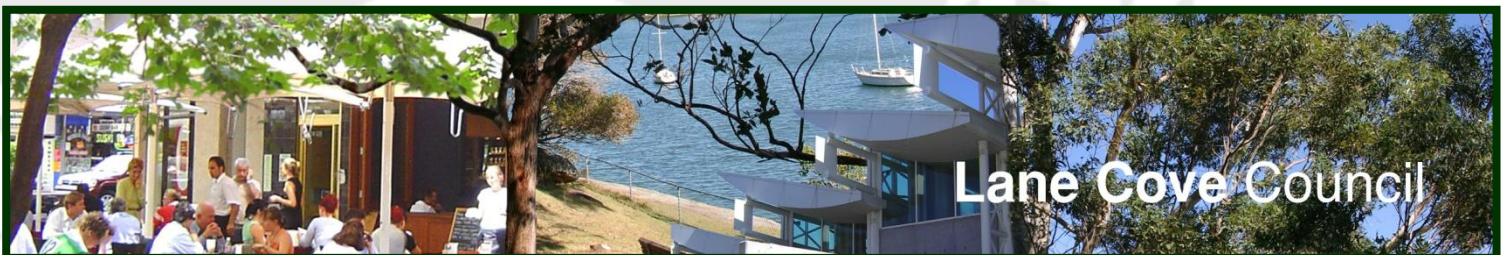


Agenda  
Lane Cove Local Planning Panel Meeting  
29 July 2025



## Notice of Meeting

Dear Panel Members,

Notice is given of the Lane Cove Local Planning Panel Meeting, to be held in the Council Chambers on Tuesday 29 July 2025 commencing at 5pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Louise Kerr  
**General Manager**

## Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting will be chaired by Mr Carl Scully or alternate Chairs. The meetings and other procedures of the Panel will be undertaken in accordance with any guidelines issued by the General Manager.

The order of business is listed in the Agenda on the next page. That order will be followed unless the Panel resolves to modify the order at the meeting. This may occur for example where the members of the public in attendance are interested in specific items on the agenda.

Members of the public may address the Panel for a maximum of 3 minutes. All persons wishing to address the Panel must register prior to the meeting by contacting Council's Office Manager – Environmental Services on 9911 3611. Where there are a large number of objectors with a common interest, the Panel may, in its absolute discretion, hear a representative of those persons.

Minutes of LCLPP meetings are published on Council's website [www.lanecove.nsw.gov.au](http://www.lanecove.nsw.gov.au) as soon as possible following the meeting. If you have any enquiries or wish to obtain information in relation to LCLPP, please contact Council's Office Manager – Environmental Services on 9911 3611.

Please note meetings held in the Council Chambers are Webcast. Webcasting allows the community to view proceedings from a computer without the need to attend the meeting. The webcast will include audio of members of the public that speak during the meeting. Please ensure while speaking to the Panel that you are respectful to other people and use appropriate language. Lane Cove Council accepts no liability for any defamatory or offensive remarks made during the course of these meetings.

The audio from these meetings is also recorded for the purposes of verifying the accuracy of the minutes and the recordings are not disclosed to any third party under the Government Information (Public Access) Act 2009, except as allowed under section 18(1) or section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

**DECLARATIONS OF INTEREST**

**APOLOGIES**

**NOTICE OF WEBCASTING OF MEETING**

**LANE COVE LOCAL PLANNING PANEL REPORTS**

- 1. 118 - 120 LONGUEVILLE ROAD, LANE COVE NSW 2066 ..... 4**
- 2. 46-48 NICHOLSON STREET, ST LEONARDS ..... 30**

**Lane Cove Local Planning Panel Meeting 29 July 2025**  
**118 - 120 LONGUEVILLE ROAD, LANE COVE NSW 2066**

**Item No:** LPP15/25  
**Subject:** 118 - 120 Longueville Road, Lane Cove NSW 2066  
**Record No:** DA25/56-01 - 43571/25  
**Division:** Planning and Sustainability Division  
**Author(s):** Kirsten Picard

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Property:	118 - 120 Longueville Road, Lane Cove NSW 2066
DA No:	DA 56/2025
Date Lodged:	2 <sup>nd</sup> July 2025
Cost of Work:	\$60,000.00
Owner:	Fixwell Pty Ltd.
Applicant:	Rasoul Alavi

Description of the proposal to appear on determination	Alterations and additions to an existing commercial building to enclose the first-floor service terrace and minor localised demolition works.
Zone	E1 Local Centre
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Does the property adjoin bushland	No
BCA Classification	Class 5 and 9a
Stop the Clock used	No
Notification	Notification was undertaken in accordance with Councils policies. No submissions were received during this time.

### REASON FOR REFERRAL

Referral to Lane Cove Council Planning Panel is required as the development includes a contravention of more than 10% from the *Lane Cove Local Environmental Plan 2009* (LCLEP 2009) Building Height standard.

The proposed development is seeking approval for the enclosure of a terrace which would result in a Building Height of 12.149m. This is a variation of 27.88% above the 9.5m Building Height standard as specified within the LCLEP 2009.

### EXECUTIVE SUMMARY

- On 2 July 2025, Council received the subject development application which seeks consent for the alterations and additions to an existing structure which would require minor localised demolition works and to enclose the first-floor service terrace.
- The application was notified in accordance with Lane Cove Council's notification policy for 16 days from 2<sup>nd</sup> July 2025 to 18<sup>th</sup> July 2025. No submissions were received during this time frame.
- The Clause 4.6 variation is considered to be well founded and provides reasonable planning grounds to support the contravention.

- The proposed alterations and additions to enclose the existing terrace area satisfies Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including consideration against Council's LEP, DCP and other relevant planning policies.
- The proposed variations are supported by Council, would be reasonable. Therefore, it is recommended that the Lane Cove Planning Panel support the Clause 4.6 variation request and support the development application subject to conditions.

## **SITE**

118-120 Longueville Road, Lane Cove NSW 2066 (the Site) is on a parcel of land which is legally described as Lot 2 DP 213121. The Site is located within the Lane Cove Village Centre and is zoned E1 Local Centre.

The Site has an area of 278.2m<sup>2</sup> and is occupied by commercial uses (medical centre, remedial massage and dentist). The site is an irregular shape having a frontage width of 10.205m to Longueville Road and a 5.75m boundary width to Pottery Lane. The length of the Site is 34.5m (north boundary) and 38.482m (south boundary).

The Site surrounds are characterised by the following:

### **North**

114 – 116 Longueville Road, Lane Cove is located directly adjacent to the subject site.

*Lane Cove General Practice Medical Centre, Denim Life and More and Pawer Pet Studio* are businesses located within the adjoining building. Premises to the Sites north are predominantly retail shops, cafes and restaurants.

### **East**

Pottery Lane is located to the sites east. It provides one way access from Little Street to the commercial buildings parking areas. Further, shop top housing is located to the Sites east providing multiple levels of residential apartments, commercial businesses located on the ground floor and 4 levels of basement parking.

### **South**

A Sushi Bar is located at 122 Longueville Road with an Optical Dispensary located at 124 Longueville Road, Lane Cove NSW 2066. Premises to the Sites south are predominantly retail shops, cafes and restaurants.

### **West**

Longueville Road adjoins the site to the west. Longueville Road is a main thoroughfare through Lane Coves Local Centre with retail shops, cafes and restaurants lining both sides of Longueville Road.



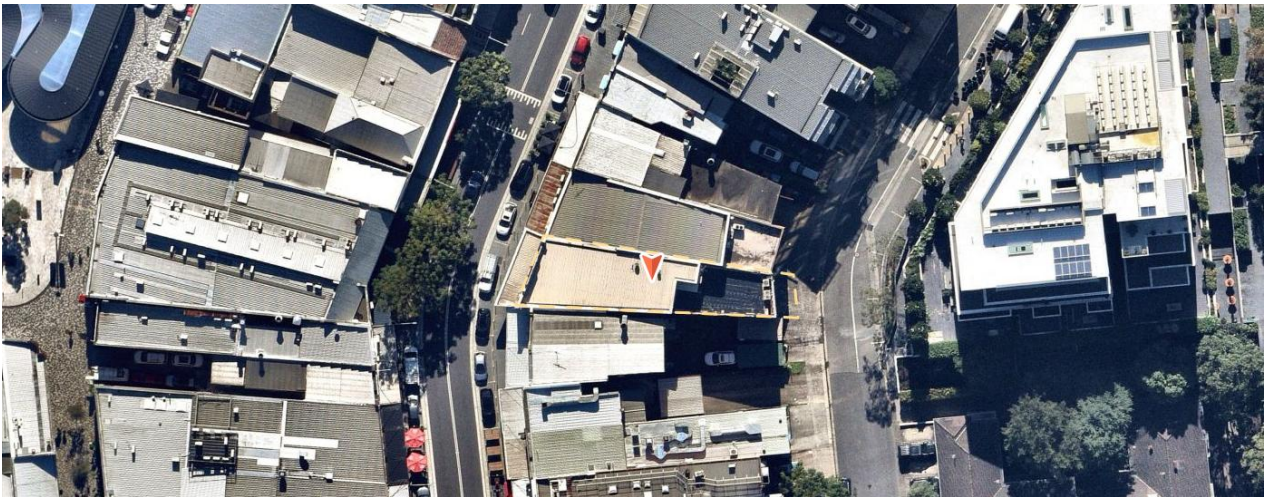


Figure 1. Subject Site 118 - 120 Longueville Road, Lane Cove (Source: NearMaps)



Figure 2. 118 - 120 Longueville Road, Lane Cove - Frontage onto Longueville Road



Figure 3. 118 - 120 Longueville Road, Lane Cove - Rear boundary to Pottery Lane



**SITE IMAGES**



*Figure 4. Existing Service Terrace perspective towards building.*



*Figure 5. Existing Service Terrace perspective towards residential apartments of 1 Little Street.*



*Figure 6. Perspective towards 114 - 116 Longueville Road*



*Figure 7. North eastern perspective towards 1 Little Street and Pottery Lane.*



Figure 8. South eastern perspective from subject site.



Figure 9. Proposed rear wall and windows of subject site to be demolished.



Figure 10. Pottery Lane - street context

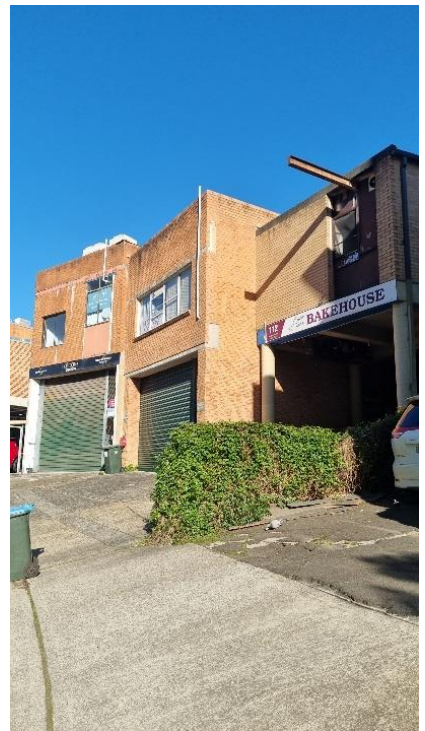


Figure 11. Adjoining properties to the north of subject site.





Figure 12. Subject Site northwest perspective with surrounding buildings



Figure 13. Height variation existing in Pottery Lane



Figure 14. 102 - 104 Longueville Road



Figure 15. Existing built height of surrounding area

### **SITE APPLICATION HISTORY**

A search of Council's archived records reveals the Sites earliest development application was lodged in 1990.

In 1993, the site was subject to a Development Application for Shops and Offices.

Records after 1993 are restrictive and do not provide details of proposed use until 2004, all available DAs submitted from 2004 onwards are detailed in the table below.

Currently the site is utilised as a commercial building and is occupied by a Lane Cove Doctors Medical Centre, Allcare Dental Centre and Remedial Massage.

