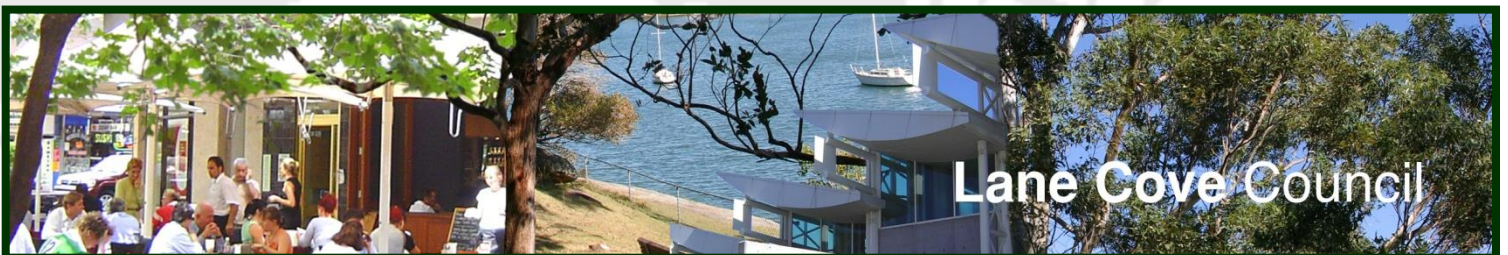




Minutes
Lane Cove Local Planning Panel Meeting
20 September 2022



**Lane Cove Local Planning Panel 20 September 2022
MINUTES**

PRESENT: Mark Gifford, Chairman, Robert Montgomery, Planning Expert, Steve Fermo, Environmental Expert and Maria Linders, Community Representative

ALSO PRESENT: Mark Brisby, Executive Manager, Environmental Services, Rajiv Shankar, Manager Development Assessment, Chris Shortt, Senior Town Planner, Andrew Bland, Town Planner and 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

60 CLIFF ROAD, NORTHWOOD.

DETERMINATION

Part A – Deferred Commencement Consent

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, the Lane Cove Planning Panel at its meeting on 20 September 2022 grants a deferred commencement consent to Development Application 110/2021 for the part demolition and alterations to the dwelling house including a rear addition, a swimming pool and related landscaping, 60 Cliff Road, Northwood.

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matter:

M1. Amendments to address privacy and amenity. The required amendments are as follows:

1. A 300mm reduction in height for the lower module from RL 29.94 to RL 29.64.
2. A 1.9m splayed edge to the southeast corner of the upper module (both the ground floor and lower ground floor).
3. A 4.5m setback for the first floor balcony of the upper module from the edge of the building adjacent to the shared boundary with 58 Cliff Road,.

The amended plans are to be submitted to Council's Manager Development Assessment within 12 months of the granting of this deferred commencement consent. Commencement of the approval cannot commence until Council has confirmed in writing that all matters under Part A above have been provided and are satisfactory.

Pursuant to Clause 95(5) of the Regulations under the Act, Council will notify you in writing if Part A of this consent has been satisfied and the date from which this consent operates.

PART B – Conditions Pending Approval of Deferred Commencement

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

(To be inserted at operable consent)

1A. **H.10 – Roof top Gardens**

The proposed roof top gardens shall be non-trafficable and are only to be accessed for maintenance purposes.

Reason: To ensure correct use as a roof top gardens.

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.

- A. All windows of the Ground floor and first floor of the upper module facing the side boundary are to have raised sills 1.5m from the finished floor level. A window schedule is to be submitted to Council to confirm this.
- B. If the roof top gardens require increased beds, the floor to ceiling height are to be reduced to facilitate the increased beds. The approved RL's are to be maintained.
- C. The Stormwater Management Plan C01 by Wilson Consulting Engineers is to be updated to reflect the following. The Stormwater line on the South Western side of the building between RL's 32.43 and 24.20 is to be located solely above ground and attached to the proposed development. No excavation within the Tree Protection Zone or Structural Root Zones of protected trees for the purpose of stormwater installation is to occur in this area.

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
Inspection Fee	\$630 (total for the 3 inspections)
Infrastructure damage bond	\$4000
Council owned trees	\$1500

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

**Lane Cove Local Planning Panel 20 September 2022
MINUTES**

- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

Note: Council inspection fees are calculated in accordance with Council's fees and charges at the payment date.

Note: Required Council inspections for civil works involving Council assets are to be carried out prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.

