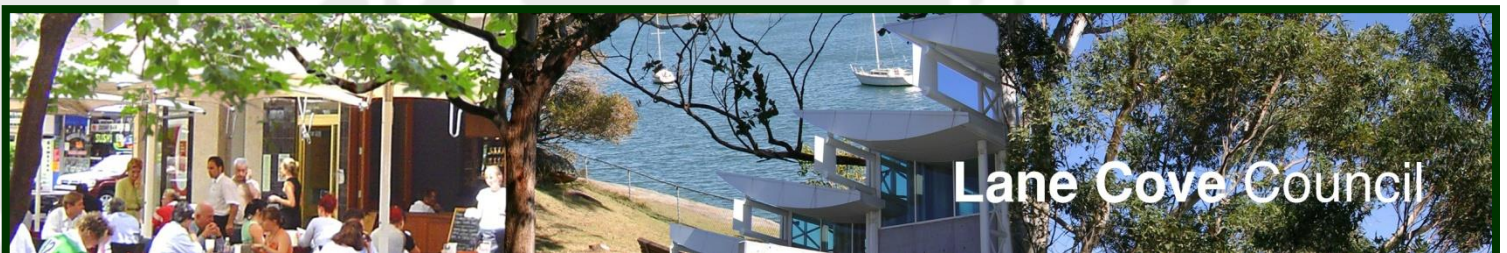


Minutes  
Lane Cove Local Planning Panel Meeting  
16 August 2022



Lane Cove Council

**Lane Cove Local Planning Panel 16 August 2022  
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**PRESENT:** Hon David Lloyd, Chairperson, Mr Michael Mason, Planning Expert, Mr Kevin Hoffman, Planning Expert, Ms Jane Blackmore, Community representative

**ALSO PRESENT:** Mr Mark Brisby, Executive Manager, Environmental Services, Mr Greg Samardzic, Senior Town Planner, Mr Andrew Bland, Town Planner, Ms Angela Panich, Panel Secretary

**DECLARATIONS OF INTEREST:** Nil

**APOLOGIES:** Nil

**WEBCASTING OF COUNCIL MEETING**

The Chairperson advised those present that the Meeting was being webcast.

**LANE COVE LOCAL PLANNING PANEL REPORTS**

**138 RIVERVIEW STREET, RIVERVIEW.**

**DETERMINATION**

That the Lane Cove Local Planning Panel at its meeting of 16 August 2022, exercising the functions of the Council as the Consent Authority pursuant to Clause 4.16 of the Environmental Planning & Assessment Act 1979 approve a variation to the storeys and wall height controls under the Lane Cove Development Control Plan 2009, as it is satisfied that the proposed development 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 Environmental Planning and Assessment Act, 1979 the Lane Cove Local Planning Panel at its meeting of 16 August 2022, exercising the functions of Council as the consent authority, grant consent to Development Application DA5/2022 for the part demolition of existing structures and the construction of an integrated garage, a third-floor addition, an inground swimming pool and front yard landscaping works, subject to attached draft 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.

Plan No	Revision	Plan Title	Drawn By	Dated
DA01	C	Title Sheet	Zugai Strudwick Architects	05/07/22
DA02	C	General Notes	Zugai Strudwick Architects	05/07/22
DA03	C	General Specifications	Zugai Strudwick Architects	05/07/22
DA04	C	Existing Site Analysis & Demolition Plan	Zugai Strudwick Architects	05/07/22
DA05	C	Existing	Zugai Strudwick	05/07/22

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		Ground Floor & Demolition Plan	Architects	
DA06	C	Existing First Floor & Demolition Plan	Zugai Strudwick Architects	05/07/22
DA07	C	Existing Elevations & Demolition 1	Zugai Strudwick Architects	05/07/22
DA08	C	Existing Elevations & Demolition 2	Zugai Strudwick Architects	05/07/22
DA09	C	Existing Sections & Demolition	Zugai Strudwick Architects	05/07/22
DA11	C	Proposed Site & Stormwater Concept Plan	Zugai Strudwick Architects	05/07/22
DA12	C	Proposed Ground Floor Plan	Zugai Strudwick Architects	05/07/22
DA13	C	Proposed First Floor Plan	Zugai Strudwick Architects	05/07/22
DA14	C	Proposed Second Floor Plan	Zugai Strudwick Architects	05/07/22
DA16	C	Proposed Elevations 1	Zugai Strudwick Architects	05/07/22
DA17	C	Proposed Elevations 2	Zugai Strudwick Architects	05/07/22
DA18	C	Proposed Sections 1	Zugai Strudwick Architects	05/07/22
DA19	C	Proposed Sections 2	Zugai Strudwick Architects	05/07/22
DA20	C	Proposed Sections 3	Zugai Strudwick Architects	05/07/22
DA26	C	Erosion & Sediment Control Plan	Zugai Strudwick Architects	05/07/22
DA27	C	Retaining Wall Elevations 1	Zugai Strudwick Architects	05/07/22
DA29	C	Pool Details 1	Zugai Strudwick Architects	05/07/22
DA30	C	Pool Details 2	Zugai Strudwick Architects	05/07/22
DA31	C	Pool Details 3	Zugai Strudwick Architects	05/07/22

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

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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.2 - Design 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 plans and supporting documentation stamped by Council:

- The waterline of the pool is to have a minimum setback of 2.1m from the boundary to ensure that the waterline is located a minimum 3m from the adjoining dwelling.
- An operable pool cover is to be provided to minimise debris from the Fig tree entering the pool when not in use.
- W07 is to be either reconfigured to be a highlight window, or, is to have frosted / opaque glass up to 1.5m from the finished floor level. This is to prevent direct overlooking.

Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development.

3. 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	\$3,000

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, and

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

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

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$851 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 certifier.

Reason: To ensure the long service levy is paid.

5. A.7.L Tree preservation and approved landscaping works

Lane Cove local government area in accordance with State Environmental

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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.

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)
1	<i>Ficus rubiginosa</i>	Rear of property	16 x 20
2	<i>Lophostemon confertus</i>	Adjoining property	16 x 14

This consent gives approval to carry out the following works in Tree Protection Zones

Tree No.	Species	Location	Permitted works in TPZ
1	<i>Ficus rubiginosa</i>	Rear of property	Excavation and construction of pool
2	<i>Lophostemon confertus</i>	Adjoining property	Demolition of existing property Construction of additions and alterations

No trees are permitted for removal as part of this development.

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

6. A.9.T Works on Council land  
Separate application shall be made to Council’s Urban and Services Division for any associated works on Council property. Written approval is to be obtained prior to the start of any works on Council property.

Reason: To manage impacts to Council’s assets.

7. 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:

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1. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
2. A rainwater tank shall be included into storm water management plan as per Basix certificate
3. Sediment control fence shall be placed around the construction site and shown in plan
4. One silt arrester pit with mesh (RH3030) and sump(200mm) is required within the site, at start of the discharge pipe to Council kerb.
5. The stormwater runoff from driveway shall be collected by grated driveway pit and connected to new stormwater system.
6. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Council DCP if charged system is used. The details of design level difference shall be shown in plan.
7. The kerb connection pipe from fence line to kerb shall be designed for gravity discharge only and no charged pipeline allowed.
8. The kerb discharge shall be 300mm away from edge of driveway wing and complied with section 4.1 in Council DCP.
9. Bends on discharge pipe from site to Council kerb are not allowed.
10. Council does not support more than one kerb outlet pipe for single house.
11. Council does not support pipeline system underneath of any part of the buildings.
12. Construction of drainage system associated with pool satisfy relevant Australian standards.

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.

8. A.12 – Geotechnical Report  
A Geotechnical report is to confirm that the pool can be constructed without damaging any property on 136 Riverview Street. This report is to be complete prior the commencement of demolition and prior to the issue of the construction certificate.

Reason: To ensure the protection of the adjoining property.

9. A.13 – Swimming pool fence
  - a) That forms a barrier between the swimming pool; and
    - i) any residential building or movable dwelling situated on the premises; and
    - ii) any place (whether public or private) adjacent to or adjoining the premises; and
  - b) That is designed, constructed and installed in accordance with the standards as prescribed by the Regulations under the Swimming Pool Act, 1992, and the Australian Standard AS1926–2012, "Swimming Pool Safety" and the Dividing Fences Act.

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SUCH FENCE IS TO BE COMPLETED BEFORE THE FILLING OF THE SWIMMING POOL.

ADVICE: In accordance with the Swimming Pools Amendment Act 2012, the swimming pool or spa is required to be registered on the NSW Government Statewide Swimming Pool Register when completed.

The register can be found at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Reason: Statutory requirement.

10. A.14 – Pool filter and pump

The filter and pump are to be located in a soundproof enclosure. If noise generated as a result of the development results in an offensive noise Council, may prohibit the use of the unit, under the provisions of the Protection of the Environment Operations Act 1997.

Reason: Statutory requirement.

11. A.15 – Pool warning notice

In accordance with the requirements of the Swimming Pools Act 1992 and Regulations thereunder a warning notice is to be displayed in a prominent position in the immediate vicinity of the swimming pool at all times.

The notice must be in accordance with the standards of the Australian Resuscitation Council for instructional posters and resuscitation techniques and must contain a warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL".

Reason: Statutory requirement.

12. A.16 – Pool construction

Fibrecrete Swimming Pool Shell being constructed in accordance with AS.2783-1985 "Concrete Swimming Pool Code, AS 3600-1988 - "Concrete Structure" and "AW1 Fibresteel Technical Manual, November 1981".

Reason: To ensure compliance with the Australian Standards.

**PART B – PRIOR TO DEMOLITION WORKS**

13. 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 Certifying Authority and Council's Environmental Health Section, prior to commencing any demolition works.

Reason: To ensure worker and public health and safety.

14. 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.

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15. B.13.L - Project arborist

Prior to the commencement of any works including demolition, a project arborist of minimum Australian qualitative framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. Compliance certificates must be available upon request and submitted to the Principal Certifier prior to the issue of an occupation certificate. The project Arborist shall:

- Certify tree protection measures listed within Condition 16 (B.14), Condition 17 (B.15) and Condition 18 (B.16) prior to demolition works
- Clearly identify which trees are to be retained as part of this consent
- Oversee the excavation of the pool
- Oversee the pruning of the neighbouring Brushbox
- Provide quarterly health and condition assessments on protected trees
- Statement upon completion for the development that all retained trees have been maintained in a healthy, viable condition and replacement planting has been undertaken. The statement must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

Reason: To ensure trees to be protected on the site.