<b>Available Site Application History</b>	
<b>DA 264/2004</b>	<b>Property Details:</b> 118-120 Longueville Road LANE COVE NSW 2066 <b>Type of Work:</b> Advertising Sign <b>Application No.:</b> 264/2004
<b>DA 26/2009</b>	<b>Property Details:</b> 118-120 Longueville Road LANE COVE NSW 2066 <b>Type of Work:</b> Use & fit out as menswear shop <b>Application No.:</b> 26/2009
<b>DA 234/2010</b>	<b>Property Details:</b> 118-120 Longueville Road LANE COVE NSW 2066 <b>Type of Work:</b> Advertising Signs <b>Application No.:</b> 234/2010
<b>DA 28/2016</b>	<b>Property Details:</b> 118-120 Longueville Road LANE COVE NSW 2066 <b>Type of Work:</b> Installation of two signs (awning sign) & projected above awning LED <b>Application No.:</b> 28/2016

### **PROPOSAL**

The proposal seeks to obtain planning approval for the proposed enclosure of the first floor terrace area of an existing dental surgery and converting it into internal storage or additional floor space. The proposed works include partial demolition of existing rear wall and windows, extension of side walls to the southern and northern elevations, new rear wall with windows and door to eastern elevation, and new metal deck roof proposed to extension.

New awnings are proposed for the existing ground level and parking floor above the garage entry door.

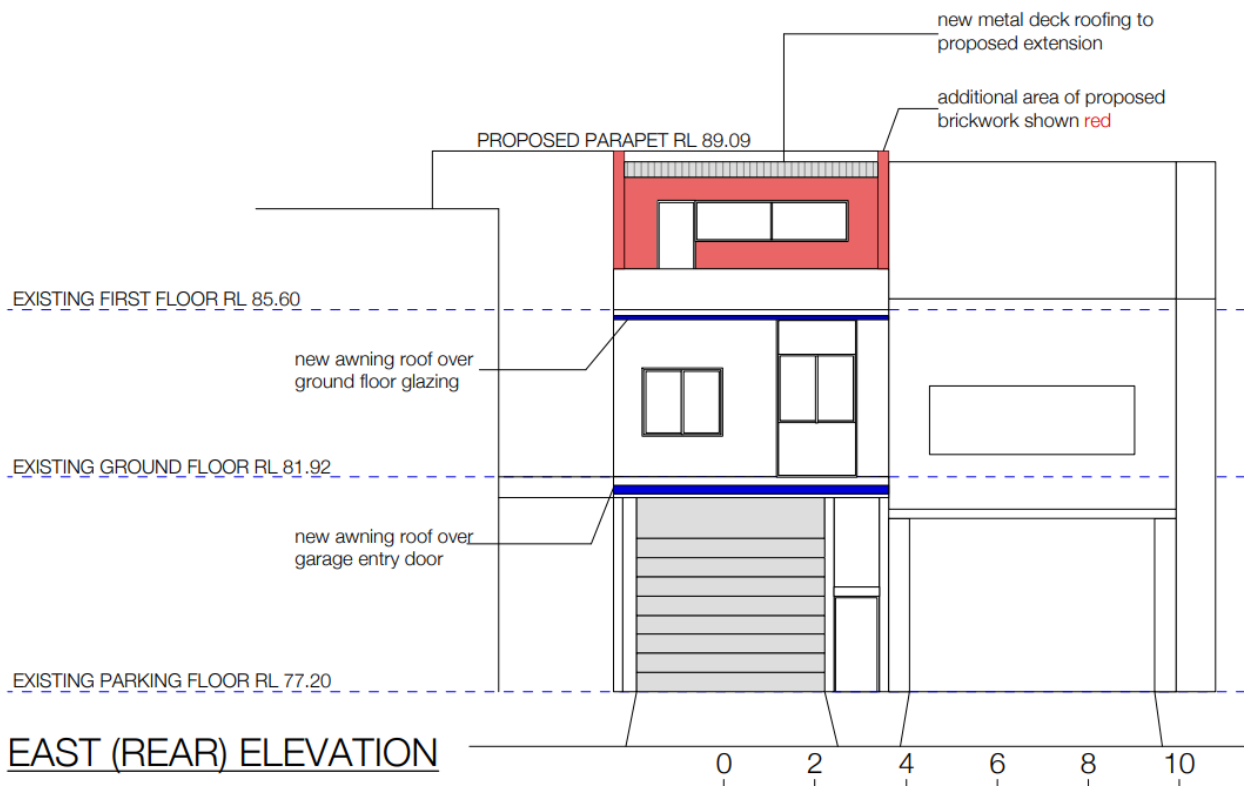
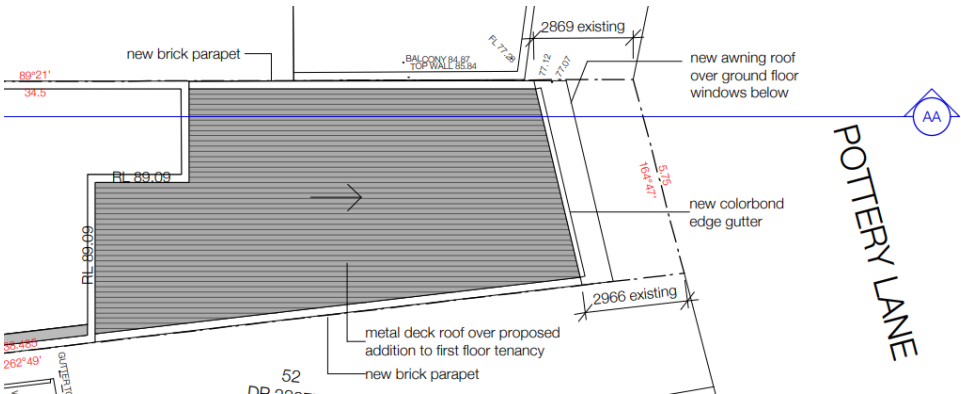
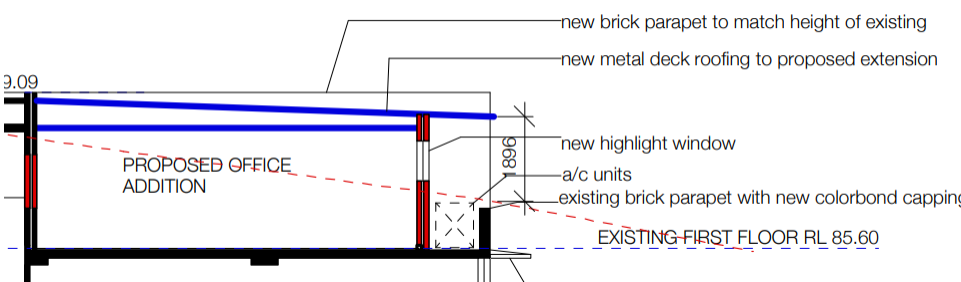
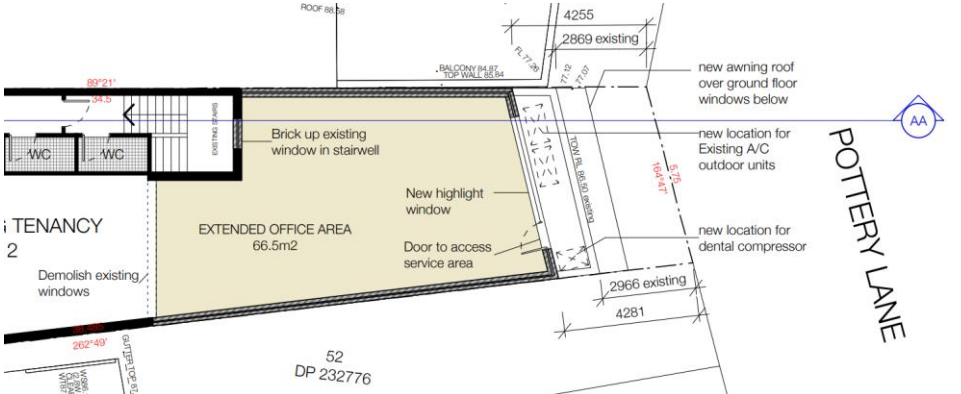


Figure 16. Eastern Elevation perspective from Pottery Lane of proposed works.

A detailed review of works proposed at each floor are provided below:

Level	Proposed Works
<b>Roof Plan</b>	<ul style="list-style-type: none"> <li>• New metal deck roof over addition.</li> <li>• New brick parapet along north and south walls.</li> <li>• New colourbond edge gutter.</li> <li>• New awning roof.</li> </ul>  <p><i>Figure 17. Proposed works Roof Plan</i></p>  <p><i>Figure 18. Section of proposed extension highlighting new awning roof.</i></p>
<b>First Floor</b>	<ul style="list-style-type: none"> <li>• Enclosure of existing terrace area (66.5m<sup>2</sup>), works associated with the enclosure include: <ul style="list-style-type: none"> <li>○ Partial Demolition of existing rear wall and windows.</li> <li>○ Extension of side walls to the southern and northern elevations</li> <li>○ New rear wall with highlight windows and door to eastern elevation allowing access to service area.</li> <li>○ New service area.</li> </ul> </li> </ul>  <p><i>Figure 19. Proposed First Floor Plan detailing extent of works.</i></p>



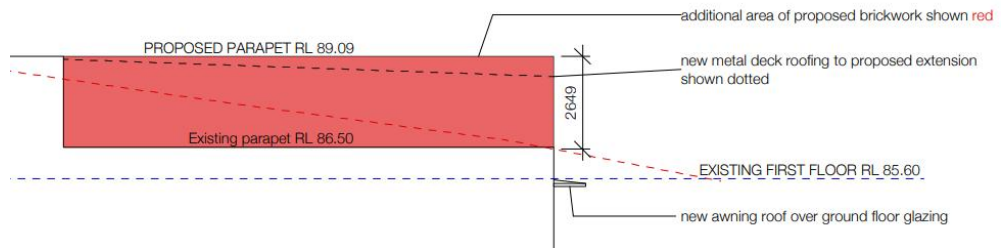


Figure 20. Southern Elevation proposed wall extension.

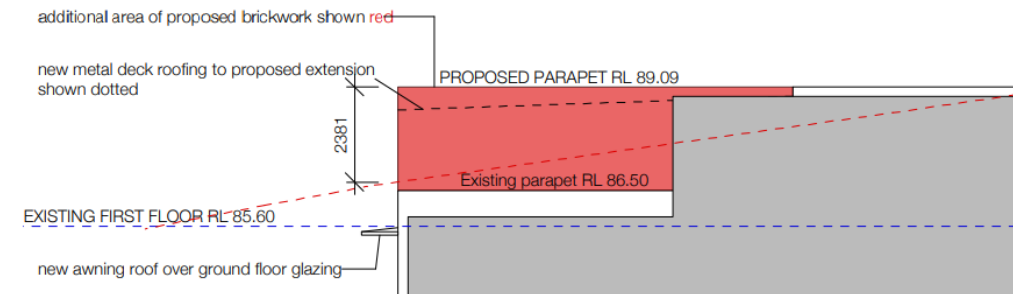


Figure 21. North Elevation proposed wall extension.

## Ground Floor

- New awning roof over garage.

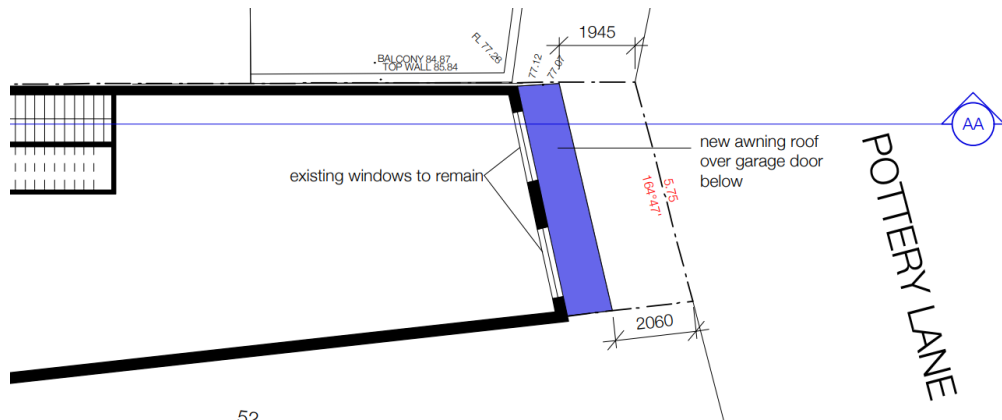


Figure 22. Proposed Ground Floor awning over garage.