The following items are to be inspected:

- proposed stormwater drainage improvements
- proposed stormwater connection to existing Council pit in street;
- all footpath, kerb/gutter and landscaping works; and
- any adjustment works in Council's Road reserve.

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 \$16,911 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**
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)
Street tree	<i>Corymbia ficifolia</i>	Street	2 x 2
1	<i>Melaleuca quinquener via</i>	58 Cliff Road	13 x 10
2	<i>Howea forsteriana</i>	62 Cliff Road	5 x 3
3	<i>Lophostemon confertus</i>	62 Cliff Road	12 x 10
4	<i>Howea forsteriana</i>	62 Cliff Road	8 x 3

**Lane Cove Local Planning Panel 20 September 2022
MINUTES**

5	<i>Howea forsteriana</i>	62 Cliff Road	4 x 3
6	<i>Morus nigra</i>	62 Cliff Road	6 x 5
7	<i>Eucalyptus spp</i>	62 Cliff Road	17 x 13
8	<i>Phoenix canariensis</i>	62 Cliff Road	8 x 6
9	<i>Phoenix canariensis</i>	62 Cliff Road	8 x 6
10	<i>Ligustrum lucidum</i>	62 Cliff Road	-
11	<i>Robinia pseudoacacia</i>	62 Cliff Road	5 x 4
12	<i>Ligustrum lucidum</i>	62 Cliff Road	-
13	<i>Jacaranda mimosifolia</i>	62 Cliff Road	8 x 10
14	<i>Ficus rubiginosa</i>	Rear of property	8 x 10
18	<i>Homalanthus popuifolius</i>	Rear of property	7 x 4
20	<i>Brachychiton acerifolius</i>	Rear of property	8 x 6
21	<i>Jacaranda mimosifolia</i>	Rear of property	10 x 12
22	<i>Pittosporum undulatum</i>	Rear of property	6 x 5
23	<i>Pittosporum undulatum</i>	Rear of property	6 x 5
24	<i>Casuarina spp</i>	Rear of property	10 x 5
25	<i>Casuarina spp</i>	Rear of property	8 x 4
26	<i>Tibouchina granulosa</i>	Rear of property	5 x 4
27	<i>Tibouchina granulosa</i>	Rear of property	5 x 4
28	<i>Jacaranda mimosifolia</i>	Rear of property	8 x 6
29	<i>Glochiedon ferdinandi</i>	Rear of property	7 x 9
30	3 x <i>Phoenix canariensis</i>	Rear of property	6 x 6
31	<i>Banksia integrifolia</i>	Rear of property	9 x 8

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

Tree No.	Species	Location	Dimension (meters)
15	<i>Celtis spp</i>	Rear of property	6 x 6
16	<i>Solanum mauritianum</i>	Rear of property	4 x 2

**Lane Cove Local Planning Panel 20 September 2022
MINUTES**

17	<i>Eriobotrya japonica</i>	Rear of property	8 x 8
19	<i>Cotoneaster spp</i>	Rear of property	7 x 5

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

Tree No.	Species	Location	Permitted works in TPZ
1	<i>Melaleuca quinquener via</i>	58 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
2	<i>Howea forsteriana</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
3	<i>Lophostem on confertus</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
4	<i>Howea forsteriana</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
5	<i>Howea forsteriana</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
6	<i>Morus nigra</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
7	<i>Eucalyptus spp</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
8	<i>Phoenix canariensis</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
9	<i>Phoenix canariensis</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
10	<i>Ligustrum lucidum</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
11	<i>Robinia pseudoacacia</i>	62 Cliff Road	Demolition of existing dwelling, construction of new dwelling, installation of stormwater
12	<i>Ligustrum lucidum</i>	62 Cliff Road	Demolition of existing dwelling, construction of

**Lane Cove Local Planning Panel 20 September 2022
MINUTES**

			new dwelling, installation of stormwater
13	<i>Jacaranda mimosifolia</i>	62 Cliff Road	Construction of rear module and the installation of stormwater services
14	<i>Ficus rubiginosa</i>	Rear of property	Construction of rear module and the installation of stormwater services

Note: Chapter 2, Part 2.2, section 2.6 of this Sepp states: “A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part “Clearing of vegetation includes “a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or b) lop or otherwise remove a substantial part of the vegetation.” Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW). The maximum penalty that may be imposed in respect to any such offence is \$1,100,000.

