

Agenda
Lane Cove Local Planning Panel Meeting
8 October 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 Wednesday 8 October 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 is chaired by Ms Jan Murrell 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 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. S4.55, 46-48 NICHOLSON STREET, ST LEONARDS..... 4

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S4.55, 46-48 NICHOLSON STREET, ST LEONARDS

Item No: LPP20/25
Subject: S4.55, 46-48 Nicholson Street, St Leonards
Record No: DA25/32-01 - 70232/25
Division: Planning and Sustainability Division
Author(s): Andrew Bland

Property:	46-48 Nicholson Street, St Leonards.
DA No:	Section 4.55(1A) of DA32/2025
Date Lodged:	10/09/2025
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 the determination	Demolition of existing structures and the removal of trees.
Section 4.55	Removal of neighbouring 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 originally 1 submission was received. Subsequently, Council received 12 submissions outside of the submission period, several of which were not unique submissions. The matters raised have been addressed later in this report.
Reason for reporting to the Local Planning Panel.	This application has been reported to the Lane Cove Planning Panel as a total of 13 submissions have been received.

SITE

Property	Address	Legal Description	Area (sqm)
	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 **Figure 1** below.



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

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

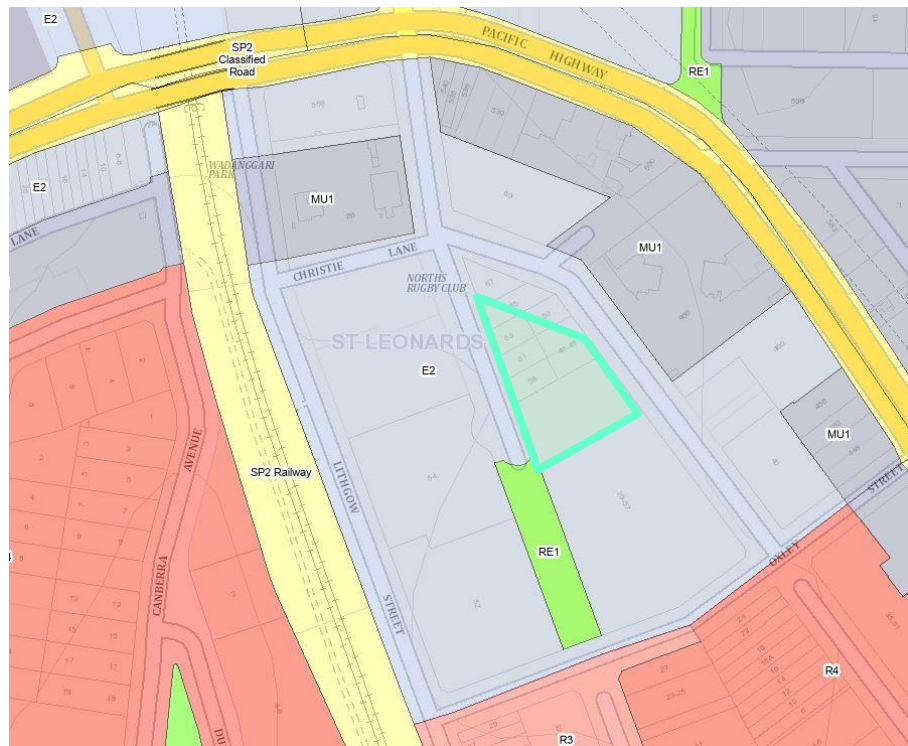


Figure 2: Neighbouring Zonal Context – site identified in green (Source: ePlanning Spatial Viewer)

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 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.

SITE APPLICATION HISTORY

DA32/2025	Approval granted on 1 August 2025 for the demolition of existing structures and the removal of trees.
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PROPOSAL

The subject modification application seeks consent for the following works:

- Removal of the neighbouring trees along the southern boundary due to conflicts with the basement design. Refer to **Figure 3** below.