**PROPOSAL DATA/POLICY COMPLIANCE**

**Local Environmental Plan 2009**

**Zoning: E1 Local Centre**

**Site Area: 278.2m<sup>2</sup>**

<b>LEP table</b>				
	<b>Existing</b>	<b>Proposal</b>	<b>Development Standard</b>	<b>Complies</b>
Floor Space Ratio (max)	1.27:1	1.5:1	2:1	Yes
Height of Buildings (max)	9.5m	12.149m (Variation of 27.88%)	9.5m	<b>No. Refer to Cl 4.6 section.</b>

**Comprehensive Development Control Plan assessment**

<b>DCP Table</b>			
<b>Part D – Commercial Development and Mixed Use</b>			
<b>D1 – General Provisions</b>			
	<b>Proposal</b>	<b>Provision</b>	<b>Complies</b>
<b>Setback (min) E1 (in the Lane Cove Village)</b>	No change.	0m or 3m maximum on ground floor for suitable use such as outdoor cafe seating.	N/A.
<b>Rear setback (min)</b>	No change.	3m.	N/A.
<b>Floor to ceiling heights.</b>	<b>Ground Floor</b> No Change.  <b>First Floor</b> 3.49m	3.3m minimum.	Yes.
<b>Maximum Floor Plate</b>	Total Floor area is 419.23m <sup>2</sup> .	Max floor plate 2000m <sup>2</sup> .	Yes.
<b>Design and Location of On-Site parking</b>	No Change.	c) All on-site parking, loading facilities and vehicle access points must be: <b>I.</b> accessed from a rear lane wherever available. <b>II.</b> fully concealed from view from any public street or arcade. <b>III.</b> accessible from only one opening in the rear lane facade for both on-site parking and loading. Access openings are to be fitted with a garage door or roller shutter.	N/A.
<b>Car parking</b>	The proposed works do not propose additional car parking provisions.	Commercial in all areas other than St. Leonards Centre  a) Except in the case of Shop Top	N/A.

<b>DCP Table</b>			
<b>Part D – Commercial Development and Mixed Use</b>			
	As the site is located within the Lane Cove Village a review of Section D3 – 3.8 is required to consider if any Section 7.11 Contributions are required.	Housing car parking, a cash contribution may be made to Council in lieu of required parking not provided on-site. The car parking contribution rate is listed in the Section 7.11 Contributions Plan (1999).  b) For Lane Cove Village Centre see Section D3 – 3.8	
<b>Awnings</b>	Two awnings are proposed to be located along Pottery Lane on the ground floor and over the garage entry.  The proposed awnings are compliant with the relevant DCP standards.	d) Awnings should generally be: <b>I.</b> Minimum soffit height of 3.3 metres. <b>II.</b> Low profile, with slim vertical fascia or eaves (generally not to exceed 300 mm height). <b>III.</b> Setback a minimum of 600mm from the kerb. <b>IV.</b> Located and designed to ensure no conflict with street trees.	Yes.
<b>Solar Access</b>	Drawing No.8 of the Shadow diagrams depicts 3pm Mid-winter shadows which increase overshadowing to 7-9 Little Street, Lane Cove.  Given the proposed time to which this overshadowing would occur the residential apartment block would not be negatively impacted.	a) Commercial and mixed-use developments are not to reduce sunlight to dwellings in the adjacent or same zone below a minimum of 3 hours of sunlight on a portion of the windows of the habitable rooms between 9am and 3pm on 21 June	Yes.

**DCP Table**

**Part D – Commercial Development and Mixed Use**

**D.3 Development within Lane Cove Village - (E1) Local Centre Zone and Surrounds**

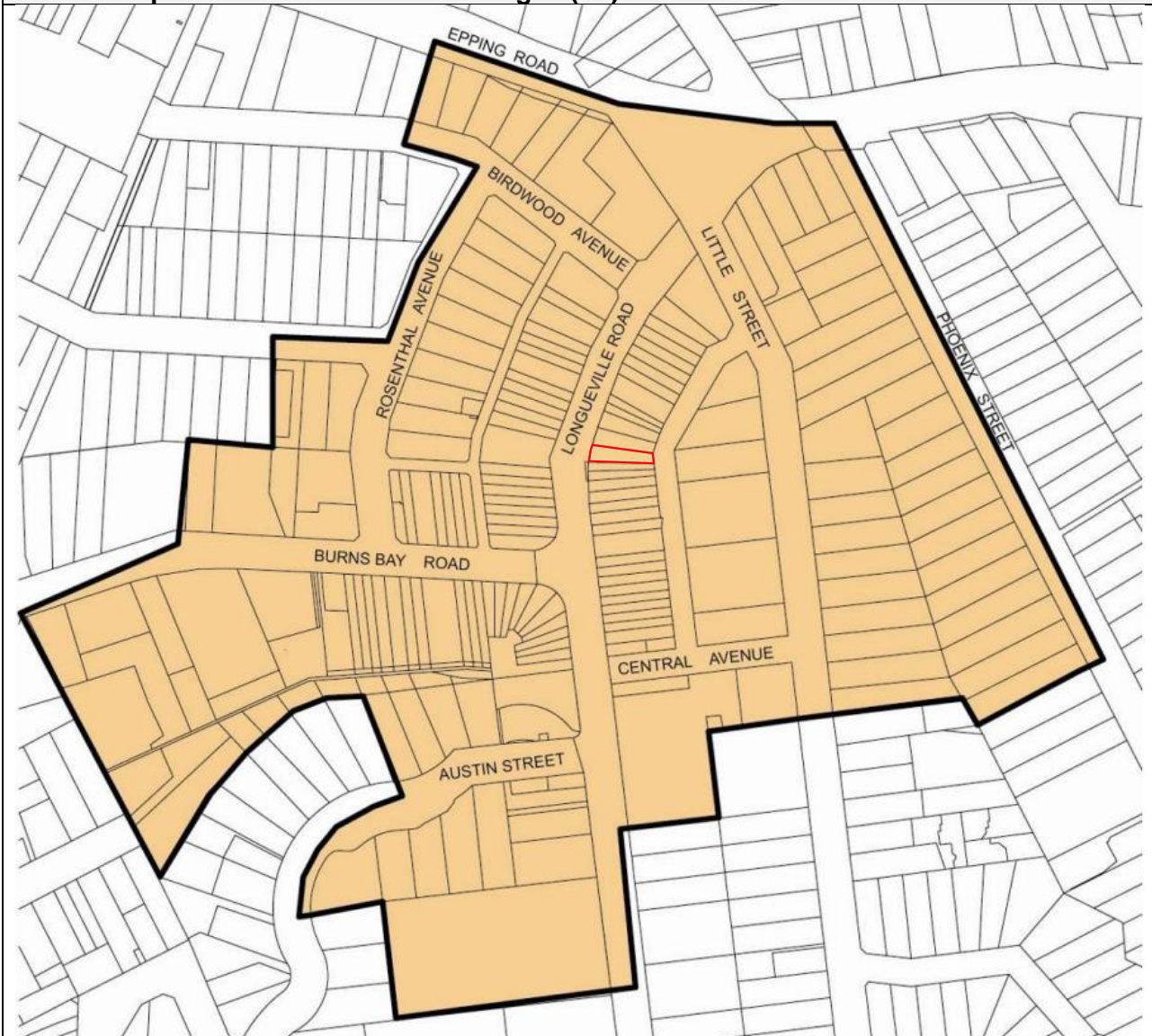


Figure 23. Area to which is identified as Lane Cove Village and 118 – 120 Longueville Road (the Site).

	Proposal	Provision	Complies
<b>Desired Future Character</b>	<p>The proposal seeks to retain existing use of the site as a commercial building. The proposed works are seeking to enclose an existing terraced area to provide additional room for the tenancy located on the first floor.</p> <p>The enclosure of the terrace is understood to only be visible from Pottery Lane located at the sites rear and would not negligible impact</p>	<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. Reinforce and celebrate the gateways into the village centre.</li> <li>2. Promote an appropriate scale to retail, civic and commercial development.</li> <li>3. Promote opportunities for landmark development at the gateway to Lane Cove from Epping Road.</li> <li>4. Improve the overall image and marketability of the village centre to attract new businesses and customers.</li> <li>5. Reinforce the economic viability</li> </ol>	Yes.



	the existing local character of Longueville Road.	<p>of Lane Cove Village Centre in its role of “local centre” in the hierarchy of Lower North Shore retailing.</p> <ol style="list-style-type: none"> <li>6. Widen and increase the variety of housing choices in Lane Cove.</li> <li>7. Promote the vitality of the Centre and provide for a diversity of uses, by encouraging mixed retail/commercial/residential development.</li> <li>8. Preserve and enhance the “village” character and landscaping of the Centre, by encouraging a moderate scale of development compatible with its heritage buildings and landscaping and the amenity of its public places.</li> <li>9. Maintain the typical two storey-built form with a vertical emphasis to facades and parapet to the principal retail streets.</li> <li>10. Minimise traffic generation resulting from increased residential density in the centre.</li> <li>11. Maximise public access through a pedestrian network which includes arcades.</li> <li>12. Facilitate access throughout the Centre for people with limited mobility.</li> <li>13. Facilitate access to the Centre by bicycle.</li> <li>14. Improve the public amenity and appearance of the Centre’s “rear lanes” whilst maintaining their functionality as service lanes for the Centre’s shops.</li> <li>15. Ensure adequate sunlight is available for all buildings, streets and public open space.</li> <li>16. Ensure the ground floor levels are adaptable over time to suit a wide range of uses.</li> <li>17. Ensure all ground floor uses contribute to the activation of the public domain.</li> </ol>	
<b>Car Parking – within Lane Cove Village</b>	Four parking spaces are existing and provided onsite. No additional parking spaces are provided as part of the	a) Except in the case of Shop Top Housing car parking, a cash contribution may be made to Council in lieu of required parking	

	<p>development application.</p> <p>No monetary contributions are required.</p> <p>* See calculations below.</p>	<p>not provided on-site. The car parking contribution rate is listed in the Section 7.11 Contributions Plan (1999).</p> <p>b) Most land within Lane Cove Village is subject to a special parking levy in addition to the normal rates charged by Council. The additional moneys generated in this manner are used to offset the costs of providing and maintaining Council car parks in the Centre area. Therefore, the provision of on-site parking or a contribution for car parking not provided on-site within the area subject to the special parking levy is only required for floor area in excess of that equivalent to a floor space ratio of 1:1.</p>	
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**\* 1. Floor Space Ratio**

- Site Area: 278.2m<sup>2</sup>
- Proposed GFA: 419.23m<sup>2</sup>
- 419.23m<sup>2</sup> - 278.2m<sup>2</sup> = 141.03m<sup>2</sup>
- Floor Space in excess of 1:1 = 141.03m<sup>2</sup>

**2. Car Parking Rate**

- The DCP Car parking provision = 1 car space per 30m<sup>2</sup>
- 4 existing parking spaces are provided on site which is equivalent to 120m<sup>2</sup> GFA.
- As the proposed GFA in excess of 1:1 is 21.03m<sup>2</sup> no additional car parking spaces are required.

**REFERRALS**

Development Engineer – Part O – Stormwater Management

No objections subject to recommended draft conditions.

**ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**Clause 4.6 Request - Clause 4.3 Height Variation (Lane Cove Local Environment Plan 2009)**

Clause 4.6 of the Lane Cove Local Environment Plan 2009 (LCLEP 2009) allows exceptions to development standards to provide flexibility and achieve better outcomes for and from development as a result of this flexibility. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered and agrees with the request from the applicant that seeks to justify the contravention of the development standard. This request must demonstrate compliance with the relevant provisions of Clause 4.6 of the LCLEP 2009.

Request provided by Applicant

A Clause 4.6 Request was prepared by SZ Town Planning.

The request was submitted as part of the development application for the *“Enclosure of the existing rear first floor service terrace area”*.

The Clause 4.6 seeks to contravene the Building Height development standard.

The height of the proposed development (12.149m) projects above the permissible building height by 2.649m equating to a 27.88% variation of the development standard. The majority of the maximum height exceedances present on the site will be concentrated towards the rear of the site along Pottery Lane due to the sloping nature of the site.