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

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:

1. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system complies with Part O Stormwater Management of the Lane Cove DCP 2009.
2. A rainwater tank shall be included into stormwater management plan as per Basix certificate
3. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
4. The stormwater plan is to be updated to reflect the amended architectural plans.
5. A charged pipe system is to be used for the upper module and connected to a Council Street pit. Other paved areas are to be connected to a dispersal trench at rear.
6. The Applicant is to extend the Council stormwater system (currently located in front of 62 Cliff Road) to 60 Cliff Road. This extension of the pipe system is to be designed to accommodate the charged system.
7. The detailed design plan and hydraulic calculations of this street drainage extension shall be submitted to Council’s Civil Engineer for assessment and approval.
8. The cost for the drainage extension work and associated kerb/gutter, footpath and turfing shall be borne by applicant.

9. The Stormwater Management Plan C01 by Wilson Consulting Engineers is to be updated to reflect the following. The Stormwater line on the South Western side of the building between RL's 32.43 and 24.20 is to be located solely above ground and attached to the proposed development. No excavation within the Tree Protection Zone or Structural Root Zones of protected trees for the purpose of stormwater installation is to occur in this area.
10. The proposed absorption pit is to be replaced with a dispersal trench. The design of dispersal trench is to comply with section 5.2 and 5.3 of Part O Stormwater Management of the Lane Cove DCP 2009.
11. This dispersal trench is to be located between the dwelling house and the Foreshore Building Line to provide optimum buffer for water to filtrate through the existing landscaped area.
12. Only tiled roof water shall be connected to the rainwater tank. The water from roof top garden are not allowed to connect to rainwater tank.
13. Sediment control fence shall be placed around the construction site and shown in plan
14. The stormwater runoff from driveway shall be collected by grated driveway pit and connected to stormwater system.
15. 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 Stormwater Management of the Lane Cove DCP 2009. The details of design level difference shall be shown in plan.
16. Council would not support any pit where the flow direction changes more than 90 degree.
17. The lower module ground floor level shall be constructed with water-proof walls
18. The installation of the dispersal trench shall be parallel to existing contour lines.
19. The dispersal trench shall be similar to the typical section shown in Appendix 7 of Part O Stormwater Management of the Lane Cove DCP 2009.
20. Council would not support pipe lines underneath of any part of the buildings including garage and carport except seepage agg-line system.
21. Construction of drainage system associated with pool shall satisfy the 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 – Landscape plan Amendments**

An amended landscape package shall be submitted to Council for an assessment **prior to the issue of the Construction Certificate**. The required amendments include:

- A completed Landscape Checklist from Council's website.
- Updating the Landscape plans to reflect the architectural changes.
- The landscape plans are to reflect the increased side and rear setbacks and revised planting plans are to be created to reflect the additional planting room. Screening of areas overlooking 62 Cliff Road are to be addressed by providing a hedge row of endemic shrubs along the southwest boundary

that will attain a mature height of not less than 4m and shall be installed at not less than 45 litres.

- Erosion and sedimentation control measures shall be in accordance with the Blue Book; Managing Urban Stormwater: Soils and construction - Volume 1.
- A double layer of silt fencing located between the rock escarpment (cliff) and the proposed development. This is to be installed place prior to any works taking place on site and shall remain in effective control through the entire building process and removed only after practical completion has been achieved.
- The replacement tree locations and specifications. All trees planted on site shall conform to Australian Standard AS 2303-2015 Tree Stock for Landscape Use. All other plants shall conform to NATSPEC specifications and be free from disease or defects and be in a healthy condition.
- Construction drawings for the non-trafficable rooftop gardens showing:
 - The means by keeping the soil in the designated area by way of upturned parapet other type of raised planting structure.
 - The soil profile intended for use ensuring it is the correct soil type for the plants proposed.
 - A fully automatic irrigation system to assist the plants during the establishment period and during times of extended drought
 - The low-water use, endemic plants proposed to a maximum mature height of 300mm.
 - How these areas will be maintained considering they are identified as non-trafficable areas.
- A fully detailed sectional elevation is to be provided to Council's landscape architect for assessment that full resolves the treatment of the new building façade when view from below the proposed extension and on the water.

Reason: To ensure Council is satisfied with the proposed landscaping.