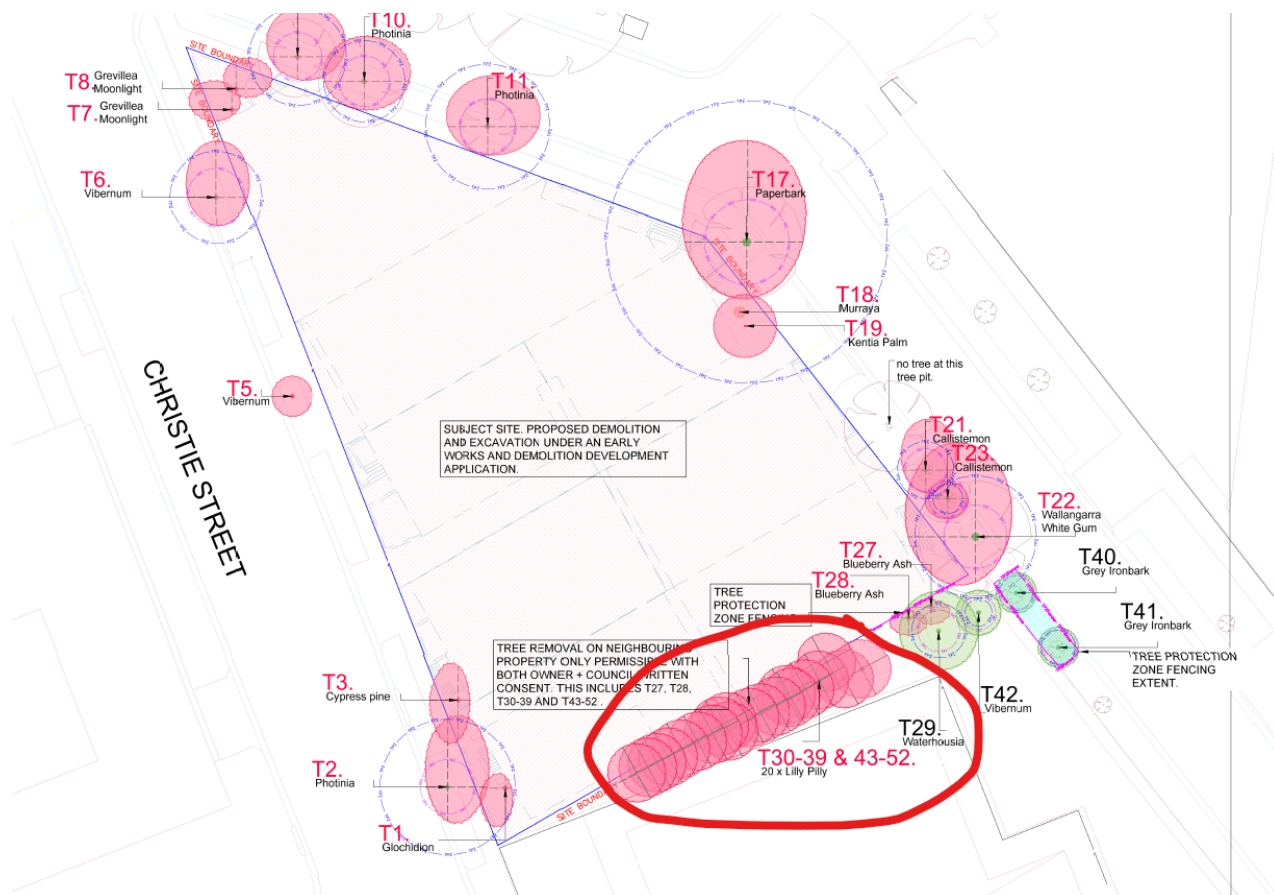


Figure 3: Trees for removal circled in red (Source: Applicant)

These works were included under the original application however the tree owner's consent was not provided.

The required tree owner's consent has now been provided.

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: E2 Commercial Centre

Site Area: 2,285.2m²

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.

Comprehensive Development Control Plan assessment

No changes with the DCP consideration, refer to the Council's Principal Arborist referral section below.

REFERRALS

Council's Principal Arborist – Part J – Landscaping and Tree Preservation

No objections subject to recommended draft conditions. The following comments were provided:

- *"The application proposes a minor modification to the approved development being the removal of three trees, identified as T27, T28 and Group T30-39, 43-52, in addition to the approved sixteen trees on and surrounding the site. The approved list of trees for removal are provided in section 6 of the conditions issued for DA 32/2025 on 1 August 2025.*
- *The proposed amendment is a result of obtaining consent from the landowners of the land upon which the proposed additional trees to be removed are located, at 29-57 Christie Street, St Leonards."*

SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (the Act)

The proposal has been assessed in relation to the relevant matters under s.4.55 of the Act as discussed below.

Minimal environmental impact

S4.55(1A)(a) Proposed modification is of minimal environmental impact?

The proposed development application would have negligible environmental impacts having regards to the provisions of LCLEP 2009 and LCDCP. The proposed amendments relate to removal of neighbouring trees which has been supported by Council's Principal Arborist.

S4.55(1A)(b) The modified development is substantially the same?

The proposed development application is substantially the same as the approved development.

S4.55(1A)(c) It is notified the application in accordance with the development control plan?

Notified in accordance with Council policy and 18 submissions were received.

S4.55(1A)(d) Consideration of submissions.

Refer to consideration below.

S4.55(3) Assessment of the proposed modifications.

An assessment of the proposal is required in relation to s4.15 of the Act. This assessment is as follows.

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

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

4.15 (1) (b) Impacts of development:

The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls as supported by Council's Principal Arborist.

4.15 (1) (c) Suitability of site:

The site remains suitable for the proposed development and the proposed development would not constrain the subject site or neighbouring sites.