When viewed from Longueville Road, the variation is not evident due to the setback of the exceedances and the slope of the site which is 4.72m from Longueville Road to Pottery Lane (west to east). The variation would only be evident from Pottery Lane.

The proposed Building Height for this Application seeks a built height of 12.149m which is an exceedance of 2.649m or 27.88%. The footprint and use of the building will remain the same.

**Clause 4.6 – Exceptions to Development Standards**

(1) *The objectives of this clause are as follows—*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

**Clause 4.6 (3) (a) & (b) the applicant is required to demonstrate:**

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The applicants Clause 4.6 notes that the variation sought is reasonable and well founded and that in this instance there is sufficient environmental planning grounds to justify contravening development for the following reasons (which have been summarised):

- The objectives of the E1 Local Centre Zone are met.
- The site is situated on a slope which falls 4.72m from the western to eastern boundary.
- The non-compliant section of the building is located along Pottery Lane and not visible from Longueville Road.
- The built form is comparable to that of surrounding commercial developments within the block.
- The built form does not contribute to any distinguishable bulk, scale or density of the building given the limited visibility from the public domain along Longueville Road.
- The variation does not result in unreasonable adverse amenity impacts on adjacent land with regards to solar access, view sharing or visual impact.

Comment:

It is considered that the proposed works and sequential increase in building height would not result in any negligible impacts to the sites existing functioning and or the surrounding local centre.

The variation to the built height can be attributed to the sites slope and the existing built form. The proposed works request to enclose the existing terrace area which would result in a continuation of the existing roof level towards the rear of the site which adjoins Pottery Lane. Existing buildings which have site frontages with Longueville Road and rear boundaries with Pottery Lane share similar built forms with exceedances to building height.

The proposed variation would not change the footprint of the existing building, and the proposed enclosure of the terrace would not result in an exceedance with the sites required Floor Space Ratio. The enclosure seeks to improve site use and amenity for the existing tenancy.

**The Development Application satisfies Clause 4.6 of the Lane Cove Local Environmental Plan 2009**

**OTHER PLANNING INSTRUMENTS**

**SEPP (Resilience and Hazards) 2021**

The subject site and adjoining sites are zoned as Local Centre. Given the types of uses permissible within the Local Centre zones paired with the longstanding history of commercial uses at the site, it is unlikely that the site would be contaminated. Further, the proposal does not require the any excavation works.

**SEPP (Industry and Employment) 2021**

The proposed works would not alter the function or use of the existing commercial building.

**APPLICABLE REGULATIONS**

The Environmental Planning and Assessment Regulation 2021 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and therefore any consent would require the application of a relevant condition seeking compliance with this Standard.



### **IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))**

The proposal would not adversely impact neighbouring properties or the public domain in terms of overshadowing, visual privacy, acoustic privacy, or traffic and parking. The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls.

### **SUITABILITY OF SITE (Section 4.15(1)(c))**

The subject site would be suitable for the proposed development as the proposed use is permissible within the Zone. The proposed development would positively contribute to the amenity of the surrounding area and the subject site constrain the development or neighbouring sites.

### **PUBLIC INTEREST (Section 4.15(1)(e))**

The proposal would not have an unreasonable impact on neighbouring properties or the public domain with regard to the Lane Cove LEP 2009, Lane Cove DCP 2009 or any other environmental planning instruments. Therefore, approval of this application would not be contrary to the public interest.

### **SECTION 7.11 DEVELOPMENT CONTRIBUTIONS**

The proposal is subject to the provisions of the Lane Cove Section 7.11 (formally Section 94) Contributions Plan which levies new developments to assist in catering for the demand placed on existing Council community facilities and/ or infrastructure.

The Section 7.11 contribution payable is calculated in accordance with the Contribution rates (2025/26) for Retail/Commercial Development (GFA) which is \$165.39 per m<sup>2</sup>.

The proposed development will see an increase of GFA by 66.5m<sup>2</sup> and therefore it is Council's general practice to charge a Section 7.11 contribution at the specified rate as setout within the Contribution rates (2025/26).

The total contribution payable to Council under this development application is **\$10,998.43**, as calculated at the date of this consent, in accordance with s7.11 Contributions Rates (2025/26).

Condition 3 has been included to require this payment accordingly prior to construction certificate.

### **CONCLUSION**

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

A Clause 4.6 variation request has been prepared and submitted as part of the development application documentation.

The variation is sought for the increased building height control which is considered well founded in this instance. Despite the building height variation requested is 27.88% variation, the building will maintain the existing footprint and existing use, all proposed works are to be undertaken within the building's footprint. The proposed change of use aligns with the objectives of the prescribed zoning supporting and protecting the proposed existing character of the Local Centre.

The application complies with the Floor Space Ratio development standard of the Lane Cove LEP 2009.

The application generally meets with the *Part D Commercial Development and Mixed Use* of the Lane Cove Development Control Plan 2009.

On balance as the proposed development would be reasonable it is therefore recommended for approval.

## **RECOMMENDATION**

That the Lane Cove Local Planning Panel at its meeting of 29<sup>th</sup> July 2025, exercising the functions of the Council as the Consent Authority pursuant to Clause 4.16 of the Environmental Planning and Assessment Act 1979 approve a variation to the Building Height prescribed by Clause 4.3 of the Lane Cove Local Environmental Plan 2009, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan. The proposed development would be in the public interest as it is consistent with the objectives of that particular standard and the objectives for development within the zone.

That pursuant to Section 4.16(1) of the Environment Planning and Assessment Act 1979 the Lane Cove Local Planning Panel at its meeting of 29<sup>th</sup> July 2025, exercising the functions of Council as the consent authority, grant consent to Development Application DA56/2025 for the proposed alterations and additions to an existing commercial building, subject to draft conditions.

### **General Conditions**

You are advised that

- Development Application DA56/2025
- For proposed Alterations and additions to an existing commercial building to enclose the first floor service terrace and minor localised demolition works.
- On 118-120 Longueville Road, Lane Cove

## **PART A – General**

### **1. A.1 - Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

<b>Plan No</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Dated</b>
DA01	-	Proposed Roof/Site Plan	Dalgliesh Ward Architects	May 2025
DA02	-	Proposed First Floor Plan	Dalgliesh Ward Architects	May 2025
DA03	-	Ground Floor Plan – Existing	Dalgliesh Ward Architects	May 2025
DA04	-	Proposed Section and Elevations	Dalgliesh Ward Architects	May 2025
DA05	-	Proposed GFA Calculations	Dalgliesh Ward Architects	May 2025

<b>Document Title</b>	<b>Version No.</b>	<b>Prepared By.</b>	<b>Dated Title.</b>
Statement of Environmental Impacts	-	SZ Planning	-
Clause 4.6 Height	-	SZ Planning	-

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the

approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

**Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.**

2. **A.3 - Payment of security deposits**

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:

Security deposit	Revision
Infrastructure damage bond	\$5000.00

A \$5000.00 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements.

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates.
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent.

**Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.**

3. **A.5 - Payment of development contributions**

**Payment of section 7.11 contributions**

Prior to the issue of a Construction Certificate the total contribution payable to Council under this condition is **\$10,998.43** as calculated at the date of this consent, in accordance with Section 7.11 Contribution Rates 2025/26.

**Payment method:** Payment must be in the form of a bank cheque. Personal cheques or bank transfers will not be accepted.

**Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.**

4. **A.9.T Works on Council land**

Separate application shall be made to Council's Open Space and Infrastructure Division for any associated works on Council property. Written approval is to be obtained prior to the start of any works on Council property.

Where the applicant requires the use of construction plant on the public road reservation, an "Application for Standing Plant Permit" shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works**. Note: allow 2 working days for approval

**Reason: To manage impacts to Council's assets.**

5. **A.10.E Drainage plan amendments**

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans:

1. As per survey plan, there is no pollution control pit at this site. One pollution control pit (as shown in section 3.4.1 in Part O of Council's stormwater DCP) with mesh (RH3030) and sump(300mm) is required at start of the kerb connection pipe within site.

Certification from a suitably qualified engineer as to the matters below is to be provided to the Principal Certifying Authority, prior to the issue of any CC:

- a) Compliance with the amendments detailed in this condition.
- b) Compliance with Part O: Stormwater Management of Council's DCP.

Where a variation is sought, written approval is to be obtained from Council's Urban Services Division.

**Reason: To ensure adequate stormwater management in accordance with Council's DCP.**

6. **A.12 - Construction Certificate**

The submission of a Construction Certificate and its issue by Council or Principal Certifier PRIOR TO CONSTRUCTION WORK commencing.

**Reason: To ensures the detailed construction plans and specifications comply with the requirements of the Building Code of Australia (BCA) and any relevant Australian Standard.**

**PART B – PRIOR TO DEMOLITION WORKS**

7. **B.3.EH Compliance with demolition standard**

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.

**Reason: Prescribed condition under the EP&A Regulation 2000.**

**PART C – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

8. **C.1 - Construction site management plan**

Prior to any demolition works and before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- Before commencement of any works, safety barrier or temporary fencing is to be provided covering work area. This fence is for the safety of pedestrians on the public footpath.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, 'Part 3 - Traffic control devices for works on roads'.
- pedestrian and vehicular site access points and construction activity zones



- location of site storage areas and sheds
- equipment used to carry out all work.
- a garbage container with a tight-fitting lid

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

**Council Approvals**

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
2. Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".

**Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.**

9. **C.3 - Waste management plan (WMP)**

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- a) Council's Development Control Plan (Part Q: *Waste Management and Minimisation*).
- b) details the following:
  - the contact details of the person(s) removing the waste
  - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
  - the disposal and destination of all waste material spoil and excavated material

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

**Reason: To ensure resource recovery is promoted and local amenity protected during construction.**

10. **C.5 - Dilapidation report**

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, public roads and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

**Reason: To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.**

11. **C.23.B - Sydney Water requirements**

The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In" for approval. A section 73 certificate is to be obtained for development or subdivision requiring servicing of sewer and water.

**Reason: To comply Sydney Water requirements.**

**12. C.24.E - Structural engineer's details**

The Construction Certificate plans and specifications must include detailed professional structural engineering plans and/or specifications for the following:

- underpinning;
- footings;
- reinforced concrete work;
- structural work;
- upper-level floor framing;

and where relevant in accordance with any recommendations contained in an approved geotechnical report.

**Reason: To ensure structural adequacy.**

**PART D – BEFORE THE COMMENCEMENT OF BUILDING WORK**

**13. D.1 - Erosion and sediment controls in place**

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

**Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.**

**14. D.3 - Signs on site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Reason: Prescribed condition EP&A Regulation, clauses 98A (2) and (3).**

**PART E – WHILE BUILDING WORK IS BEING CARRIED OUT**

**15. E.1 - Hours of work**

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm

With NO high noise generating activities, to be undertaken after 12 Noon on Saturday.

**Reason: To protect the amenity of the surrounding area.**

16. **E.2 - Compliance with the Building Code of Australia**  
Building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

**Reason: Prescribed condition - EP&A Regulation clause 98(1)(a)**

17. **E.4 - Implementation of the site management plans**  
While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

**Reason: To ensure the required site management measures are implemented during construction.**

18. **E.7 - Construction noise**  
While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

**Reason: To protect the amenity of the neighbourhood.**

19. **E.9 - Responsibility for changes to public infrastructure**  
While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

**Reason: To ensure payment of approved changes to public infrastructure.**

20. **E.13 - Waste management**  
While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

**Note:** If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

**Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.**

**21. E.15.B - Critical stage inspections**

Critical stage inspections are to be carried out in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000. Where Lane Cove Council is appointed as the PCA, an inspection is to be booked for each of the following relevant stages during the construction process:

- a) underpinning;
- b) retaining walls;
- c) footings;
- d) reinforced concrete work;
- e) structural steelwork;
- f) upper level floor and roof framing; and
- g) as requested by the Council.

