts have been adequately considered and that biodiversity and tree retention can be suitably addressed through detailed design at the development application stage.</p>
Built form	<p>The planning proposal states that 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.</p> <p>Council notes the concept scheme is generally consistent with its Development Control Plan and has been reviewed by Council's Design Review Panel and amended in response.</p> <p>Council state that the proposal is consistent with the action to deliver diversity and housing choice in an area already zoned for residential flats, as increasing the floor space ratio would align with the intended height of 4 storeys. While 5 storeys is larger than what was originally envisaged, the proposal shows that the 5th storey is largely recessed (fronting Greenwich Road), providing required communal open space or a lift overrun.</p> <p>Further, due to the adjoining dense bushland and steep topography at the rear of the site, Council note that the bottom levels of the proposed development are unlikely to be seen from the Lane Cove River. As outlined in sections 3.5 and 3.6 above and to allow for further consideration of the built form impacts of the proposal, it is recommended that a visual impact assessment be provided demonstrating the impact that the future development will have on the foreshore from the harbour.</p>  <p>Figure 10 Indicative Massing (Source: planning proposal, December 2024)</p>

Environmental Impact	Assessment
	 <p>Figure 11 Indicative façade from Greenwich Road (Source: planning proposal, December 2024)</p>  <p>Figure 12 Section Plan (Source: planning proposal, December 2024)</p>
Overshadowing and view sharing	<p>The planning proposal notes the future development will be consistent with 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.</p> <p>Council has indicated that the properties to the south will experience some overshadowing. No overshadowing diagrams have been prepared to support the planning proposal.</p>

Environmental Impact	Assessment
	<p>Council notes that any impacts on views and overshadowing would need to be addressed by the applicant and assessed at the future development application stage.</p> <p>It is recommended that shadow analysis demonstrating the impact to the properties to the south are prepared prior to exhibition. A condition of Gateway is recommended.</p>

4.2 Social and economic

The planning proposal is unlikely to result in any significant adverse social or economic impacts. The community will have an opportunity to share their views on the proposal during the consultation stage.

4.3 Infrastructure

The site is in an established urban area which is serviced by water, sewer, electricity, gas and telecommunications. As the planning proposal would only facilitate a small increase in the number of apartments permitted on the site, upgrades in infrastructure are not required.

5 Consultation

5.1 Community

The planning proposal proposes a consultation period of 20 working days, noting the informal public exhibition of the planning proposal undertaken by Council prior to determining whether to refer it for Gateway Determination. Council proposes a community consultation period of 6 weeks (30 working days).

The planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working day. This forms a condition of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

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

- Viva Energy, Gore Bay Terminal operator
- SafeWork NSW

6 Timeframe

The planning proposal identifies a 7-month time frame to complete the LEP.

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

The Department recommends an LEP completion date of 22 May 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has not advised if it would like to exercise its functions as a local plan-making authority. As the planning proposal is a local planning matter and is consistent with the relevant strategic plans, the Department recommends that Council be authorised to be the local plan-making authority.

8 Assessment summary

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

- It is consistent with the strategic planning framework and gives effect to the Region Plan, District Plan.
- It is generally consistent with the relevant section 9.1 Directions and SEPPS, except for Ministerial Direction 3.9 – Sydney Harbour Foreshores and Waterways Area and SEPP (Biodiversity and Conservation) 2021, which are unresolved.
- It is consistent with the NSW Government commitment to housing affordability and will facilitate 29 dwellings.

Based on the assessment outlined in this report, consultation with Viva Energy and SafeWork NSW should be undertaken, and the proposal should be updated prior to community consultation to:

- reflect Council's resolved amendments to height and floor space ratio controls.
- reflect the feedback received from Viva Energy and SafeWork NSW.
- provide further justification as to why permitting uplift outside the areas identified in the LHS should be supported.
- provide an analysis on the impact that increasing density in this location may have on the adjoining industrial land.
- provide a visual impact assessment to demonstrate the appropriateness of the scale and size of the proposed development and the visual impact on the foreshore from the harbour.
- provide an overshadowing analysis demonstrating the impact of the concept proposal to the properties to the south of the site.

9 Recommendation

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

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

1. Prior to community consultation, consultation is required with the following public authorities:
 - Viva Energy, Gore Bay Terminal operator
 - SafeWork NSW
2. Prior to community consultation, the planning proposal is to be updated to:
 - (a) reflect Council's resolved amendments to height and floor space ratio controls
 - (b) reflect the feedback received from Viva Energy and SafeWork NSW.
 - (c) provide further justification as to why permitting uplift outside the areas identified in the LHS should be supported

- (d) provide an analysis on the impact that increasing density in this location may have on the adjoining industrial land
- (e) provide a visual impact assessment to demonstrate the appropriateness of the scale and size of the proposed development and the visual impact on the foreshore from the harbour.
- (f) provide an overshadowing analysis demonstrating the impact of the concept proposal to the properties to the south of the site.

The planning proposal should then be forwarded to the Minister for review and approval.

- 3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
- 4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

The timeframe for the LEP to be completed is on or before 22 May 2026.



14 July 2025

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17 July 2025

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