16. B.14.T – Tree Protection Fencing

The following tree protection measures must be in place prior to demolition works and certified by the project arborist.

Tree Protection Fencing must be installed within the following locations:

1. Along a 3m radial distance in an arc protecting the structural root zone of the *Ficus rubiginosa* at the rear of the property
2. 2x panels along the boundary adjoining tree #2

The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 3 on page 16 of the Australian Standard 4970-2009 *The Protection of Trees on Development sites* or appendix E of the Supplied Arborist Report. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed.

A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.

Such fencing and signage must be erected Prior to Demolition including site preparation and remain in place for the duration of the construction work

Movement of Tree Protection Fencing must be overseen and approved by the project Arborist with notification provided to Council's Tree Management Officer in writing.

Reason: To protect the natural environment.



17. B.15.T – Tree Trunk Protection

The following tree protection measures must be in place prior to demolition works and certified by the project arborist.

The trunks of the following trees must be protected during the construction period by a trunk guard.

1. *Lophostemon confertus*

Timber Planks (50mmx100mm or similar) shall be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m. Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way. An example of suitable trunk protection can be found on page 17 within the Australian Standard 4970-2009 *The Protection of Trees on Development Sites*. Trunk and branch protection is to be installed Prior to the issue of the construction certificate.

As the tree is on the neighbouring property, access to install the trunk protection is required by the tree owner. This consent does not authorise the applicant to enter the neighbouring property to install trunk protection.

Reason: To protect trees during construction.

18. B.16.T – Tree Ground Protection

Ground protection is required within the Tree protection Zone of Tree #1 at the rear of the property Ground protection is to consist of:

- A geotextile fabric laid on ground
- 100mm of a coarse woodchip >20mm laid on top of the fabric
- Rumble boards placed on top and strapped together.

A suitable example of ground protection can be found under section 4.5.3 of The Australian standard 4970-2009 *The Protection of Trees on Development Sites*. Ground protection must be in place Prior to the issue of a construction certificate.

Reason: To protect the root system of retained trees during the excavation phase.

19. B.17 - Dilapidation report

Before the issue of a construction certificate and before the commencement of any demolition works, 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.

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

20. 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:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- Appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor tree(s) condition during the construction process.
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.

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*".
3. Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "Building waste containers or materials in a public place" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

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

21. C.2 - Erosion and sediment control plan  
Prior to any demolition works or clearing of any vegetation and before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

22. 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.

23. 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;
- retaining walls;
- footings;
- reinforced concrete work;
- structural steelwork;
- upper level floor framing;

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

Reason: To ensure structural adequacy.

24. C.25.E - Construction methodology report

Where there are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations, a suitably qualified engineer must prepare a Construction Methodology Report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure.

The report must:

- be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate;
- include a geotechnical report to determine the design parameters appropriate to the specific development and site;
- include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

The development works are to be undertaken in accordance with the recommendations of the Construction Methodology report.

Reason: To protect neighbouring buildings.

25. C.27.E - Proposed vehicular crossing

The vehicular crossing servicing the property shall be reconstructed prior to the issue of the Occupation Certificate as it does not meet Council's current standards. The existing driveway shall be completely demolished and apart from the area of the new driveway shall be reinstated by standard kerb and gutter satisfying Council's standard.

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The applicant has to lodge Vehicular Crossing

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Application form and pay application fee as shown in this form to get these levels. This shall be done prior to Construction Certificate.

- b) The driveway opening width along at the face of kerb is to be no wider than 4.5.
- c) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- d) Certification is to be provided by a suitably qualified engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- e) The following plans shall be prepared and certified by a suitably qualified engineer:
  - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping provisions of AS2890.1. The sections shall include details of all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 - Off Street Car Parking.
  - Transitional grades in accordance with AS2890. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.
  - Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.

A 'Construction of Residential Vehicular Footpath Crossing' application, design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All works associated with construction of the crossing shall be completed prior to the issue of any Occupation Certificate.

Reason: To ensure the proposed vehicular crossing complies with Australian Standards and Council's requirements.

26. C.28.E – Overland flow and pool damage  
Council accepts no liability for any damage to the pool because of overland flows or high tide inundation. The property owner shall submit written acceptance of liability of any damages prior to the issue of the Construction Certificate.

Reason: To ensure Council accepted stormwater management around the pool.

27. C.29.E – Pool construction water diversion  
The pool design shall ensure that either during construction or upon completion, surface water is not be directed or diverted so as to have an adverse impact upon adjoining properties.

Council accepts no liability for any damage to the pool as a result of overland flows or high tide inundation. The property owner shall submit written acceptance of liability of any damages prior to the issue of the Construction Certificate.

Reason: To ensure Council accepted stormwater management around the pool.

28. C.30.E – Pool construction stormwater  
The stormwater runoff from the new impervious areas surrounding the pool shall be connected the proposed drainage system in accordance with the requirements

of Lane Cove Council's DCP Stormwater Management.

Reason: To ensure Council accepted stormwater management around the pool.

#### PART D - BEFORE THE COMMENCEMENT OF BUILDING WORK

29. 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.

30. 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).