**Reason: EP&A Act requirement.**

**22. E.18.B - No obstruction of public way**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**Reason: To ensure public safety.**

**23. E.19.B – Encroachments**

1. No portion of the proposed structure shall encroach onto the adjoining properties and/or road reserve.

**Reason: To ensure works are contained wholly within the subject site**

**PART F – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

**24. F.1 - Works-as-executed plans and any other documentary evidence**

Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented:
  - Compliance with Part O - Stormwater Management of Lane Cove DCP 2010. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
  - Compliance with AS-3500.
  - The stormwater from new roof/impervious area can be connected to existing drainage system. In this case, a hydraulic engineer's or qualified plumber's certificate is required that the existing drainage system is in good working condition and satisfies Part O of Council stormwater DCP for proposed addition of stormwater.
  - Certification from suitable licenced contractor that all works have been constructed satisfying relevant Australian standards.
  - Certification from qualified structural engineer that the proposed construction has been completed according to approved plan and structurally satisfied.

The principal certifier must provide a copy of the plans to Council with the occupation

certificate.

**Reason: To confirm that the proposed works have been constructed satisfactorily as per approved plans.**

**25. F.2 - Completion of public utility services**

Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

**Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements before occupation.**

**26. F.3 - Post-construction dilapidation report**

Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

**Reason: To identify damage to adjoining properties resulting from building work on the development site.**

**27. F.5 - Repair of infrastructure**

Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

**Note:** If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

**Reason: To ensure any damage to public infrastructure is rectified.**

**ATTACHMENTS:**

There are no supporting documents for this report.



**Lane Cove Local Planning Panel Meeting 29 July 2025  
46-48 NICHOLSON STREET, ST LEONARDS**

**Item No:** LPP16/25  
**Subject:** 46-48 Nicholson Street, St Leonards  
**Record No:** DA25/32-01 - 46180/25  
**Division:** Planning and Sustainability Division  
**Author(s):** Andrew Bland

Property:	46-48 Nicholson Street, St Leonards.
DA No:	DA32/2025
Date Lodged:	30/04/2025
Cost of Work:	\$2,217,771.00
Owner:	St Leonard's Property Pty. Ltd. ACN 679 817 460 ATF St Leonard's Property Unit Trust Pty. Ltd. ABN. 16 937 189 558
Applicant:	Jordan Faeghi - Coronation - The Trustee for St Leonards Property Unit Trust

Description of the proposal to appear on determination <b>(as amended)</b>	Demolition of existing structures and the removal of trees.
Zone	E2 – Commercial Centre
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Does the property adjoin bushland	No
BCA Classification	Class 5
Stop the Clock used	No
Notification	Notified in accordance with Council policy and a total of 28 submissions were received.

## REASON FOR REFERRAL

The proposal is referred to the Lane Cove Local Planning Panel as more than 10 public submissions were received in response to the notification period. The proposal is therefore considered to be a contentious development application.

## EXECUTIVE SUMMARY

- Council received DA32/2025 on 30 April 2025, which originally sought consent for demolition of existing structures, site establishment works, construction of a piled shoring wall, capping beam bulk excavation, anchoring of shoring wall, infrastructure services coordination and deviation, erosion and sediment control and the removal of trees.
- The development application has been amended (reduced) to seek consent for only the demolition of existing structures and the removal of trees.
- Council received 29 submissions in response to the notification period and the concerns raised have been addressed later in this report.

**Lane Cove Local Planning Panel Meeting 29 July 2025**  
**46-48 NICHOLSON STREET, ST LEONARDS**

- 1.
- Council and the Applicant have engaged in extensive consultation regarding the traffic concerns of the community, particularly regarding Nicholson Street and Christie Street.
- 2.
- The Applicant has provided a revised Demolition Traffic Management Plan in order to address those concerns.
- 3.
- The revised Demolition Traffic Management Plan has been supported by Council's Traffic Engineer, subject to conditions which are provided later in this report. This plan forms part of the recommended approval documents and **it is requested that the Lane Cove Planning Panel endorse Council's DTMP approval letter.**
- Council's Traffic Development Engineer sought advice from Transport for NSW who raised no concerns with the revised Demolition Traffic Management Plan.
- The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied and the proposed development is considered to be reasonable.
- 4.
- **Development Application 32/2025 is therefore reported to the Lane Cove Planning Panel for Approval**, subject to the recommended conditions.

**SITE**

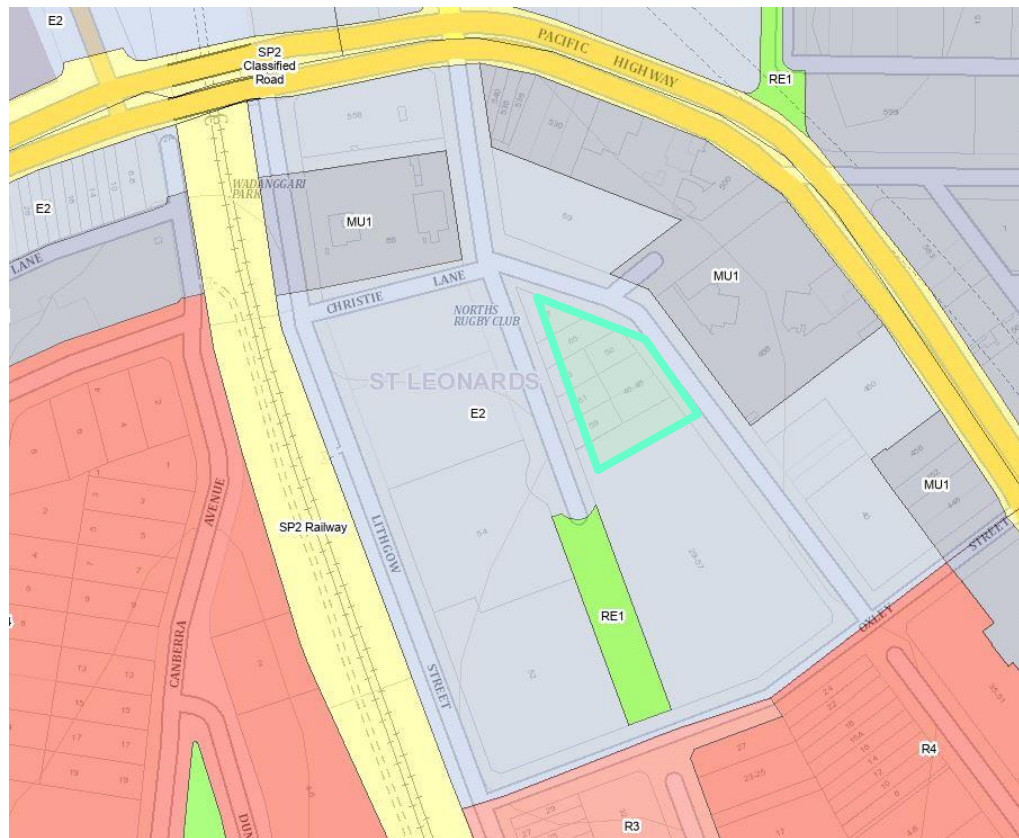
	<b>Address</b>	<b>Legal Description</b>	<b>Area (sqm)</b>
Property	46 Nicholson Street	Lot 11/ DP654462	281
	48 Nicholson Street	Lot A/ DP334878	258
	50 Nicholson Street	Lot CP/ SP54127	254
	59 Christie Street	Lot 1/ DP949064	280
	61 Christie Street	Lot B/ DP 334878	257
	63 Christie Street	Lot 2/ DP528060	262
	65 Christie Street	Lot 2/ DP945933	370
	67 Christie Street	Lot 4/ SP18047	339
Area	2,285.2sqm		
Site location	The site is located between Christie Street to the west, Nicholson Street to the northeast and the site known as 29 Christie Street to the south, refer to <b>Figure 1</b> below.		

**Lane Cove Local Planning Panel Meeting 29 July 2025**  
**46-48 NICHOLSON STREET, ST LEONARDS**



**Figure 1: Site Context - site identified in green (Source: Nearthmaps)**

The subject site is located within the St Leonards Commercial Centre, refer to **Figure 2** below.



**Figure 2: Neighbouring Zonal Context – site identified in green (Source: ePlanning Spatial Viewer)**

Existing improvements	The site contains six commercial buildings ranging in height from two to four storeys. The eight lots have been consolidated under single landholding
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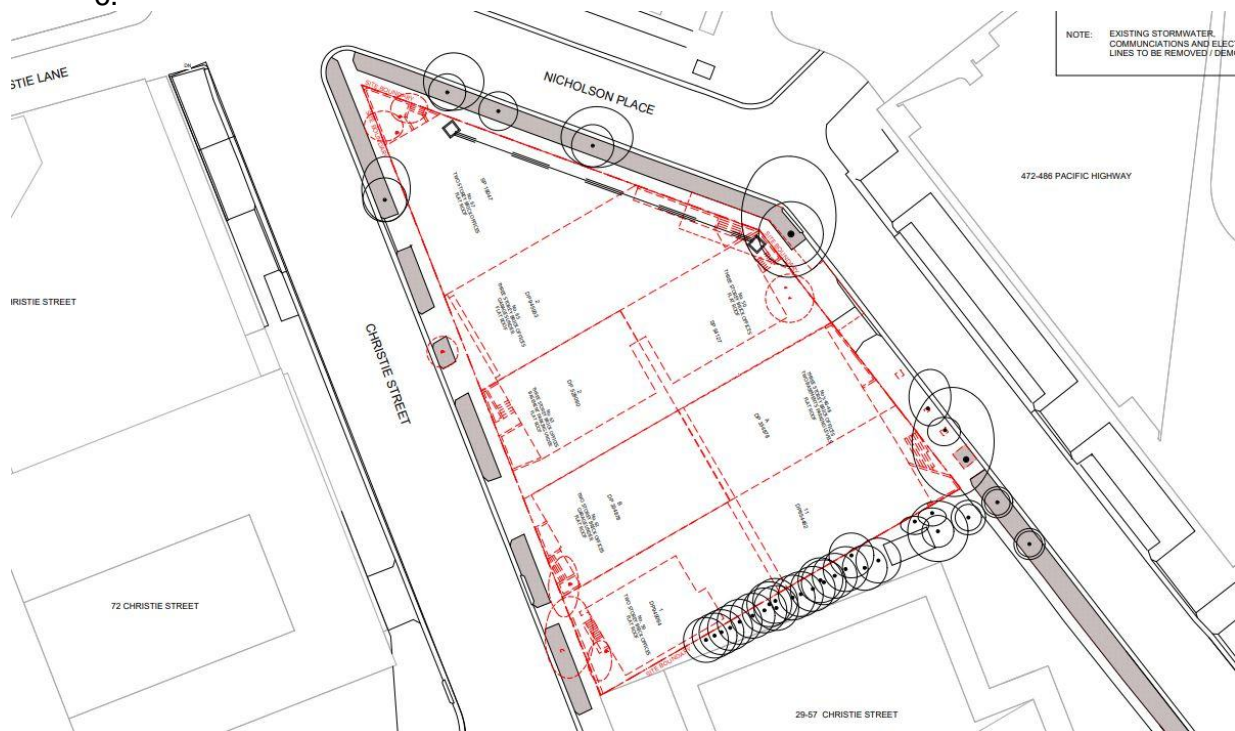
**Lane Cove Local Planning Panel Meeting 29 July 2025**  
**46-48 NICHOLSON STREET, ST LEONARDS**

	ownership for the purposes of redevelopment.
Shape	Irregular
Adjoining properties	Development surrounding the site comprises a high density, mixed-use typology including a combination of ground-floor retail, commercial office, and residential development in buildings of varying heights, styles, and ages.

## PROPOSAL

The development application seeks consent for the following works:

- Demolition of all existing structures, refer to **Figure 3** below.
- 5.
- The removal of onsite trees and Council Street trees – refer to Arborist report for further detail and note that the removal of neighbouring trees has been removed from this development application.
- 6.



**Figure 3: Demolition plan including relevant tree removal (Source: Applicant)**

## PROPOSAL DATA/POLICY COMPLIANCE

### Local Environmental Plan 2009

**Zoning: E2 Commercial Centre**

**Site Area: 2,285.2m<sup>2</sup>**

LEP table			
	Development Standard	Proposal	Complies
Floor Space Ratio (max)	4.5:1	Demolition works proposed only.	Not applicable.
Height of Buildings (max)	174.95m(RL)	Demolition works proposed only.	Not applicable.



### **Zoning and Permissibility:**

The site is zoned E2 Commercial Centre.

Pursuant to clause 2.7 of Lane Cove LEP 2009, *the demolition of a building or work may be carried out with development consent*. The proposal seeks development consent for demolition works, in accordance with the intent of the zone objectives.