4.15 (1) (d) Response to notification:

Council received 13 submissions and the matters have been addressed below.

Concern	Comment
Tree removal – the application includes to removal of trees on Council land.	The proposed modifications do not include the removal of Council street trees. Council's Principal Arborist requires the removal of all Council street trees in front of the site so they can be replaced with better species capable of attaining a mature canopy in accordance with Council's Street tree master plan.
Vehicle movements – concerns with the associated vehicle movements.	The DA for the overall development is to be considered in the State Significant Development Application process. This Application would not have impacts on vehicle movements.
Too much development – concerns there is too much development occurring within this area at once.	There are no powers afforded to Council to manage when development commence or finish.
Environmental Value – the application includes to removal of trees which would result in negative environmental	Council's Principal Arborist requires the removal of all Council street trees in front of the site so they can be replaced with better species capable of attaining a mature canopy in accordance with Council's Street tree master plan. The existing

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Concern	Comment
impacts in terms of urban heat, air quality and biodiversity.	trees are in poor health. This would improve the environmental outcome of the development in terms of urban heat, air quality and biodiversity. This would align with Council canopy targets and Street tree master plan which alternatively would not be met if all trees are to be retained.
Neighborhood Character and Amenity – concerns that the removal of trees would have negative impacts on local amenity.	The subject application does not deal with street tree removal. The trees have been assessed as being poor health and incapable of surviving the construction process. Council's Principal Arborist requires the removal of all Council street trees in front of the site so they can be replaced with better species capable of attaining a mature canopy in accordance with Council's Street tree master plan.
Impacts from main development – concerns that there would be impacts resulting from the overall development including overshadowing, views impacts, traffic congestion, wind tunnel effect.	These concerns do not relate to the S4.55 modification application. These concerns should be redirected to the SSDA pathway as they relate to the overall development which is not being assessed by Council.

4.15 (1) (e) Public interest:

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

CONCLUSION

The matters in relation to Section 4.55 and Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The proposed development would be reasonable and is therefore reported to the Lane Cove Planning Panel for approval, subject to following changes as shown under Parts A, B and C of the Recommendation to this report:

Part A

- The amendment of condition 1, being the list of approved plans.
- The amended of condition 6, being the tree preservation condition.

Part B

- The addition of condition 29a, being the tree replenishment condition.

Part C

- The retention of all other conditions of the original development consent as previously approved would remain relevant

RECOMMENDATION

General Conditions

That pursuant to Section 4.55(1a) of the Environmental Planning and Assessment Act 1979, the Lane Cove Planning Panel at its meeting of 8 October 2025 approve the modification application for development consent DA32/2025, granted on 1 August 2025, for the demolition of existing structures and the removal of trees, at 46-48 Nicholson Street, St Leonards, is modified in the following manner:

Part A

The amendment of condition 1 and condition 6:

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.

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
DA-10-02				25/07/2025
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	-	Lane Cove Council	-

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Approval Letter			
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.

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
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

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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 quinquenervia</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
27	<i>Backhousia citriodora</i>	Adjacent site at 29-57 Christie Street, St Leonards	6.5 x 1.5m
28	<i>Elaeocarpus reticulatus</i>	Adjacent site at 29-57 Christie Street, St Leonards	6.5 x 1.5m
Group T30-39, 43-52	20 x <i>Syzigium paniculatum</i>	Adjacent site at 29-57 Christie Street, St Leonards	9-15 x 2.6m

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.

Part B

The addition of the following condition:

29a F.19 – Replacement tree planting

- 1) Trees that are removed are to be replaced on a minimum 1:1 ratio to comply with provisions outlined within *Part J Landscaping and Tree Preservation of the Lane Cove Development Control Plan 2009* unless otherwise stated within this consent.
- 2) Tree planting is to achieve canopy targets as outlined in Section 3.5 & 3.6 *Part J Landscaping and Tree Preservation of the Lane Cove Development Control Plan 2009*.
- 3) Indigenous tree species must be selected from Appendix 1 of *Part J Landscaping and Tree Preservation of the Lane Cove Development Control Plan 2009*.
- 4) Trees must be 4m at the time of planting, indicative tree size can be found within 3.7.2 *Part J Landscaping and Tree Preservation of the Lane Cove Development Control Plan 2009* table 1.4.
- 5) The tree selected must be purchased from a registered nursery and comply with the provisions outlined within AS2393:2018 *Tree stock for landscape use*.
- 6) Tree must be installed and signed off by the Project Arborist, **Prior to the Issue of the Occupation Certificate.**

Reason: To achieve canopy targets as outlined within LCCDCP Part J section 3.5 & 3.6 and objectives and provisions outlined under Part S Section 3.3.

Part C

The retention of all other conditions of the original development consent as previously approved.

ATTACHMENTS:

There are no supporting documents for this report.