31. D.4 - Compliance with Home Building Act  
In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason: Prescribed condition EP&A Regulation, clause 98(1)(b).

32. D.5 - Home Building Act requirements  
Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —
- a) In the case of work for which a principal contractor is required to be appointed -
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - b) In the case of work to be done by an owner-builder—
    - i) the name of the owner-builder, and
  - c) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

33. D.6 - Notice regarding dilapidation report  
Before the commencement of any site, building or demolition work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 7 days before the commencement of any site or building 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 BUILDING WORK IS BEING CARRIED OUT

34. 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 |

Reason: To protect the amenity of the surrounding area.

35. 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)

36. E.5 - Implementation of BASIX commitments  
While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

37. E.6 - Surveys by a registered surveyor  
While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
- All footings/ foundations
  - At other stages of construction – any marks that are required by the principal certifier.

Reason: To ensure buildings are sited and positioned in the approved location

38. E.7 - Construction noise  
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.

39. E.8 - Tree protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970-2009 Protection of trees on development sites any arborist's report approved under this consent and condition 16 (B.14). This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

40. 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.

41. E.10 - Shoring and adequacy of adjoining property

If the development involves any excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: Prescribed condition - EP&A Regulation clause 98E

42. E.12 - Cut and fill

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b) All fill material imported to the site must be Virgin Excavated Natural as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

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43. 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.

44. 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.

45. E.19.B – Encroachments  
No portion of the proposed structure shall encroach onto the adjoining properties. The proposed construction shall not encroach onto any existing Council drainage pipe or easement unless approved by Council. If a Council stormwater pipe is located at site during construction, Council is to be immediately notified. Where necessary the drainage line is to be reconstructed or relocated to be clear of the proposed building works. Developer 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. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.

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

46. E.26 – Excavation for the pool  
Excavation required for the installation of the pool must be overseen by the project arborist. Excavation along the proposed line of the pool within the Tree protection Zone of tree #1 must be undertaken by hand to a depth of 500mm. Excavation machinery must be kept to within the footprint of the proposed pool where possible. Roots discovered within the excavated area must be documented and cleanly pruned with a sharp implement

Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2009 The protection of trees on Development Sites

Reason: To protect trees during construction.

47. E.27 – Tree Pruning  
Council grants consent for the pruning of tree #2 *Lophostemon confertus* (Brushbox) located on the adjoining property of 136 Riverview street. Pruning is limited to the following branches:

- 1x low 1st order south western branch to trunk. Final cut 170mm diameter



at branch collar

- 3x 2nd/3rd order southern lateral branches over roofline. Final cuts <50mm diameter at branch junctions.
- Less than 10% live foliage is permitted to be removed from this tree.

All pruning works must be done in accordance with AS4373-2007 The Pruning of Amenity Trees. All branches must be pruned to branch collars to the specified branch diameters listed above.

All pruning works must be undertaken from within the subject site. This consent does not authorise the applicant or the contractors engaged to do the works to enter the neighbouring property. Written consent must be obtained from the tree owner to enter their property (136 Riverview Street, Riverview). Works may only be undertaken Upon issue of a construction certificate. Pruning outside of the authorised works will result in regulatory action

Reason: To provide appropriate building clearances whilst maintain health and aesthetic of tree.

48. E.28 – Stockpiling of Materials

No stockpiling of materials, building equipment or additional activities listed in section 4.2 of AS4970-2009 The Protection of trees on Development Sites is to occur within the tree protection Zone of tree #1 and on the Council Owned Nature Strip. All building materials must be stored within the subject site in an appropriate location.

Reason: To mitigate damage to retained trees and Council land.

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

49. 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.
  - Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention (OSD) system has been constructed in accordance with the approved plans.
  - Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
  - Certification from suitable engineer that the swimming pool has been constructed satisfying relevant Australian standards.

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

Reason: To confirm the location of works once constructed that will become Council assets.

50. 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.

51. 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).

Any damage to the adjoining building or property is to be repaired. The cost of these works are to be borne by the Applicant.

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

52. F.4 - Preservation of survey marks  
Before the issue of an 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.

53. 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.

54. F.6 - Removal of waste upon completion  
Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial 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 or satisfactorily stored.

55. F.7 - Completion of landscape and tree works  
Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Additional Council requirements are outlined below:

- Certification of the above shall be provided by the project arborist (if applicable) or by a qualified practising landscape architect. Certification shall also be provided for the following:
  - subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings.
  - All landscaping areas have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants.

Reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

#### PART H - OCCUPATION AND ONGOING USE

56. H.1 - Release of securities / bonds  
When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with Condition 3. 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.

57. H.4 - Maintenance of wastewater and stormwater treatment device  
During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, rainwater tank and swimming pool) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

Reason: To satisfy Council's Engineering requirements. To protect sewerage and stormwater systems.

58. H.10 – Metal roofing  
All metal deck roofs being of a ribbed metal profile or corrugated galvanised or zincalume iron, in a mid-range colour and having an anti-glare finish.

Reason: Maintain amenity of neighbouring residents by reducing reflectivity and sun-glare from metal roof.

Panel Reasons

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

The decision of the Panel was unanimous.