Permissibility of the future mixed use build to rent development has been considered by the State Government through the State Significant Development Pathway and complies.

### **Heritage Conservation – 5.10**

The subject site is not listed as a heritage item, is not located within a heritage conservation area, and is not located in the vicinity of a heritage item.

Accordingly, the provisions of Clause 5.10 of the Lane Cove LEP 2009 do not apply.

### **Acid Sulphate Soils – 6.1**

Clause 6.1 of Lane Cove LEP 2009 requires Council to consider any potential acid sulphate soil affectation so that it does not disturb, expose or drain acid sulphate soils and cause environmental damage.

The subject site is not identified as being of Class 2, 3 or 5 land on the Acid Sulphate Soils Map. The original development application was referred to Water for NSW to confirm that there would be no adverse impacts on the water table.

This referral has been withdrawn as excavation is no longer proposed as part of the subject application. The relevant matters would be considered in a future application for excavation but are not perceived to be an issue for the site.

The proposal is therefore acceptable with regards to Part 6.1 of Lane Cove LEP 2009.

### **Earthworks – 6.1A**

Clause 6.1A Earthworks of the Lane Cove LEP 2009 states as follows:

#### **6.1A Earthworks**

- 1) *The objectives of this clause are as follows:*
  - a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
  - b) *to allow earthworks of a minor nature without requiring separate development consent.*
- 2) *Development consent is required for earthworks unless:*
  - a) *the work is exempt development under this Plan or another applicable environmental planning instrument, or*
  - b) *the work is ancillary to other development for which development consent has been given.*
- 3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*
  - a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

- b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- c) the quality of the fill or the soil to be excavated, or both,*
- d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- e) the source of any fill material and the destination of any excavated material,*
- f) the likelihood of disturbing relics,*
- g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Clause 6.1A of Lane Cove LEP 2009 lists the matters Council must consider before granting consent for earthworks. Excavation is no longer proposed as part of the subject application. The relevant matters would be considered in any future application for excavation.

The proposal is therefore acceptable with regards to Part 6.1A of Lane Cove LEP 2009.

### **Comprehensive Development Control Plan assessment and Referrals**

#### **Part O – Stormwater Management – Stormwater Development Engineer**

An Erosion and Sediment Control Plan has been submitted with the application and supported by Council's Development Engineer.

The provisions of this plan ensure that during the demolition phase of the development, sediment is adequately dealt with to prevent detrimental impacts on the local environment and Council stormwater infrastructure.

This plan has been included in the recommended approval documents.

The proposal is acceptable with regards to Part O Stormwater Management of the Lane Cove DCP 2010.

#### **Part Q – Waste Management and Minimisation**

The applicant has provided a Demolition Waste Management Plan which is found to be satisfactory. This report identifies Hazardous Materials amongst the existing structures, which is supported by the supplied Hazardous Materials Building Survey.

**Conditions 11, 12, 17, 18, 24 and 29** are recommended to ensure the proper handling of waste in accordance with relevant Council policies and standards throughout the demolition works.

The proposal is acceptable with regards to Part Q Waste Management and Minimisation of Lane Cove DCP 2009.

#### **Part R – Traffic, Transport and Parking – Traffic Development Engineer**

Extensive consultation has occurred between the Applicant and Council in regards to traffic impacts and the Demolition Traffic Management Plan ("DTMP"). This sought to resolve concerns relating to the demolition process and the potential impacts on existing traffic and parking conditions. The submissions received in response to the notification period raised numerous concerns which primarily related to Nicholson Street and Christie Street.

Council's traffic engineer has supported the revised DTMP, subject to conditions which ensure that public safety is maintained and the impact of development on traffic is minimised as reasonably



practical. The DTMP forms part of the recommended approval documents and **it is requested that the Lane Cove Planning Panel endorse Council's DTMP approval letter should the application be supported.**

The DTMP approval letter states the following:

*The DTMP for the proposed development site at DA32/2025 - 46 Nicholson Street, St Leonards.*

*The approval is granted subject to below special conditions:*

- 1. Existing two way traffic flow is to be maintained at all times on Nicholson Street. It is noted that the section directly in front of the site with parking on both sides of the road is currently one lane with vehicles expected to give way to each other (there is passing opportunity here at 30m distance. Council expects this arrangement to be maintained or improved. Council will monitor the traffic conditions as a result of this demolition traffic and may impose new working hours.*
- 2. To maintain the status quo for two way two lane (6.0m minimum) on the section of Nicholson Street. Trucks must utilise the concrete footpath/nature strip for truck and dog parking. Applicant to contact Council Asset Manager prior to site works.*
- 3. The turning movement into Nicholson Street from Christie Street conflicts with 2 Council on-street car park spaces. Applicant to apply for temporary parking restriction here (work zone charges+loss parking meter revenue).*
- 4. Applicant to relocate/remove any and all parking meters which are affected by works.*
- 5. Loading is anticipated to be handled within the site.*

*The approval is granted subject to the following conditions:*

- 1. The approved approach and departure routes are accepted.*
- 2. Trucks should only utilise the approved routes above when approaching or departing the site. Any requests for additional or alterations to the routes require a written submission to Council.*
- 3. The requested routes are not to be utilised unless written approval is provided by Council.*
- 4. Queuing of trucks will not be allowed in any Local Road or Regional Road within Lane Cove LGA.*
- 5. There should be no more than one truck at the intersection at a time. There should be a minimum of five (5) minutes separation for trucks entering and/or exiting the development site.*
- 6. Traffic Controllers must guide vehicles entering & exiting the site at all times.*
- 7. Responsible Traffic Controllers are to have a copy of the TCP at all times throughout the half road closure period.*
- 8. Any Traffic Control Plans (TCP) prepared are to comply with AS1742.3 and RMS's "Traffic Control at Worksites" manual (2018) and be signed by a person with RMS certification to prepare TCP's. A copy of the TCP is to be held on site at all times by the responsible traffic controllers.*
- 9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on State Roads during construction activities.*
- 10. Provision of TfNSW accredited traffic controllers to assist truck and pedestrian movements.*
- 11. No traffic should be stopped along any Local, Regional or State Road.*
- 12. No trucks/other vehicles to queue / wait on Mowbray Road or any other Local Road.*
- 13. Barricades and signs to be provided in accordance with Australian Standards;*
- 14. Appropriate advanced signage to warn drivers about changes in road conditions.*
- 15. Access be maintained for emergency vehicles at all times.*
- 16. The Council reserves the right to the implementation of any reasonable adjustment during the course of the works, if Council deems it is necessary.*

17. Any demolition or construction related machinery or trucks, that are required to stand on the road or footway, (including unloading and loading of trucks and standing of any demolition or construction related machinery or plant), must be covered by an approved Stand Plant permit. Application for the permit is to be made five (5) working days before the day of the related works.
18. Due to requirements for safe traffic and pedestrian movement, loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on public roads unless within a Works Zone. If the Works Zone is required, it must be approved by the Council and have a minimum length of 20m (to accommodate a large truck). Works Zone signs are only to be erected by Council staff.
19. Adequate indoor space, to WorkCover's site accommodation requirements, is to be provided to allow the entire work force to sit in, behind closed doors before 7:00am.

#### **NOTIFICATION AND IMPACTS ON RESIDENTS**

20. All residents and commercial operators are to be permitted to maintain their normal operations and access arrangements during the course of the works, where it is reasonable, as determined by Council's Development Engineer – Traffic.
21. A notification letter is to be sent to all affected parties, including residents & shops within 300m radius of the site.
22. Note: The notification letter must be approved by Council before distribution.

#### **PEDESTRIANS**

23. Pedestrians are to be provided with convenient and safe routes at all times. This includes smooth sealed paths where pedestrians are directed across a road.
24. Pedestrian access is to be maintained at all times. Any existing hazardous surfaces where pedestrians are to walk are to be marked with appropriate barricades and safety tape during the course of the works in accordance with the Australian Standards.
25. Pedestrians are to be guided by appropriate signage where appropriate.
26. The responsible contractor, in charge, is to manage the situation so that it is safe for pedestrians at all times.
27. The safety of pedestrians is to be given priority at all times. Special care is to be taken when truck movements are occurring.
28. On the public road or footpath reserve, whenever vehicles are being unloaded or loaded by a machine (including wheeled forklift) the vehicular traffic and any pedestrians are to be managed by a RMS accredited traffic controller with appropriate signs in place.
29. The roadways and footpaths along the full frontage are to be swept and kept clean at all times, such that no spoil or materials leave the site, during normal work periods.

#### **INSPECTIONS**

30. Council's Development Engineer – Traffic must be provided access to the site at regular intervals during construction, particularly when the peak flow of trucks occurs. At that time the Engineer will inspect the TCP implementation and all other traffic matters.
31. For any variation to the DTMP, an application will need to be lodged and approved by Council.
32. Council Development Engineer – Traffic would be inspecting the site regularly (every two weeks) during the activity, particularly when the major part of the work is occurring. At that time the Engineer will inspect the implementation and all other pedestrian and traffic matters.

#### **STANDING PLANT – CRANE LIFTS AND OTHER MAJOR PLANT ACTIVITY ON THE ROAD OR FOOTWAY**

- 33. Any activity in the road or footway reserve that has the following characteristics, ie.
- 34. The activity is wider than 2.5m of kerbside lane on the road.
- 35. Both footway and kerbside lane on road are required.
- 36. Requires an additional permit. This is a Standing Plant permit, for the subject day(s).
- 37. These may include concrete pumping, crane lifts, floating in of large plant or connection to essential services, etc. Such application should be submitted to Council at least five (5) working days prior to commencement of the activity.

#### **INSURANCE**

- 38. Evidence of Public Liability Insurance Policy for \$20 million with respect to any damage that may occur to Council's property as a result of the construction activity is to be provided to Council seven (7) days prior to commencement of works.

#### **OTHER**

- 39. On the spot penalties of \$6,000 will be issued for any non-conformances with the use of the Works Zone. Court Imposed penalties of up to \$200,000 maybe imposed for ongoing non-conformances.
- 40. Council reserves the right to issue a Stop Work Notice for all works on the site, if non-conformances occur and Council considers that the safety of people and property is being compromised.
- 41. Failure to comply with any of the above conditions will result in Council revoking the approval without notice.
- 42. Removal or alterations of Bus Ways, TfNSW or Council's assets are subject to approval from the relevant authorities.

The proposal is acceptable with regards to Part R – Traffic, Transport and Parking of Lane Cove DCP 2009.

#### **Tree Assessment Officer – Part J – Landscaping and Tree Preservation**

No objections subject to recommended draft conditions.

Council's Arborist has provided the following:

#### ***Comments and / or issues with the proposal:***

- The proposal includes removal of onsite trees, neighbouring trees (removed from the amended proposal) and a number Council Street trees, demolition of existing structures and early site works.
- The Arboricultural Impact Assessment report by Elke Landscape Architect Consulting Arborist Horticulturist Soils reports on twenty-three (23) trees inclusive of groups of trees in total and identifies eleven (11) are proposed for removal which includes a group of 20 growing on neighbouring property that are proposed for removal due to the impacts of the demolition, excavation and piling/shoring works proposed.
- Of the trees proposed for removal six (6) of the trees are within the site and five (5) (including tree group or hedgerow of 20) are located outside of the site boundary and located on neighbouring property or Council's Road reserve.
- The AIA identified that all trees proposed for removal have a low or medium landscape retention value or are exempt.
- While supportive of all of the removals (originally proposed, owner's consent from the neighbours is required to be provided) and the appropriate (future development) application process needs to be addressed for trees identified as T 27,28, 30-39 and 43

- 52 located on neighbouring property.
- I would also support further removal of all of the low value street trees to enable the class B Hording installation and a refreshed street scape to be in harmony with the LCC Street Master Plan.

**DETERMINATION:**

*The proposed development is considered acceptable subject to the following conditions.*

**Planner Comment:** These conditions have been recommended in full.

The proposal is acceptable with regards to Part J – Landscaping and Tree Preservation of Lane Cove DCP 2009.

**ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**PROVISIONS OF ANY LEP, DCP, SEPP OR REGULATION (Section 4.15(1)(a))**

The proposal is permissible and does not raise any issues in regard to the Lane Cove Local Environmental Plan 2009.

