

Peter O'Meagher

503/486 Pacific Highway

The Jackson, St Leonards Square

St Leonards NSW 2065

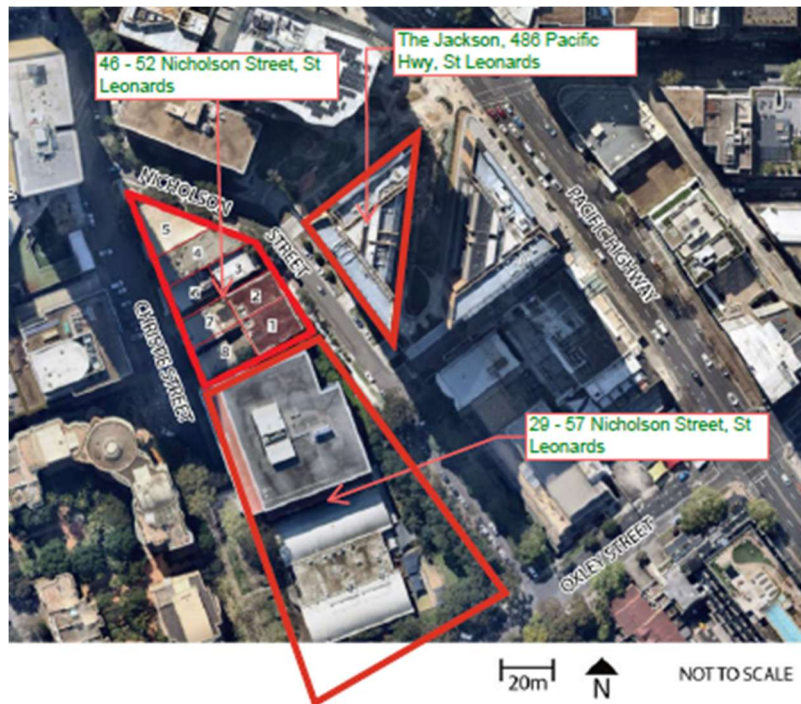
15 December 2025

NSW Department of Planning Housing and Infrastructure

Submission made via: The Planning Portal

SUBMISSION Re: Nicholson Street Build-to-Rent SSD-88113706 ("46-52 Nicholson Street")

I am a recent past secretary of the owners corporation of The Jackson, 486 Pacific Hwy, St Leonards. Our building fronts Nicholson Street immediately opposite the 46-52 Nicholson Street (see aerial map below). Our apartment is located on level 5 of The Jackson. Like ours, there are some 75 apartments in the Jackson that have the main living area and balcony outlook orientated west directly towards 46-52 Nicholson Street and the recently DA approved 29-57 Christie Street site. For this reason the southern boundary setback proposed as part of the 46-52 Nicholson Street proposal is critical. **In summary I object to the current SSD-88113706 on the grounds that the southern boundary setback has been dramatically reduced from both the DCP control of 16.5m and the recently approved SSDA setback of 16.5 - 12.0m to a mere 9 metres as part of this current application.**



Background

In 2021 The Jackson owners led a local community engagement process with Lane Cove Council in relation to the Planning Proposal lodged by the developer at the time which sort to amend the planning controls for the 46-52 Nicholson Street site on the basis of a commercial office development (where floor to floor heights are greater and the apartment design guideline does not apply). As a result of the efforts at the time, Council endorsed the Planning Proposal subject to building setback and height controls that were subsequently enshrined in LEP and DCP amendments.

The extract below from the Lane Cove DCP (amendment 29 September 2021) shows the key tower setback and podium height controls that Council adopted. These controls were established as an attempt to strike the balance between facilitating large scale development and somewhat containing the impact of future buildings on adjacent residents taking into account the **cumulative impacts of the redevelopment of 46-52 Nicholson Street and the concept approved DA for the adjoining property at 29-57 Nicholson Street (DA171 2020)**.