**39 VISTA STREET, GREENWICH.**

**DETERMINATION**

That the Lane Cove Local Planning Panel at its meeting of 16 August 2022, exercising the functions of the Council as the Consent Authority pursuant to Clause 4.16(3) of the Environmental Planning & Assessment Act 1979 approve a variation to the wall height, subfloor and pool location controls under the Lane Cove Development Control Plan 2009, as it is satisfied that the proposed development is consistent with the objectives of that particular standard and the objectives for development within the zone.

That pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 the Lane Cove Local Planning Panel at its meeting of 16 August 2022, exercising the functions of Council as the consent authority, grant consent to Development Application DA2/2022 for the demolition of the existing structures and the construction of a two storey dwelling house, a double garage, a swimming pool and related landscaping, subject to the following conditions:

1. **A.1 - Approved plans and supporting documentation**
  - 1A **The privacy screens to be constructed at the northern and southern end of the ground floor alfresco balcony shall extend to 2 metres from the kitchen and living room walls. The remainder of the balcony shall be glass panels.**
  - 1B **The internal width of the garage shall be increased to 6 metres and the nibs at the front shall be omitted.**
  - 1C **The Construction Traffic Management Plan shall provide that no construction employee's vehicles shall be parked in Vista Lane and delivery drivers shall not remain in Vista Lane after unloading.**
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:

<b>Security deposit</b>	<b>Revision</b>
<b>Inspection Fee</b>	\$1025 (total for the five inspections required)

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<b>Infrastructure damage bond</b>	\$3000
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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, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

The following items are to be inspected:

- proposed stormwater connection to existing Council pit in street;
- any adjustment works to Council's assets around the site.

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

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

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$8,750 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 certifier.

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

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

Lane Cove local government area in accordance with State Environmental Planning policy (Vegetation in non- rural areas) 2017. Part 2 Section 7 (1) of the 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.

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)
1	<i>Jacaranda mimosifolia</i>	Adjoining property 37 Vista Street.	11 x 6
2	<i>Archontophoenix</i>	Adjoining Property 41 Vista Street.	9 x 1.5

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	<i>cunninghamiana</i>		
3	<i>Archontophoenix cunninghamiana</i>	Adjoining Property 41 Vista Street.	7 x 1.5

**This consent gives approval to prune the following trees:**

Tree No.	Species	Location	Permitted pruning
1	Jacaranda	37 Vista Street.	Installation of new boundary fences Installation of concrete slab
2	<i>Archontophoenix</i>	41 Vista Street.	Gravel Area Stormwater line to be placed above ground level
3	<i>Archontophoenix</i>	41 Vista Street.	Gravel Area Stormwater line to be placed above ground level

**No trees are permitted to be removed as part of this Consent.**

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

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

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

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

**6. 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. This DA requires OSD or 10000 litre of rainwater tank. The applicant has proposed a 10000 litre of rainwater tank. The detailed design for this proposed system is required.
2. The plan shows the installation of a 150mm diameter stormwater pipe and 300mm x 300mm silt trap pit on the southern boundary within the Tree Protection Zone of Trees 2 and 3 on the neighbouring property of 41 Vista Street. The Silt Trap pit is to be moved towards the east by approximately 2.5m to ensure the pit is outside of the Tree Protection Zone of both palms.
3. The 150mm diameter stormwater line must be placed above grade for the length of the TPZ of the two palms trees and incorporated into the proposed gravel landscaping between the boundary fence and the house. No excavation is to occur within the 2.5m radial Tree Protection Zone of the palms
4. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies Part O of the Lane Cove DCP 2009.
5. Sediment control fence shall be placed around the construction site and shown in plan
6. Seepage agg line drainage line is required in upstream of the dwelling and retaining walls and connected to proposed drainage system
7. At the start of the discharge pipe to Council system one silt arrester pit

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- mesh (RH3030) and sump(200mm) is required within the site
8. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Part O of the Lane Cove DCP 2009. if charged system is used. The details of design level difference shall be shown in plan.
  9. Existing Council pipe system within the site must be accurately located and marked on stormwater management plan with pipe size and invert level at connection point to confirm this connection satisfy Council requirements. As per Council mapping, there is a pipe (300mm) system at site. Council requires 900mm setback on both sides of existing stormwater pipe.
  10. This proposed connection shall satisfy section 4.3 in Part O of the Lane Cove DCP 2009.
  11. The proposed rainwater reuse system with a minimum effective capacity of 10,000 Litres and to be installed in accordance with Section 7.3 in Council's rainwater tank policy and relevant Australian standards. This tank shall have 100mm air gap on top and 100mm sludge zone at the bottom.
  12. The entire roof area is to be connected to Rainwater tank as per section 7.3 in Council DCP.
  13. Council does not support pipe system lines underneath of any part of the buildings.
  14. The proposed basement shall be constructed with water-proof walls around the basement since it is within flood zone
  15. The recommendation given by Flood Analysis Report must be satisfied.
  16. As per submitted stormwater plan, the applicant is planning to install a dispersal trench which is not allowed. The proposed pit A is to be modified into a silt arrester pit. This pit is to be connected to Council pit in Vista St.
  17. The condition of the existing pipe system at site is unknown. The applicant must investigate into this pipe system and carry out a CCTV survey. The full reports of the existing pipe system with CCTV report are to be submitted to Council. The CCTV shall be done prior to the work commence and before occupation certificate.
  18. The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council.
  19. The existing inlet pit at the end of the Vista Lane shall be replaced by a butterfly grated pit(V grate). This is to provide room for the driveway.
  20. The applicant must install a kerb inlet pit(2.4m) located north of the proposed driveway. This pit shall be connected by a 375mm RCP pipe to the proposed butterfly grate pit(V Grate)
  21. The detailed design of this pipe system as described in point 19 and 20 shall be designed in compliance with Part O Stormwater of the Lane Cove DCP 2009 and shall be submitted to Council for approval. This design must be approved before Construction Certificate.