9. **A.13.L – Changes to Landscape during works**

Any changes to the landscape documentation that occur after the final assessment by Council's Landscape Architect shall be re-issued to Council for assessment and approval **PRIOR TO ANY OF THESE WORKS DESIGN VARIATIONS BEING INSTALLED**. This includes any variations that arise after the commencement of construction that are not expressly covered in the original conditions of consent.

Reason: To ensure that Council is informed of any proposed changes as they occur and approves of the proposed changes under The EPA act accordingly.

10. **A.14 – 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.

Reason: Statutory requirement.

11. **A.15 – 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.

12. **A.16 – 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.

13. **A.17 – 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

14. **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.

15. **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.

16. **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.

17. **B.4.EH Demolition work plan The name, address, contact details and licence number of the Demolisher / Asbestos Removal Contractor.**

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

Reason: To ensure health and safety.

18. **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, submitted to the Principal Certifier within five days of site attendance and must be available to council immediately upon request prior to the issue of an occupation certificate; failure to produce the latest certificate will be considered a breach of conditions. Each compliance certificate must contain photographic evidence to confirm site attendance. A compliance certificate is required for each of the following phases. The project Arborist shall:

- Certify tree protection measures listed within section B. 14 and B15 prior to demolition works
- Clearly identify which are to be removed and which trees are to be retained as part of this consent
- Oversee the demolition of the existing development
- Oversee the excavation for pier footings within the Tree protection Zone of Trees 2-12
- Oversee the removal of the side free form brick path by hand after construction of the dwelling
- Ensure the installation of stormwater on the South Western side of the dwelling is above ground and attached to the proposed dwelling.
- Undertake a pruning specification and witness the pruning of tree #13
- 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.

19. **B.14.L - Tree Protection Measures 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 area marked within the Tree Protection Plan within appendix A1i on page 20 of the supplied arborist report by Tree Talk. Offset 1.5m from the south western boundary to protect trees 2-13
2. Running in a north east – south west direction along the lower grassed area stretching the entire width of the block to prevent access to the lower foreshore area.
3. To protect the *Corymbia ficifolia* Street Tree on the Council verge.

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.

20. **B.15.L - 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:

A. 3, 7, 14

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.**

Reason: To protect trees during construction.

21. **B.21.EH - Detailed site investigation**

A Detailed Site Investigation (Contamination) (DSI) is to be carried out in relation to the proposed excavation. This is to be provided to Council's Manager Development Assessment PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR ANY DEMOLITION WORKS. The DSI shall provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site. Any recommendations for further investigations identified in the Preliminary Site Investigation are to be carried out as part of the DSI. The DSI is to provide recommendation on the need for any further targeted investigation(s) and/or site remediation (if deemed necessary).

The DSI and remedial action plan (if required) shall be undertaken/completed by a suitably qualified environmental consultant in accordance with relevant Acts/guidelines:

- Contaminated Land Management Act 1977
- NEPC National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (NEPC, 2013); and
- NSW EPA Guidelines for Consultants Reporting on Contaminated Land (NSW EPA, 2020).

A NSW Environmental Protection Authority (EPA) Accredited Site Auditor shall provide a Site Audit Statement at the completion of the demolition and earthworks (and after any further investigation and/or remediation works), i.e. prior to construction, and provide a Validation Certificate to confirm that:

- Any remediation works have been undertaken in accordance with the relevant requirements;
- the site is suitable for its intended use; and
- that all works have been completed in accordance with SEPP 55 and the NSW EPA requirements for consultants reporting on contaminated sites.

Note:

Prior to any remediation works, a Site Environmental Management Plan (SEMP) must be prepared by a suitably qualified environmental consultant. The SEM shall include measures to address the following matters:

- a) General site management, site security, barriers, traffic management and signage

- b) Hazard identification and control
- c) Worker health & safety, work zones and decontamination procedures
- d) Prevention of cross contamination
- e) Appropriate site drainage, sediment controls, and if necessary dewatering
- f) Air quality criteria to be implemented during remediation, in accordance with Part 8 of the WHS Regulation 2011
- g) Air and water quality monitoring requirements
- h) Air quality management measures for asbestos to protect on-site workers and the surrounding community during remediation, particularly in relation to dust mitigation
- i) Site work responses to be implemented during remediation should environmental monitoring criteria be exceeded
- j) Storage, handling, classification, and disposal of hazardous wastes
- k) contingency plans and incident reporting, including Health and Safety and environmental incident management
- l) Details of provisions for monitoring implementation of remediation works and persons/consultants responsible (to include contact name and numbers)
- m) Details for deliveries, parking and vehicular access to and from the site, ensuring adequate measure are in place to minimise environmental and neighbourhood disturbance
- n) Any other proposed preventative response procedures to manage the issue of public exposure to contaminants including but not limited to asbestos
- o) Containment control zones
- p) A copy of the Auditor approved Site Environment Management Plan is to be forwarded to Council prior to commencing remediation works.