7	Tower Setback	3m	To Nicholson Street.
		Nil	To Christie Street.
		16.5m	To south boundary only for solid façade / service core.
8	Maximum podium height	RL 100.65 metres	

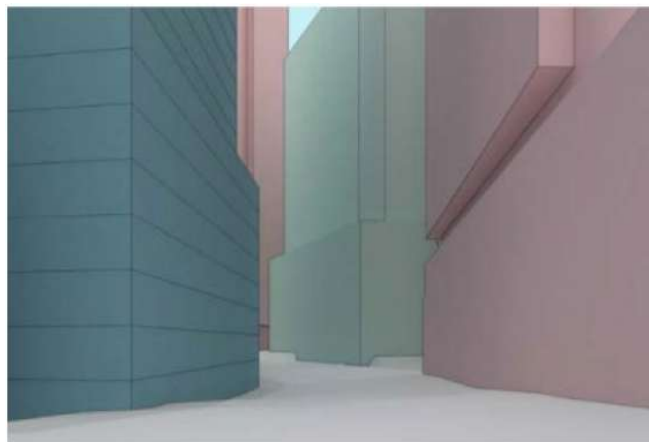
It is important to remember that as recently as 2020 the planning controls for St Leonards changed dramatically with the adoption of the St Leonards Crows Nest Strategy which paved the way for significantly taller buildings and much higher density controls, with particularly generous density uplift granted to the Nicholson Street precinct including:

- 46-52 Nicholson Street which went from a building height limit of 25 metres to circa 100 metres and from an FSR of 4.5:1 to 15:1.
- Building C at 29-57 Christie Street, which immediately adjoins the southern boundary of 46-52 Nicholson Street receiving a concept plan approval for in July 2021 to increasing the building height limit from 25 metres to 75 metres.

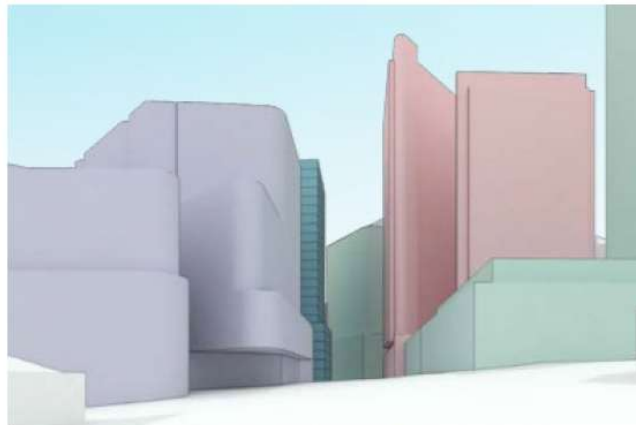
Together these two sites will form a wall of 18 to 30+ storey towers extending along Nicholson Street immediately opposite the St Leonards Square residential building and thereby create a man-made canyon.

Impact Assessment

In late 2020, Lane Cove Council engaged Architectus to prepare an Urban Design Analysis (26/11/20) of the proposed Nicholson/Christie Street planning control amendments. Extracts below from the Architectus report show in stark simplicity the devastating impact the Nicholson/Christie Street proposals will have on The Jackson at St Leonards Square and surrounds.



View 4 - Nicholson street



View 5 - Intersection of Oxley street and Nicholson street

In 2021, Turner architects (on behalf of The Jackson owners) undertook an amenity impact analysis showing the cumulative impact of the 46-52 Nicholson Street proposal together with the concept approved proposal for 29-57 Christie Street.

The Turner analysis demonstrated that together these future buildings will have a very significant impact on approximately 75 apartments up to level 15 of The Jackson tower facing Nicholson Street and a significant impact on a further 30 – 40 apartments from level 16 and above. For residents of these apartments within The Jackson, the primary (and for many the only) outlook is towards the west across Nicholson Street.

These images show how future buildings that **comply** with the Lane Cover DCP setback controls will create a canyon along Nicholson Street and result in virtually a **total loss of amenity including access to views along with associated impacts of shadowing and overlooking**.

Existing outlook from level 5 in The Jackson (CGI).



Future outlook from level 5 in The Jackson with 16.5m setback of 46-52 Nicholson St (CGI).