**OTHER PLANNING INSTRUMENTS**

**SEPP (Resilience and Hazards) 2021**

**Chapter 3 Hazardous and offensive development**

The proposed development is accompanied by a Demolition Waste Management Plan and a Hazardous Materials Building Survey. These documents identify and make recommendations for the appropriate management of hazardous materials to ensure environmental and public safety.

**Conditions 1, 11, 12, 17, 18 and 29** have been recommended which ensure that the recommendations of these reports and the relevant statutory requirements are complied with.

The requirements of Chapter 3 have been satisfied as the demolition of hazardous materials would be appropriately managed to ensure environmental and public safety.

**SEPP (Biodiversity and Conservation) 2021**

The two relevant chapters are addressed under the following subheadings.

**Chapter 2 Vegetation in non-rural areas**

Council's Arborist has supported the proposed tree removal and replacement, which accords to Council's tree canopy targets. A superior outcome would be provided through improved street tree planting which has been included in **Condition 7**.

The aims of Chapter 2 have been satisfied as the proposed development would have a reasonable impact on the biodiversity values of trees and other vegetation.

**Chapter 6 Water catchments**

An Erosion and Sediment control plan has been provided and assessed as satisfactory by Council's Stormwater Development Engineer. This plan ensures the appropriate management of sediment control during the demolition phase of the development.

The aims of Chapter 6 have been satisfied as the proposed demolition would have no adverse impact on the quality of water entering the *Sydney Harbour Catchment*.

## **APPLICABLE REGULATIONS**

The Environmental Planning and Assessment Regulation 2021 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and this has been ensured by the recommended **Condition 18**.

## **VARIATIONS TO COUNCIL'S CODES/POLICIES**

Nil.

## **IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))**

The proposed demolition would have reasonable impacts on neighbouring properties as conditioned by Council.

The recommended conditions ensure appropriate levels of mitigation to acoustic and traffic related impacts during the demolition phase of the development.

The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls.

## **SUITABILITY OF SITE (Section 4.15(1)(c))**

The subject site would be suitable for the proposed development as the use is permissible within the Zone. The proposed development would not constrain development on neighbouring sites.

## **RESPONSE TO NOTIFICATION (Section 4.15(1)(d))**

<b>Concern</b>	<b>Comment</b>
<p><b>A Demolition Traffic Management Plan</b> – A traffic management plan should be prepared in relation to the proposed works.</p> <p>Consideration should be given regarding loading zones specific to the local area including Nicholson Street and Christie Street.</p>	<p>Specific consideration has been given to Nicholson Street and Christie Street.</p> <p>A revised demolition traffic management plan has been reviewed and supported by Council's traffic development engineer subject to conditions, as provided previously in this report.</p> <p><b>Comment from Council's Traffic Development Engineer:</b>  Work Zone areas are proposed on Nicholson Street and Christie Street frontages, approximately 180m in length. This would provide dedicated areas for truck parking and ensure road safety is maintained.</p> <p>Council has included conditions for the DTMP to ensure that the existing two way two lane arrangement on Nicholson Street is maintained for duration of 4 month program (17 weeks). Contra-flow would be required for erection of hoarding which the Applicant has scheduled for a 2-3 week period.</p>
<p><b>Hours of work</b> – it is unclear what the proposed</p>	<p>Council has recommended the relevant Council resolution Hours of works condition, refer to <b>Condition 19</b>.</p>

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<p>construction hours would be, and this should be managed.</p> <p>Respite breaks should be provided during the day.</p> <p>No noisy works pre-8am or post 4pm with no noisy works on Saturday and no works on Sunday.</p>	<p>This condition mandates that no noisy works are to commencement prior to 8am or post 4pm Monday to Friday, and no noisy works are permitted on Saturdays.</p> <p>This condition also requires a respite period between 12.00 noon to 1.30pm Monday to Friday.</p>
<p><b>Additional traffic</b> – Concern that additional traffic generated from the construction of a residential development would exacerbate existing traffic problems.</p>	<p>The subject application is restricted to the demolition phase of the development.</p> <p>Increase in population and parking rates resulting from the future mixed use build to rent development has been considered by the State Government through the State Significant Development Pathway and is not subject to an assessment under this application.</p>
<p><b>Construction traffic impacts</b> – Concern that additional traffic from construction would have negative impacts on existing traffic conditions and result in noise pollution and disruption to business.</p>	<p>A Demolition Traffic Management Plan has been supported by Council's Traffic Development Engineer which details the management of related traffic. Council has included conditions for this document which ensures that the safety of residents is maintained and the impact of development on traffic is minimised as reasonably practical.</p>
<p><b>Construction impacts</b> – the proposed development would have significant noise and dust impacts.</p> <p>The proposed development may damage nearby buildings and infrastructure.</p> <p>Excavation and construction of shoring wall risks the structural integrity of adjacent properties.</p> <p>Timing in relation to other constructions in vicinity to the site.</p>	<p>Excavation and construction are no longer proposed as part of this application. Future applications would consider and manage these impacts.</p> <p><b>Conditions 10, 12, 13, 15 – 24, 28 and 29</b> have been included to manage the demolition impacts of the proposed development.</p> <p><b>Conditions 15, 16 and 26</b> have been included which require pre and post demolition dilapidation reports which would identify damage related to demolition and ensure that it is rectified.</p> <p>The procedural timing of developments within proximity to each other is not a planning consideration under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council does not have the power to mandate when developments commence or are finalised.</p>
<p><b>Construction time impacts</b> – Concern that the construction process would take a significant amount of time and could disrupt business.</p>	<p>Developments of this nature take a considerable amount of time during construction.</p> <p>The construction phase of developments can have both a positive and negative impact on local businesses. However, this is not a planning consideration under the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p><b>Site access</b> – where would the site be accessed from.</p>	<p>Site access is proposed from Nicholson Street as per the Demolition Traffic Management Plan.</p>
<p><b>Community meeting</b> – Request that the Applicant</p>	



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<p>facilitate a community meeting to help understand the application.</p> <p>Lack of community engagement.</p>	<p>Council facilitates resident liaison meetings for the community which includes Council staff and in some instances representatives from the development sites.</p> <p>The Applicant has committed to attending these upcoming meetings.</p> <p>More information can be found on Council's website:  <a href="https://www.lanecove.nsw.gov.au/Development/Current-DAs/St-Leonards-CBD">https://www.lanecove.nsw.gov.au/Development/Current-DAs/St-Leonards-CBD</a></p>
<p><b>Tree removal</b> – Objection to the removal of Council street trees as it threatens existing wildlife / ecosystems and removes “green areas”.</p>	<p>Council's tree assessment officer supports the proposed tree removal and has advised further street tree removal is appropriate.</p> <p>This would facilitate an improved street tree strategy to be implemented in this area and ensure the net canopy can be improved with more appropriate planting.</p> <p><b>Condition 7</b> has been recommended to ensure that these works are undertaken as part of relevant construction certificate and occupation certificate stages.</p>
<p><b>Tree replenishment</b> – Request that tree replenishment be referenced in public domain works to be completed under the future applications.</p>	<p><b>Condition 7</b> has been recommended to ensure this.</p>
<p><b>Solar access</b> – Concerns that the overall development would impact upon solar access.</p>	<p>The proposed development seeks consent for demolition and tree removal.</p> <p>Solar access impacts resulting from the future mixed use build to rent development has been considered by the State Government through the State Significant Development Pathway and is not subject to an assessment under this application.</p>
<p><b>Overdevelopment</b> – Concerns that the overall development would represent an overdevelopment of the site.</p> <p>The scale of the development is inconsistent with the neighbourhood character.</p>	<p>The density of the future mixed use build to rent development has been considered by the State Government through the State Significant Development Pathway and a compliant envelope has been approved. Consideration on density is not subject to an assessment under this application.</p>
<p><b>Strain on local infrastructure</b> – Concerns that the overall development would negatively impact local infrastructure.</p>	<p>The impacts on local infrastructure resulting from the future mixed use build to rent development has been considered by the State Government through the State Significant Development Pathway and is not subject to an assessment under this application.</p> <p>The subject site is well serviced by numerous public transport options and local shops.</p>
<p><b>Privacy and views</b> – Concerns that the overall development would negatively</p>	<p>The impacts on privacy and views resulting from the future mixed use build to rent development has been considered by the State Government through the State Significant Development</p>

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impact privacy and views.	Pathway and is not subject to an assessment under this application.
<b>Traffic study request</b> – request that a traffic study is undertaken for St Leonards.	Council appreciates and is aware of the existing traffic issues within the St Leonards precinct and is developing solutions to address these concerns.

### **PUBLIC INTEREST (Section 4.15(1)(e))**

The proposed development is reasonable and satisfies the requirements of the Lane Cove LEP 2009, Lane Cove DCP 2009 and the relevant environmental planning instruments. Therefore, approval of this application would not be contrary to the public interest.

### **CONCLUSION**

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The application seeks consent for the demolition and tree removal phase of the development.

Conditions have been recommended to ensure this phase is completed with full regard to minimising demolition and traffic impacts.

Whilst demolition impacts are unavoidable, these conditions seek to preserve the existing amenity of the St Leonards CBD as much as reasonably practical.

The application satisfies the Development Objectives of the relevant SEPPs, the Lane Cove Local Environment Plan 2009 and the Lane Cove Development Control Plan 2009.

The proposed development would be reasonable and is therefore reported to the Lane Cove Planning Panel for approval subject to the recommendation below.

### **RECOMMENDATION**

#### **General Conditions**

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel at its meeting of 29<sup>th</sup> July 2025, exercising the functions of Council as the consent authority grants development consent to:

- Development Application: DA32/2025
- For the demolition of existing structures and the removal of trees.
- On (property address) 46-48 Nicholson Street, St Leonards.

subject to the following conditions:

#### **PART A – GENERAL CONDITIONS**

##### **1. A.1 - Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

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Plan No	Revision	Plan Title	Drawn By	Dated
A-DA-1101	2	SITE PLAN AND SITE ANALYSIS	Cox Architecture	22/05/2025
A-DA-1102	2	DEMOLITION PLAN	Cox Architecture	22/05/2025
A-DA-1103	2	TREE REMOVAL PLAN	Cox Architecture	22/05/2025
24-1018-CIV-060	P1	EROSION AND SEDIMENT CONTROL PLAN	HJ Consult	24/06/2024
24-1018-CIV-061	P1	EROSION AND SEDIMENT CONTROL DETAILS SHEET 1	HJ Consult	24/06/2024
24-1018-CIV-062	P1	EROSION AND SEDIMENT CONTROL DETAILS SHEET 2	HJ Consult	24/06/2024

Document Title	Version No.	Prepared By.	Dated Title.
Demolition Traffic Management Plan	Rev C	JM - JMT Consulting	11/07/2025
Demolition Traffic Management Plan Approval Letter	-	Lane Cove Council	-
Demolition Waste Management Plan	Rev B	WSP	10/12/2024
Hazardous Materials Survey	Rev 0	JBS&G Australia Pty Ltd	31/04/2023

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.**

**2. A.2 – Appointment of a Principal Certifier**

A Principal Certifier is to be appointed prior to the commencement of any demolition, tree removal or site preparation works. Lane Cove Council is to be notified of this appointment.

**Reason: To ensure the appointment of a principal certifier.**

**3. A.2a – Construction Certificate**

The submission of a Construction Certificate and its issue by Council or Principal Certifier prior to the commencement of any demolition, tree removal or site preparation works.

**Reason: To ensure the relevant requirements are satisfied.**

**4. A.3 - Payment of security deposits**

Prior to the commencement of any demolition, tree removal or site preparation works, and

before the issue of a construction certificate, the applicant must make the following payments to Council and provide written evidence of these payments to the Certifier:

Security deposit	Amount
Infrastructure damage bond	\$17,000.00
Council owned trees	\$3,000.00

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates, and,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent.

**Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.**

**5. A.4 - Payment of building and construction industry long service levy**

Prior to the commencement of any demolition, tree removal or site preparation works, and before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of **\$5,544.00** as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the principal certifier.

**Reason: To ensure the long service levy is paid.**

**6. A.7.L - Tree preservation and approved landscaping works**

All landscape works shall be undertaken in accordance with the approved landscape plan(s), Arborist Report, tree management plan and transplant method statement as applicable, as modified by any conditions of consent.