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.**

**7. A.12 – Bushfire Landscaping Protection**

Landscaping within the inner protection area (IPA) must comply with Appendix 4 of

Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not spread fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

**Reason: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.**

8. **A.13 – Bush Fire Attack (BAL) requirements**

New construction must comply with Section 3 (excluding section 3.5) and Section 9 (BAL FZ) of the Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant BAL-FZ requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

**Reason: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.**

9. **A.14 – Protection of the class 10b structures**

The proposed Class 10b structures as defined per the National Construction Code must be non-combustible. Class 10b structures include the pool and spa, and, the all 3 of the alfresco and balcony areas.

**Reason: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.**

10. **A.15 – Protection of water and utility services**

The provision of water, electricity and gas must comply with Table 7.4a of Planning for Bush Fire Protection 2019.

**Reason: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting**



**activities.**

**11. A.16 - Swimming pool fence**

- a) That forms a barrier between the swimming pool; and
  - i) any residential building or movable dwelling situated on the premises; and
  - ii) any place (whether public or private) adjacent to or adjoining the premises; and
- b) That is designed, constructed and installed in accordance with the standards as prescribed by the Regulations under the Swimming Pool Act, 1992, and the Australian Standard AS1926 – 2012, "Swimming Pool Safety".

SUCH FENCE IS TO BE COMPLETED BEFORE THE FILLING OF THE SWIMMING POOL.

ADVICE: In accordance with the Swimming Pools Amendment Act 2012, the swimming pool or spa is required to be registered on the NSW Government Statewide Swimming Pool Register when completed.

The register can be found at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

**Reason: Statutory requirement.**

**12. A.17 – Pool filter and pump**

The filter and pump are to be located in a soundproof enclosure. If noise generated as a result of the development results in an offensive noise Council, may prohibit the use of the unit, under the provisions of the Protection of the Environment Operations Act 1997.

**Reason: Statutory requirement.**

**13. A.18 – Pool warning notice**

In accordance with the requirements of the Swimming Pools Act 1992 and Regulations thereunder a warning notice is to be displayed in a prominent position in the immediate vicinity of the swimming pool at all times.

The notice must be in accordance with the standards of the Australian Resuscitation Council for instructional posters and resuscitation techniques and must contain a warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL".

**Reason: Statutory requirement.**

**14. A.19 – Pool construction**

Fibrecrete Swimming Pool Shell being constructed in accordance with AS.2783-1985 "Concrete Swimming Pool Code, AS 3600-1988 - "Concrete Structure" and "AW1 Fibresteel Technical Manual, November 1981".

**Reason: To ensure compliance with the Australian Standards.**

**15. A.20 – Window treatment.**

Window W26 is to be treated to prevent direct overlooking. The window is to be treated either of the following ways:

1. External louvres fixed at an angle to prevent direct overlooking.
2. The sill of the window is to be raised 1.5m from the finished floor level, or,

the window is to be frosted up to 1.5m from the finished floor level.

**Reason: To prevent direct overlooking.**

## **PART B – PRIOR TO DEMOLITION WORKS**

### **16. B.1.T Demolition Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- a) Make provision for all construction materials to be stored on site, at all times.
- b) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- c) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless a Works Zone is approved by Council.
- d) Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- e) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- f) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council Street trees.
- g) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- h) Be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites”.

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

### **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 Certifying Authority and Council’s Environmental Health Section, prior to commencing 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. **B.13.L - Project arborist**

Prior to the commencement of any works including demolition, a project arborist of minimum Australian qualitative framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. Compliance certificates must be available upon request and submitted to the Principal Certifier prior to the issue of an occupation certificate. The project Arborist shall:

- Certify tree protection measures listed within **Condition 20 and 21** (B. 14 and B. 15) prior to demolition works
- Oversee the excavation of pier footings for the installation of the new boundary and front fence within the protection zone of tree #1
- Ensure the stormwater line through the TPZ of palms #2 and #3 is installed above ground level
- Oversee the construction of the front pathway within the TPZ of Tree #1
- Provide quarterly health and condition assessments on protected trees
- Statement upon completion for the development that all retained trees have been maintained in a healthy, viable condition. The statement must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

**Reason: To ensure trees to be protected on the site.**

20. **B.14 – Tree Protection Fencing**

The following tree protection measures must be in place prior to demolition works and certified by the project arborist.

Tree Protection Fencing must be installed within the following locations:

1. Along the lines of the area marked within the Plan Marked Appendix 1b – proposed Site Plan by Urban Arbor Pty Ltd dated 12/6/21

The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 3 on page 16 of the Australian Standard 4970-2009 *The Protection of Trees on Development Sites* or diagram 1 on page 13 of the supplied Arborists Report. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed.

A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.