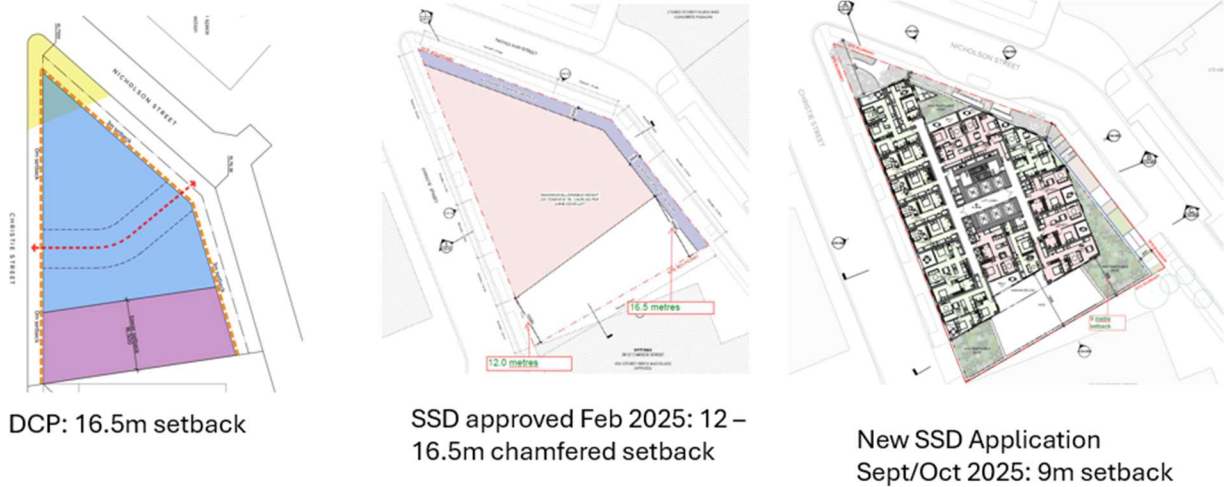


To further illustrate the point I have included a photo (below) that was taken at 5.04pm on 16 June 2023 (approx. mid-winter) showing the significant visual and natural light amenity enjoyed from apartment 503 and is typical of the outlook for all lower level apartments within The Jackson. The devastating impact that a future wall of buildings along Nicholson Street will have is not hard to imagine.



The Proposal

SSD-88113706 proposes a 9 metre setback from the southern boundary, far less than the recently approved 16 to 12.5 metre chamfered setback that formed part of the SSD-56527976 proposal.



The Urban Design Report notes a 13 metre separation between 46-52 Nicholson Street and the approved 29-57 Christie Street envelope compared to the ADG minimum of 18 metres for habitable to non-habitable buildings above 8 storeys. In order for 18 metres separation to be achieved it would be necessary for the 46 – 52 Nicholson Street setback to be increased from 9 metres to 14 metres.

The View and Visual Impact Assessment (VVIA) offers far less detail and clarity than the VVIA undertaken for SSD-56527976 in September 2023. Unlike the September 2023 VVIA, The September 2025 VVIA includes less viewpoints and less details about exactly where the viewpoints are located.

Table 5 Viewpoints from 486 Pacific Highway

View	Address	RL(m)	Lens
CAM01	Level 5 balcony	105.4	35mm
CAM01	Level 10 balcony	120.9	35mm
CAM01	Level 19 balcony	148.8	35mm
CAM01	Level 27 balcony	173.6	35mm
CAM02	Level 10 balcony	120.9	35mm
CAM02	Level 19 balcony	148.8	35mm
CAM02	Level 27 balcony	173.6	35mm
CAM03	Level 10 balcony	120.9	35mm
CAM03	Level 19 balcony	148.8	35mm
CAM03	Level 27 balcony	173.6	35mm
CAM04	Level 10 balcony	120.9	35mm
CAM04	Level 19 balcony	148.8	35mm
CAM04	Level 27 balcony	173.6	35mm

The levels from which the views are taken are shown in the model at Figure 30.