**The following trees shall be retained:**

Tree No.	Species	Location	Dimension (meters)
40	<i>Eucalyptus paniculata</i>	Council Road Reserve Nicholson Street frontage.	3.5 x 1.8m
41	<i>Eucalyptus paniculata</i>	Council Road Reserve Nicholson Street frontage.	3.5 x 1.8m

**This consent gives approval for the removal of the following trees:**

Tree No.	Species	Location	Dimension (meters)
1	<i>Glochidion ferdinandi</i>	Council Road Reserve Christie Street frontage	7 x 3m
2	<i>Photinia robusta</i>	Council Road Reserve Christie Street frontage	5 x 6m
3	<i>Cupressus x sp</i>	Council Road Reserve Christie Street frontage	10 x 3m

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5	<i>Viburnum tinus</i>	Council Road Reserve Christie Street frontage	4.5 x 1.8m
6	<i>Viburnum tinus</i>	Council Road Reserve Christie Street frontage	9.5 x 5m
7	<i>Grevillea whiteana</i> 'Moonlight'	Subject site	3.5 x 2m
8	<i>Grevillea whiteana</i> 'Moonlight'	Subject site	3.5 x 2.5m
9	<i>Photinia robusta</i>	Council Road Reserve Nicholson Street frontage	7 x 4.5m
10	<i>Photinia robusta</i>	Council Road Reserve Nicholson Street frontage	7 x 4m
11	<i>Photinia robusta</i>	Council Road Reserve Nicholson Street frontage	7 x 4.5m
17	<i>Melaleuca quinquener via</i>	Council Road Reserve Nicholson Street frontage	25 x 9m
18	<i>Murraya paniculata</i>	Subject site	2.8m
19	<i>Howea fosteriana</i>	Subject site	11 x 2.8m
21	<i>Callistemon viminalis</i>	Council Road Reserve Nicholson Street frontage	6.5 x 4.5m
22	<i>Eucalyptus scoparia</i>	Council Road Reserve Nicholson Street frontage	19 x 8m
23	<i>Callistemon viminalis</i>	Council Road Reserve Nicholson Street frontage	6 x 2m

**Tree removal may only occur upon issue of a Construction Certificate.**

Lane Cove local government area in accordance with State Environmental Planning policy (Biodiversity and Conservation) 2021. Chapter 2, Part 2.2, section 2.6 of this Sepp states:

*"A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part "Clearing of vegetation includes "a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or b) lop or otherwise remove a substantial part of the vegetation."*

Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW).

The maximum penalty that may be imposed in respect to any such offence is \$1,100,000.

**Reason: To ensure the protection of trees to be retained and to confirm trees removed for pruning/removal.**

**7. A.7.A – Public Domain Works**

a) A separate application shall be made to Council's Open Space and Infrastructure

Division for any associated works on Council property. Written approval is to be obtained prior to the start of any works on Council property.

- b) The design of the public domain surrounding the site shall be completed in conjunction with the objectives and provisions relating to Part D of the Lane Cove Development Control Plan - Commercial Development and Mixed Use Localities – Locality 1 - St Leonards Key precincts – Block 4: Nicholson Precinct, in consultation with Council staff and other relevant specifications.

The applicant is to obtain public domain works approval from Council's Director - Open Space and Infrastructure (or delegated staff) for the overall design scheme, all materials, lighting, path design and landscaping.

The applicant is to receive concept approval of the public domain works from Council's Director - Open Space and Infrastructure, **Prior to the issue of the relevant Construction Certificate (consent for the construction works).**

The public domain works are to be completed **Prior to the Issue of the relevant Occupation Certificate (consent for the construction works)** to the written satisfaction of Council's Director - Open Space and Infrastructure.

The public domain works required by this consent include:

1. Paving design upgrades and specifications to be arranged with Council for pedestrian footpath (i.e. 2.5m), landscaping, kerb and gutter to Council specifications to Christie and Nicholson Streets adjoining the frontage of the site.
2. Reinstatement of all public infrastructure damages identified in dilapidation report for public infrastructure required to be retained.
3. A minimum of 11 x 200Ltr Waterhousia floribunda street trees to be planted in a minimum of 40m<sup>3</sup> soil volume per tree created by the installation of a structural root cell system to Council specification along the Christie and Nicholson Street frontages of the site.

Where this consent specifies additional public domain works in other conditions, the approval of the works is also required in accordance with this condition.

**Reason: To manage impacts to Council's assets.**

8. **A.9.T - Works on Council land**

Where the applicant requires the use of plant equipment on the public road reservation, an *"Application for Standing Plant Permit"* shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works**. Note: allow 2 working days for approval.

**Reason: To manage impacts to Council's assets.**

9. **A.12.E - Existing Drainage Infrastructure**

There is a drainage pipe system (450mm) running through the site. It must be accurately located and marked on the **Demolition site management plan**, Prior to the commencement of any demolition, tree removal or site preparation works, and before the issue of a construction certificate.

The applicant must take appropriate safety measures to protect this pipe system and carry out a CCTV (On USB) survey. The full reports of the existing pipe system with CCTV (On



USB) reports are to be submitted to Council. Two CCTV (On USB) reports are to be completed by a suitably qualified person and submitted to Council and the Principal Certifier in accordance with the following:

- a) The first report shall be done prior to the commencement of any demolition, tree removal or site preparation works, and before the issue of a construction certificate
- b) The second report shall be done following the completion of demolition works and before the issue of the relevant occupation certificate.

**Reason: To ensure the protection of Council's Stormwater Infrastructure.**

**PART B – PRIOR TO DEMOLITION WORKS AND BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

10. **B.1.T - Demolition Traffic Management Plan**

The proposed development is to satisfy the requirements and recommendation of the approved Demolition Traffic Management Plan by *JMT Consulting* and dated 11 July 2025, (including the conditions provided from Council's Traffic team), **except where modified by any conditions of this consent which prevail over the DTMP**. This specifically includes, but is not limited to, the Hours of Work as specified in **Condition 19** of this consent.

**Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.**

11. **B.4.EH - Demolition work plan**

- The name, address, contact details and licence number of the Demolisher / Asbestos Removal Contractor.
- Details of hazardous materials (including asbestos).
- Method/s of demolition (including removal of any asbestos).
- Measures and processes to be implemented to ensure the health & safety of workers and community.
- Measures to be implemented to minimise any airborne dust and asbestos.
- Methods and location of disposal of any hazardous materials (including asbestos).
- Other relevant details, measures and requirements to be implemented.
- Details of re-use, recycling and disposal of waste materials.
- Date the demolition works will commence.

**Reason: To ensure health and safety.**

12. **B.5 - Demolition site management plan**

Prior to the commencement of any demolition, tree removal or site preparation works, and before the issue of a construction certificate, the applicant must ensure a demolition site management plan is prepared before it is provided to and approved by the principal certifier. The plan must include the following matters:

- safety barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath and shall be erected before the commencement of any works.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety

- pedestrian access, including disabled and pram access, is to be maintained throughout the course of the demolition as per AS-1742.3, '*Part 3 - Traffic control devices for works on roads*'.
- pedestrian and vehicular site access points and demolition activity zones
- details of demolition traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The demolition traffic management plan shall comply with the requirements of Part R of the Lane Cove Development Control Plan 2009 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a demolition noise management plan prepared in accordance with the NSW EPA's Interim *Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.
- protection measures of existing Council pipe systems, Council street trees and street assets.

The applicant must ensure a copy of the approved demolition site management plan is kept on-site at all times during demolition.

#### **Council Approvals**

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
2. Any plant equipment on the public road reservation requires an approved "Application for standing plant *permit*".

**Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and demolition.**

13. **B.15 - Erosion and sediment controls in place**

Prior to the commencement of any demolition, tree removal or site preparation works, and before the issue of a construction certificate, the principal certifier must be satisfied the erosion and sediment controls in the approved **Erosion and Sediment Control Plan**, dated 24/06/2024, are in place until the demolition works are complete.

**Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.**

14. **B.16 - Signs on site**

A sign must be erected in a prominent position on any site on which demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

- c) stating that unauthorised entry to the work site is prohibited.  
Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

**Reason: Prescribed condition EP&A Regulation, clauses 98A (2) and (3).**

**15. B.17.5 - Dilapidation report**

Prior to the commencement of any demolition, tree removal or site preparation works, and before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

**Reason: To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.**

**16. B.18 - Notice regarding dilapidation report**

Prior to the commencement of any demolition, tree removal or site preparation works, and before the issue of a construction certificate, the principal certifier must ensure the adjoining building owners and Council is provided with a copy of the dilapidation report for their properties no less than 7 days before the commencement of any site or demolition works and provide a copy of the report to Council at the same time.

**Reason: To advise neighbours and Council of any dilapidation report.**

**PART E - WHILE DEMOLITION WORK IS BEING CARRIED OUT**

**17. B.2.E - Asbestos removal, handling and disposal**

The removal, handling and disposal of asbestos from building sites shall be carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal in accordance with this condition is to be submitted to the Principal Certifier and Council's Environmental Health Section, **prior to the commencement of any demolition works.**

**Reason: To ensure worker and public health and safety.**

**18. B.3.EH - Compliance with demolition standard**

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.

**Reason: Prescribed condition under the EP&A Regulation 2021.**

**19. E.1 - Hours of work**

All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm

**High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday**

Saturday

8am to 12 noon

**With NO high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.**

A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

**Note:** Any variation to the hours of work requires Council's approval.

**Note: Where there is inconsistency between hours of work in any other document, this condition prevails.**

**Reason: To protect the amenity of the surrounding area.**

20. **E.7 – Demolition noise**

The Principal Certifier is to ensure that during demolition and works, that any noise caused by demolition, vegetation removal or works does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where these works are being carried out.

**Reason: To protect the amenity of the neighbourhood.**

21. **E.9 - Responsibility for changes to public infrastructure**

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

**Reason: To ensure the payment of approved changes to public infrastructure.**

22. **E.18.B - No obstruction of public way**

The public way and Council verge must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**Reason: To ensure public safety.**

23. **E.19.B – Encroachments**

If a Council stormwater pipe is located at site during demolition, Council is to be immediately notified. Where necessary the drainage line is to be reconstructed or relocated to be clear of the works. The Applicant must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the drainage pipe are to be borne by the Applicant. The Applicant is not permitted to carry out any works on existing Council and private stormwater pipelines without Council's approval.

**Reason: To ensure works are contained wholly within the subject site**

**24. E.20.EH – Stockpiles**

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

No stockpiling of materials, building equipment or additional activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites is to occur within designated tree protection areas or on the Council owned nature strip. All building materials must be delivered and stored within the subject site.

**Reason: To mitigate adverse environmental impacts on the surrounding area.**

**PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

**25. F.2 - Completion of public utility services**

Prior to the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the relevant occupation certificate, the principal certifier must request written confirmation from the relevant authority that the relevant services have been completed.

**Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements before occupation.**

**26. F.3 - Post-demolition dilapidation report**

Prior to the issue of the relevant occupation certificate, a suitably qualified engineer must prepare a post-demolition dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- a) after comparing the pre-demolition dilapidation report to the post-demolition dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Prior to the issue of the relevant occupation certificate, the principal certifier is to provide a copy of the post-demolition dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

**Reason: To identify damage to adjoining properties resulting from building work on the development site.**

**27. F.4 - Preservation of survey marks**

Prior to the issue of the relevant occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

**Reason: To protect the State's survey infrastructure.**

28. **F.5 - Repair of infrastructure**

Prior to the issue of the relevant occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of demolition works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

**Note:** If the council is not satisfied, the whole or part of the security/bond submitted will be used to cover the rectification work.

**Reason: To ensure any damage to public infrastructure is rectified.**

29. **F.6 - Removal of waste upon completion**

Prior to the issue of the relevant occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on the site is removed from the site and disposed of in accordance with the waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Prior to the issue of the relevant occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

**Reason: To ensure waste material is appropriately disposed of or satisfactorily stored.**

**PART H - OCCUPATION AND ONGOING USE**

30. **H.1 - Release of securities / bonds**

When Council receives the relevant occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with **Condition 4**. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

**Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.**

**ATTACHMENTS:**

There are no supporting documents for this report.