Such fencing and signage must be erected **Prior to Demolition** including site preparation and remain in place for the duration of the construction work

Movement of Tree Protection Fencing must be overseen and approved by the project Arborist with notification provided to Council's Tree Management Officer in writing.

**Reason: To protect the natural environment**

21. **B.15 – Ground Protection**

Ground protection is required within the area on the Plan Marked Appendix 1b – proposed Site Plan by Urban Arbor Pty Ltd dated 12/6/21

The ground protection is to consist of:

- Good quality woodchip / leaf mulch laid to a depth of between 150-300mm
- A layer of Geotextile fabric to be overlaid onto the Mulch
- Timber / Plywood boards (minimum 20mm thickness) to be laid on top of geotextile fabric

**Reason: To protect the root system of protected trees.**

22. **B.16 – Dilapidation report**

Before the issue of a construction certificate and before the commencement of any demolition works, 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.**

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

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

**The requirements indicated in Condition 16 of the Demolition Traffic Management Plan are to also apply to the Construction 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:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- 1m high sediment fencing is required to ensure that no foreign materials enter the bushland. The fencing must be placed along the top of the rock outcrop and the northern and southern boundaries.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction 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 construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2010 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.
- protective measures for on-site tree preservation (including in accordance

with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)

- details of any bulk earthworks to be carried out
- 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 construction noise management plan prepared in accordance with the NSW EPA's Interim *Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.

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*".
3. Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "Building waste containers or materials in a public place" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

### **Additional Council Requirements**

1. Stockpiles or soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies.
2. All stockpiles of contaminated materials must be stored in an environmentally sensitive manner in a secure area on the site and shall be suitably covered to prevent dust and odour nuisance.

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

#### 24. **C.2 - Erosion and sediment control plan**

Prior to any demolition works or clearing of any vegetation and before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

**Reason: To ensure no substance other than rainwater enters the stormwater system and waterways**

25. **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.**

26. **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;
- retaining walls;
- footings;
- reinforced concrete work;
- structural steelwork;
- upper level floor framing;

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

**Reason: To ensure structural adequacy.**

27. **C.25.E - Construction methodology report**

Where there are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations, a suitably qualified engineer must prepare a Construction Methodology Report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure.

The report must:

- Be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate;
- Include a geotechnical report to determine the design parameters appropriate to the specific development and site;
- Include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.
- Prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.
- Before commencement of any works, 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.
- The proposed pool is to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

The development works are to be undertaken in accordance with the

recommendations of the Construction Methodology report.

**Reason: To protect neighbouring buildings.**

28. **C.27.E - Proposed vehicular crossing**

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council.
- b) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- c) Certification is to be provided by a suitably qualified engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- d) The following plans shall be prepared and certified by a suitably qualified engineer:
  - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping provisions of AS2890.1. The sections shall include details of all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 - Off Street Car Parking.
  - Transitional grades in accordance with AS2890. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.
  - Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.

A 'Construction of Residential Vehicular Footpath Crossing' application, design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All works associated with construction of the crossing shall be completed prior to the issue of any Occupation Certificate.

**Reason: To ensure the proposed vehicular crossing complies with Australian Standards and Council's requirements.**

29. **C.28.E – Overland flow and pool damage**

Council accepts no liability for any damage to the pool because of overland flows or high tide inundation. The property owner shall submit written acceptance of liability of any damages prior to the issue of the Construction Certificate.

**Reason: To ensure Council accepted stormwater management around the pool.**

30. **C.29.E – Pool construction water diversion**

The pool design shall ensure that either during construction or upon completion, surface water is not be directed or diverted so as to have an adverse impact upon adjoining properties.

Council accepts no liability for any damage to the pool as a result of overland flows or high tide inundation. The property owner shall submit written acceptance of liability of any damages prior to the issue of the Construction Certificate.

**Reason: To ensure Council accepted stormwater management around the pool.**

31. **C.30.E – Pool construction stormwater**

The stormwater runoff from the new impervious areas surrounding the pool shall be connected to the proposed drainage system in accordance with the requirements of the Stormwater Management part of the Lane Cove DCP 2009.

**Reason: To ensure Council accepted stormwater management around the pool.**

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

32. **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.**

33. **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).**

34. **D.4 - Compliance with Home Building Act**

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason: Prescribed condition EP&A Regulation, clause 98(1)(b).**

35. **D.5 - Home Building Act requirements**

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —

- d) In the case of work for which a principal contractor is required to be appointed -
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act,



- e) In the case of work to be done by an owner-builder—
  - i) the name of the owner-builder, and
- f) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

36. **D.7 - Bushfire asset protection zones**

From the start of building works and in perpetuity, the entire property (except for the rock outcrop area) must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA, the following requirements apply:

- Tree canopy cover be less than 15% at maturity;
- Trees at maturity are not touching or overhang the building;
- Lower limbs are removed up to a height of 2m above the ground;
- Tree canopies are separated by 2 to 5m;
- Preference is given to smooth-barked and evergreen trees;
- Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings;
- Shrubs are not located under trees;
- Shrubs do not form more than 10% of ground cover;
- Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height);
- Leaves and vegetation debris are removed; and  
NSW Rural Fire Service's document Standards for asset protection zones.

**Reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.**

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

37. **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

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.