7.4 Viewpoints

The following viewpoints in the visual catchment were selected to undertake an assessment of visual impact:

St Leonards Square

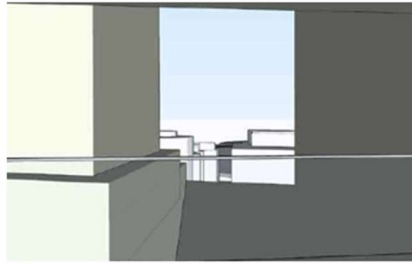
6 views were selected to inform consideration of the proposal's view impact on St Leonards Square:

- Viewpoint 1, lower level (at the height of the podium of the previously approved SSDA), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 2, upper level (at the maximum height of the previously approved SSDA), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 3, upper level (at the maximum height of the proposal), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 4, upper level (at the maximum height of the previously approved SSDA), north-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 5, upper level (at the maximum height of the proposal), north-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 6, upper level (at the maximum height of the proposal), north-west elevation, looking south, the Jackson, St Leonards Square

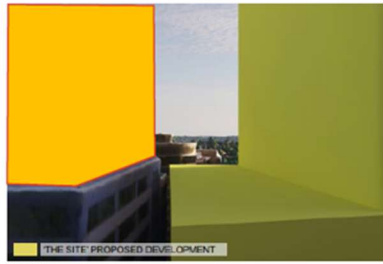
VVIA: Sept 2023

VVIA: Sept 2025

Importantly the VVIA fails to consider the cumulative impacts of the Nicholson Street/Christie Street development proposals. The images below provide a comparison of the lower level outlook taking into account the approved envelope for 29 – 57 Christie Street and 46 – 52 Nicholson Street with a 16.5m, 12m and 9m setback from the southern boundary of the site. These images clearly demonstrate the negative impact of a reduced setback – something which has not been adequately justified in the proposal.



DCP: 16.5m setback



SSD approved Feb 2025: 12 –
16.5m chamfered setback



New SSD Application
Sept/Oct 2025: 9m setback

Objection

My primary objection to the 46-52 Nicholson Street SSDA relates to the reduction of the southern boundary setback to a mere 9m despite the recent approval of a chamfered 16.5 to 12.0m setback by DPHI and a DCP setback of 16.5 metres. Taking into account the DA approved 29-57 Christie Street proposal, this reduced setback will further reduce the amenity of a large number of apartments within the Jackson particularly the lower and mid level apartments facing Nicholson street whose amenity will be impacted by:

1. Loss of direct sun access
2. Loss of ambient natural light due to overshadowing
3. Loss of long range outlook to west harbour, regional and sky
4. Loss of privacy due adjoining buildings
5. Wind tunnel impacts

The combined impact of the 46-52 Nicholson Street SSDA and the 29 – 57 Christie Street Concept DA approvals will be devastating for many residents of the Jackson including myself. **Sydney wide views and outlook will be replaced by a wall of buildings and associated loss of privacy. Access to direct sunlight in the afternoon and evening and bright ambient natural light throughout the day will be replaced with heavy overshadowing most of the day.**

Concerns regarding the very significant amenity impacts associated with the 46 – 52 Nicholson Street proposals have been raised consistently since 2021 when the site was rezoned (200 people signed a petition against overdevelopment), again in 2023 and 2024 in relation to SSD – 56527976 (approved in February 2025), and now in 2025 in relation to the current SSD-88113706 application where the scale of the proposal has again been further increased through a combination of reduced southern boundary setback and additional building height.

In closing I object to the current SSD-88113706 on the grounds that the southern boundary setback is inadequate and should as a minimum be consistent with the February 2025 approved SSD 56527976 setback of 16.5 – 12.0m.

Finally, I declare that I have made no reportable political donations in the last two years and accept the DPHI's disclaimer and declaration.

Yours faithfully

Peter O'Meagher

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cc. Mr Mark Brisby, Executive Manager – Environmental Services, Lane Cove Council mbrisby@lanecove.nsw.gov.au