



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 02 9911 3555

Fax: 02 9911 3600

Date: 6 January 2021

Doc Ref: 159/21

Mr. Jim Betts
Secretary
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Mr Nick Armstrong

Dear Mr Betts,

Re: Planning Proposal 38 - 46 Nicholson Street, St Leonards

Council advises that it is submitting Planning Proposal 38 to amend the Lane Cove Local Environmental Plan 2009 (LCLEP 2009) to include site specific provisions for a commercial only building at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards.

After considering the original Planning Proposal (**AT-1**) in December 2020, both Council (**AT-2 & AT-3**) and the Local Planning Panel (**AT-4 & AT-5**) recommended supporting and forwarding an amended Proposal for a Gateway Determination. The changes discussed (and agreed) with the proponent (**AT-6**) were to introduce a numerical LEP height control of RL 175.2 metres, a reduced floor space ratio (FSR) of 15:1 and a draft Development Control Plan be exhibited with the Proposal.

The proponent has written to Council confirming that Council's preferred amendments are accepted and that the Planning Proposal and supporting documents will be amended subject to a Gateway Determination.

In order to reflect this, Council requests that a Gateway Determination be issued with the following conditions:

- 1) *Prior to public exhibition, the Planning Proposal is to be updated to:*
 - a) *Include a numerical LEP height control of RL 175.2 metres; and*
 - b) *Reduce the proposed floor space ratio (FSR) to 15:1*

All supporting documents for the Proposal are to be updated to reflect the above.
- 2) *A draft Development Control Plan is to be exhibited with the amended Planning Proposal to support its outcomes.*

The documentation is being forwarded electronically with this covering letter and comprises: -

- Original Planning Proposal 38 and supporting documents,
- Council Report and Addendum Report from its 7 December 2020 Council meeting,
- Council Resolution from its 7 December 2020 Council meeting,
- Local Planning Panel Report from its 17 December 2020 meeting,
- Local Planning Panel Resolution from its 17 December 2020 meeting,
- Letter from proponent confirming amendments to Planning Proposal,
- Information Checklist.

Background

The site is located at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards (Figure 1).



Figure 1: Location of proposal

The site contains six commercial buildings ranging in height from two to four storeys, which are reaching the end of their economic lifespan, are in poor repair and in some cases unusable. The eight lots have been combined under a single landholding ownership.

While the original Proposal sought to deliver a commercial office building on the site, it was in excess of the height and FSR provisions of the recent St Leonards/Crows Nest 2036 Plan for the area. This resulted in considerable negative impacts on district views from nearby residential towers. Further Urban Design analysis was commissioned by Council and proposed an acceptable alternative which will still achieve the provisions of the St Leonards/Crows Nest 2036 Plan.

Council Resolution

At its meeting on 7 December 2020, Council resolved (in-principle) to support the revised built form (with RL 175.2 metres and 15:1) and seek advice from the Local Planning Panel on the original Proposal and revised built form.

It was also resolved to:

Delegate authority to the General Manager, upon receiving the Local Planning Panel advice from the Planning Proposal, to seek Gateway Determination from the Department of Planning, Industry and Environment.

Local Planning Panel

Council forwarded the proposal to its Local Planning Panel on 17 December 2020, where the proponent and staff gave a broad overview of the Proposal.

After deliberating, the Panel provided their advice to support Planning Proposal No. 38, only with the following amendments:

A. Amendments

- to show a (reduced) numerical height control of RL 175.2 metres; and

- *reduce the proposed floor space ratio (FSR) to 15:1.*

The Panel is also recommended to advise Council to forward the amended Proposal (stated in point A.) to the Minister of Planning for a Gateway Determination, as it would pass the Strategic Merit Test and the Site-Specific Merit Test.

The Panel also resolved to prepare a site specific DCP in conjunction with the proponent to support the Planning Proposal, to be exhibited with the Planning Proposal after Gateway Determination.

Proponent's view

The proponent has previously written to Council confirming that Council's preferred height and FSR amendments are accepted. Following the Panel's formal advice, the proponent wrote to Council supporting the Panel's advice and that the Planning Proposal is now seeking approval for a maximum floor space ratio of 15:1 and a maximum height of RL 175.2 metres (see **AT-6**).

However, it is recommended that these documents be updated/amended as part of a condition of the Gateway Determination.

Conclusion

Given that the proponent has formally confirmed that the amendments to the Planning Proposal are accepted, Council therefore requests that a Gateway Determination be issued with the following conditions:

- 1) *Prior to public exhibition, the Planning Proposal is to be updated to:*
 - a) *Include a numerical LEP height control of RL 175.2 metres; and*
 - b) *Reduce the proposed floor space ratio (FSR) to 15:1*

All supporting documents for the Proposal are to be updated to reflect the above.
- 2) *A draft Development Control Plan is to be exhibited with the amended Planning Proposal to support its outcomes.*

It is also requested that Council be authorised as the local plan-making authority to exercise its functions under section 3.36 of the Act.

Please feel welcome to contact myself or Lara Fusco, Council's Strategic Planner, on 9911 3627 to discuss any matters relating to this Planning Proposal.

Yours sincerely



Christopher Pelcz
Coordinator, Strategic Planning

Attachments:

- AT-1** Original Planning Proposal 38 and supporting documents,
- AT-2** Council Report and Addendum Report from its 7 December 2020 Council meeting,
- AT-3** Council Resolution from its 7 December 2020 Council meeting,
- AT-4** Local Planning Panel Report from its 17 December 2020 meeting,
- AT-5** Local Planning Panel Resolution from its 17 December 2020 meeting,
- AT-6** Letter from proponent confirming amendments to Planning Proposal,
- AT-7** Information Checklist.