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

38. **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)**

39. **E.3 - Procedure for critical stage inspections**

While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

**Reason: To require approval to proceed with building work following each critical stage inspection.**

40. **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.**

41. **E.5 - Implementation of BASIX commitments**

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

**Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).**

42. **E.6 - Surveys by a registered surveyor**

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —

- g) All footings/ foundations
- h) At other stages of construction – any marks that are required by the principal certifier.

**Reason: To ensure buildings are sited and positioned in the approved location**

43. **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.**

44. **E.8 - Tree protection**

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the

construction site management plan required under this consent, the relevant requirements of AS 4970-2009 Protection of trees on development sites any arborist's report approved under this consent and **Condition 20 and 21** (B. 14 and B. 15). This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

**Reason: To protect trees during construction.**

45. **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.**

46. **E.10 - Shoring and adequacy of adjoining property**

If the development involves any excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- i) Protect and support the building, structure or work from possible damage from the excavation, and
- j) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**Reason: Prescribed condition - EP&A Regulation clause 98E**

47. **E.11 - Uncovering relics or Aboriginal objects**

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- "relic" means any deposit, artefact, object or material evidence that:
  - a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - b) is of State or local heritage significance; and
- "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

**Reason: To ensure the protection of objects of potential significance during works.**

48. **E.12 - Cut and fill**

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- k) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- l) All fill material imported to the site must be Virgin Excavated Natural as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

**Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.**

49. **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:

- m) underpinning;
- n) retaining walls;
- o) footings;
- p) reinforced concrete work;
- q) structural steelwork;
- r) upper level floor and roof framing; and
- s) as requested by the Council.

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

50. **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.**

51. **E.19.B – Encroachments**

- 1. No portion of the proposed structure shall encroach onto the adjoining properties.
- 2. The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council.
- 3. No encroachment is to occur into public open space.

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

52. **E.24 – Excavation for pier holes**

The new stone feature wall (rear boundary fence) must be constructed using the pier and beam method. Pier locations must be flexible to allow for a minimum 150mm clearance from roots greater than 40mm diameter.

The side boundary fence must use the pier holes from the existing boundary fence. If those holes are no longer suitable, excavation for new holes must allow a minimum 150mm to tree roots greater than 40mm diameter.

The proposed stone feature wall (rear boundary fence) and new side boundary fence must be excavated and installed under the supervision of the project arborist. Excavation for pier holes through the Protection Zone of retained trees must be undertaken by via the use of hand tools only under the supervision of the project arborist. Roots greater than 40mm diameter must be retained, with roots <40mm diameter that conflict with pier locations to be documented by the project arborist and pruned with a sharp implement (i.e Handsaw or loppers)

**Reason: To protect retained trees during construction.**

53. **E.25 – Construction of front pathway**

The front pathway is required to be constructed above grade using techniques advised under section 9.2.2 of the supplied Arboricultural Impact Assessment Report by Urban Arbor dated 7/12/21. The construction of the footpath must be overseen by the Project arborist.

**Reason: To protect the root system of retained trees.**

54. **E.26 – Restricted works within a Tree Protection Zone**

No activities listed within section 4.2 of Australian Standard 4970-2009 The Protection of Trees on Development Sites are to occur within Tree Protection Zone of retained trees on or adjoining the property

**Reason: to prevent damage to protected trees.**

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

55. **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.
  - Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention (OSD) system has been constructed in accordance with the approved plans.
  - Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
  - Evidence of removal of all redundant gutter and footpath crossings and reinstatement of all kerb, gutter and footpaths to the satisfaction of Council's Urban Services Division.
  - Certification from a qualified hydraulic engineer for proposed drainage work on Vista Lane.

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

**Reason: To confirm the location of works once constructed that will become Council assets.**

56. **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.**

57. **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:

- t) 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
- u) 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.**

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

Before the issue of an 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.**

59. **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.

The applicant shall construct / reconstruct the following to Council's satisfaction;

1. Reinstate all damages identified in dilapidation report
2. Reinstate all damages identified in CCTV report.

**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.**

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

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

Before the issue of a partial 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 or satisfactorily stored.**

61. **F.7 - Completion of landscape and tree works**

Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Additional Council requirements are outlined below:

- Certification of the above shall be provided by the project arborist (if applicable) or by a qualified practicing landscape architect. Certification shall also be provided for the following:
  - subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings.
  - All landscaping areas have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants.

**Reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).**

## **PART H - OCCUPATION AND ONGOING USE**

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

When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with Condition 2. 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.**

63. **H.4 - Maintenance of wastewater and stormwater treatment device**

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and rainwater tank) are regularly maintained, to remain effective and in accordance with any positive covenant.

**Reason: To satisfy Council's Engineering requirements. To protect sewerage and stormwater systems.**

64. **H.10 – Metal roofing**

All metal deck roofs being of a ribbed metal profile or corrugated galvanised or zincalume iron, in a mid-range colour and having an anti-glare finish.

**Reason: Maintain amenity of neighbouring residents by reducing reflectivity and sun-glare from metal roof.**

**Panel Reasons**

The Panel supports the findings contained in the Assessment Report and endorses the reasons for the approval contained in that Report.

The decision of the Panel was unanimous

The meeting closed at [6.50 pm](#)

\*\*\*\*\* END OF MINUTES \*\*\*\*\*