Reason: To ensure that the site is suitable for its intended use.

22. B.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. This is to be provided to Council's Manager Development Assessment PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR ANY DEMOLITION WORKS.

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.

PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

23. 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
- 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.
- location of temporary toilets.

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.
3. All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).

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.5 - Dilapidation report**

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, 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.

26. **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.

27. **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.

28. **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.

29. **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.

30. **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.

31. **C.33.L – Pre-construction report**
A pre-construction report on the health of the trees to be retained and protected shall be provided by the Project Arborist following a site visit with Council's Tree Preservation Officer. The report shall be agreed upon by both parties and shall include photographs of each tree and any existing damage, defects or areas of concern well represented.

Reason: To ensure the any tree that has been adversely affected during the construction process is identified and the appropriate remediation actions take to the satisfaction of Council.

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 —

- 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).

36. **D.6 - Notice regarding dilapidation report**

Before the commencement of any site or building 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

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.

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

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 —

- a) All footings/ foundations
- b) 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 19 and 20 (B14 & B15). 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.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.

47. **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.

48. **E.17.E – Heavy vehicle requirements**

1. All contractors are to be notified of Council's requirements regarding truck cleanliness of vehicles leaving the site. A signed register of all notified contractors is to be kept. Failure to comply shall result in the contractor not being permitted re-entry to the site.
2. All vehicles transporting soil material to and from the site shall be covered by a tarpaulin or similar material in accordance with *the Protection of the Environment Operations (Waste) Regulation, 1996* (as amended). Any breach will result in a PIN being issued.
3. A truck shaker ramp is to be provided at the construction exit point. Any sediment tracked onto any public roadway is to be cleared immediately.

Reason: To protect the environment.

49. **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.

50. **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

51. **E.20.EH – Stockpiles**

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

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

52. **E.22.EH - Environmental Impacts during construction**

The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1977 or the NSW Occupational Health and Safety Act (2000) & Regulations (2001).

Reason: To protect the environment.

53. **E.25 - Demolition of below ground elements and construction of new pier footings.**

The demolition of below ground elements within the Tree Protection Zone of trees 2-12 must be done so under the supervision of the project arborist via the use of handheld pneumatic breaker tools. No excavation machinery is to be used below ground within the Tree Protection Zone to mitigate accidental damage to the root system of the trees.

Excavation for piers and footings within the Tree Protection Zones of trees 2 - 12 must be done so via the use of hand tools only under the supervision of the project arborist. Pier locations must be flexible, with no roots greater than 30mm diameter to be pruned. A 150mm buffer must be allowed for roots greater than 30mm diameter to allow for future growth. Tree roots less than 30mm that conflict with pier locations must be severed cleanly with a sharp implement in accordance with provisions outlined in section 4.5.4 of AS4970-2009. All roots greater than 10mm diameter must be documented by the project arborist for site compliance.

Reason: To protect the root system of retained trees and to mitigate damage caused by machinery.

54. **E.26 - Demolition and Construction of side pathway.**

Demolition and construction of the side pathway on the South Western Boundary may only occur upon completion of the proposed development during the landscape phase. This is to ensure adequate ground protection within the Structural Root zone of retained trees for the duration of the build. Once primary construction of the dwelling has been complete, the existing pathway must be removed via the use of hand tools only under the supervision of the project arborist. Pneumatic breaker tools (IE. Jackhammer) may be used in the event the existing paving used a concrete subbase. No roots shall be pruned during the demolition and construction of the side pathway, with exposed roots protected in accordance with section 4.5.4 of AS4970-2009 The protection of trees on Development Sites

Reason: To ensure ground protection within the Protection Zone of retained trees is adequate throughout the construction phase

55. **E.27 – Tree Pruning**

Council grants consent for the pruning of tree #13 *Jacaranda mimosifolia* (Blue Jacaranda) located on the adjoining property of 62 Cliff Rd. A pruning specification statement must be sent through to Council's Tree Management Officer and approved prior to pruning works commencing. The pruning statement must contain:

- Branch diameters
- Total canopy percentage
- Photographic evidence indicating final pruning locations

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 provided by the tree owner to enter their property. Works may only be undertaken **Upon issue of a construction certificate and approved by Council's Tree officer**. Pruning outside of the authorised works will result in regulatory action.

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

56. **E.28 - Excavation for stormwater services**

Excavation required for the installation of stormwater services within the TPZ of tree 13 and 14 must be overseen by the project arborist. Excavation is to be undertaken using hand tools only. No roots greater than 30mm diameter are to be severed as part of works. A 150mm buffer must be given to roots greater than 30mm diameter at allow for future growth. Roots less than 30mm diameter that conflict with services may be pruned by the project arborist using a sharp handsaw and documented within the compliance certificate.

Please note that the stormwater service between RL's 32.43 and 24.20 is to be located solely above ground and attached to the proposed development. No excavation for the installation of stormwater is to be undertaken within the Protection Zones of trees 2-12 on the Southern Western Boundary.

Reason: to protect retained trees during construction

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

57. **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.

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.

58. **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.

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

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

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

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

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

60. **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.

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

Restoration of disturbed Council land and assets is the responsibility of the applicant. 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.

62. **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.

63. 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.
- Evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect for a period of at least 12 months from the date of issue of the OC.

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

64. F.19 - Replacement Planting

Trees that are removed must be replaced on a 1:1 ratio to comply with provisions outlined within Part J Landscaping of the Lane Cove Council Development Control plan 2010 unless otherwise stated within this consent. The Trees shall be replaced with endemic tree species at 75 litre pot size, selected from Councils DCP Part J – Landscape, Appendix 1 unless stated otherwise within this consent. Trees selected are to achieve a height greater (>) than 4 meters. Trees may be placed in suitable areas within the property unless stipulated elsewhere as part of this consent.

Trees must be installed and signed off by the project arborist Prior to the issue of an Occupation Certificate.

Reason: To ensure adequate replacement species.

65. F.20 – Landscape Practical completion report

1. A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report must certify that all landscape works have been completed in accordance with the landscape working drawing. A copy of the report must be submitted to Council **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.**

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of Council's landscape Architect via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

2. A certificate must be submitted by a qualified practising Landscape Architect certifying that the proposed subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings and specification. **Works must not progress until Council or the accredited certifier has confirmed that this condition has been fully satisfied.**

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of Council's landscape Architect via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

3. Prior to issue of the Certificate of Occupation, the applicant must submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation.
4. At the completion of the landscape maintenance period, the consultant landscape architect/ designer must submit a final report to Council or the accredited certifier, certifying that all plant material has been successfully established, that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the Owner/ Occupier. A copy of the report must be submitted to Council **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.**

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of Council's landscape Architect via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

5. The Project Arborist must provide a report detailing the health and condition of all trees to be retained at completion of the site development. The report must contain recommendations for any management of the tree to ensure its ongoing viability. A copy of the report must be submitted to Council **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.**

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of Council's landscape Architect via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

Reason: Consistency between the landscape design intent and the installation and ongoing performance of the plants.

PART H - OCCUPATION AND ON-GOING USE

66. 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.

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

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

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

Panel Reasons

The Panel members accompanied by Council staff inspected the site and met with the owner's representative and owners of neighbouring properties and their representative. The Panel also considered drawings, plans and photographs pursuant to the application and Council's report to the Panel, the written objections to the application received by Council and those raised during the Panel's meeting. As well as the matters agreed to by the owner's representative during the meeting.

The Panel considers that the request for review pursuant to s8.2A of the EP&A Act, 1979 has effectively addressed the grounds for the original refusal of the development application, and concurs with the officer's recommendation to approve the request.

The Panel considers that the development satisfies the view sharing principles established by the Court. The applicant's willingness to make some amendments in response to the submitters is acknowledged and those amendments are included in the deferred commencement condition.

The Panel subsequently agreed to a deferred commencement consent subject to the conditions above at **Part A – Deferred Commencement Consent.**

The decision of the Panel was unanimous.

229/25 BEST STREET LANE COVE

DETERMINATION

That pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979 the Lane Cove Local Planning Panel at its meeting of 20 September 2022, exercising the functions of Council as the consent authority, **refuse** Development Application DA55/22 for the demolition of existing structures, and construction of a multi-dwelling housing comprising 5 townhouses with basement car parking at Lot 229/25 Best Street Lane Cove. The proposal is recommended to **be refused** for the following reasons:

Lack of Information:

1. The proposal does not include adequate information to make an assessment.

Particulars:

- (a) The proposal does not comply with the height control under clause 4.3 of the Lane Cove LEP 2009. No clause 4.6 variation statement has been submitted to support the non-compliance. Council therefore has no power to grant consent to a development that contravenes a development standard.
- (b) The site is located on land formerly used for industrial purposes. The application fails to address the relevant requirements of State Environmental Planning Policy SEPP (Resilience and Hazards) 2021. The application relies on a previous 2013 Site Validation Report and no current assessment is provided.
- (c) The site analysis is insufficient and does not adequately address the unique features and environmental characteristics of the site and the relationship to its surroundings;
- (d) The proposal includes significant tree canopy removal and is adjacent to a bushland reserve. The ecological assessment accompanying the application fails to adequately address the relevant sections of the Environment Protection and Biodiversity Conservation Act 1999 and does not adequately consider the potential for Blue Gum High Forest EEC to occur at the site or the occurrence and use of the site by other threatened fauna (in particular the Powerful Owl which has been reported to occur in the area); and
- (e) The site contains land classified as being within a riparian corridor. The proposal fails to address the Water NSW Vegetated Riparian Zone (VRZ) setback requirements.

Lane Cove Local Environmental Plan (LEP) 2009:

- 2. The proposed development does not meet the aims of Lane Cove Local Environmental Plan 2009.

Particulars:

The proposed development would not preserve and improve the existing character, amenity and environmental quality of the land and the expectations of the community.

- 3. The proposal is contrary to the relevant zone objectives of the R4 zone of the Lane Cove LEP 2009.

Particulars:

The removal of significant mature native trees and vegetation is contrary to ensuring that landscaping is maintained and enhanced as a major element in the residential environment.

- 4. The proposal is contrary to clause 6.3 of the Lane Cove LEP 2009 relating to Riparian Land.

Particulars:

The the removal of trees and vegetation within the Riparian area in proximity to Tannery Creek is considered to have detrimental environmental impacts on the land and reduces opportunities for rehabilitation of riparian vegetation and habitat.

Lane Cove Development Control Plan DCP 2009:

- 5. The proposal is contrary to sections 2.2 Tree Preservation of Part J Landscaping in

**Lane Cove Local Planning Panel 20 September 2022
MINUTES**

the Lane Cove DCP 2009.

Particulars: The removal of indigenous trees including 4 mature Sydney Blue Gums does not comply with the objective of section 2.2.1 which requires the retention of the maximum possible number of trees particularly native trees, (b), 2.2.5 (i) Trees on Private land which does not permit the removal of naturally occurring indigenous trees, and (m) dead trees which provide important habitat for fauna.

6. The proposal does not comply with the required car parking rates in Part R Traffic Transport and Parking in the Lane Cove DCP 2009

Particulars: The proposal fails to provide any visitor parking and is required to provide a minimum of 1 accessible visitor space for the development.

7. The proposal does not comply with section 5.2 .1 (d) of Part H Bushland protection in the Lane Cove DCP 2009.

Particulars: The proposed driveway within the 10m bushland buffer setback from Hartman Hill Reserve would result in a paved area exceeding the 25% requirement.

8. The proposed stormwater plan is contrary to section 5.2 (f) On-site Absorption Systems of Part O Stormwater management in the Lane Cove DCP 2009.

Particulars: A proposed junction pit on the Stormwater Plans is positioned directly adjacent to the native Angophora Costata (tree 27) located on Burns Bay Reserve. This would have a direct impact to the root zone and overall health of the tree. The proposed junction pit is not supported.

Panel Reasons:

The Panel members accompanied by Council staff inspected the site and met with the owner's representatives. The Panel also considered drawings, plans and photographs pursuant to the application and Council's report to the Panel, the sixty (60) written objections to the application received by Council and those raised during the Panel's meeting.

The Panel acknowledges that the site is severely constrained and the proposal contains insufficient detail and analysis of environmental impacts to justify the form, style, location and scale of what is proposed.

The Panel considered that the application was deficient in a number of aspects, was non-compliant and, as no clause 4.6 exemption statement had been submitted, determined to **refuse** the application.

The decision of the Panel was unanimous.

The meeting closed at 6:30pm.

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