



Minutes  
Lane Cove Local Planning Panel Meeting  
1 November 2022,



Lane Cove Council

**Lane Cove Local Planning Panel 1 November 2022  
MINUTES**

**PRESENT:** Hon David Lloyd KC, Chairman, Mr Robert Montgomery, Planning Expert, Ms Lindsey Dey, Planning Expert, Mr Eugene Sarich, Planning Expert and Ms Mary Rawlings, Community representative

**ALSO PRESENT:** Mr Mark Brisby, Executive Manager, Environmental Services, Mr Rajiv Shankar, Manager Development Assessment, Mr Chris Shortt, Senior Town Planner and Ms Angela Panich, Panel Secretary

**DECLARATIONS OF INTEREST:** Mr Lloyd and Mr Montgomery declared a conflict of interest in relation to Item 2 as follows and removed themselves from the Panel's determination of this item: *Item 1 is an application under s8.2 for a review of a development application which was determined for refusal by the Local Planning Panel on 3 April 2022. I was a member of the Panel which determined the application. The Minister's s9.1 directive states: "The determination of a review of application from a Panel decision shall be determined by different members of the Panel to those who made the original determination". Accordingly I excused myself from Item 2 and so did Mr Montgomery.*

#### **APOLOGIES**

Nil

#### **WEBCASTING OF COUNCIL MEETING**

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

#### **LANE COVE LOCAL PLANNING PANEL REPORTS**

##### **6 FORD STREET, GREENWICH**

###### **DETERMINATION**

That pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979, the Lane Cove Local Planning Panel at its meeting of 1 November 2022, exercising the functions of Council as the consent authority, grant consent to the Section 4.55 modification to Development Application DA157/21 for alterations and additions to a dwelling house on Lot 13 in DP 3760, known as No. 6 Ford Street, Greenwich, subject to attached updated draft conditions below:

1. (20) That the development be strictly in accordance with:
  - Drawing numbers DA-01-09 Revision 4 dated 13/07/22 and DA-31 Issue 3 dated 4/5/22 prepared by Simmonds Associates.

except as amended by the following conditions.

**Reason:** To ensure the development is in accordance with the determination.

- 1A. Relevant privacy measures such as fixed shutters or opaque glass are to be installed to Windows (we5 & w3.2) to the satisfaction of Council prior the issue of occupation certificate.

**Reason:** To ensure appropriate privacy is achieved between the development and the adjoining property.

**Panel Reason**

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

**S8.2 REVIEW OF MULTI-DWELLING HOUSING DEVELOPMENT AT 21 - 25 AUSTIN STREET  
LANE COVE**

**DETERMINATION**

**Mr Sarich joined the meeting for the determination of this Item.**

That pursuant to the provisions of Section 8.4 of the Environmental Planning and Assessment Act, 1979 (as amended), the Lane Cove Local Planning Panel at its meeting of 1 November 2022, exercising the functions of Council as the consent authority, grant a deferred commencement consent to the Section 8.2 application to Development Application DA131/21 for the demolition of existing structures and construction of a multi-dwelling development with basement carparking on Lots 1 and 2 of DP 872498, Lots 11 and 12 of DP 734969, and Lots A and B of DP 362786 known as 21 – 25 Austin Street Lane Cove.

**PART A – DEFERRED COMMENCEMENT CONSENT:**

That pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, the Council grants a deferred development consent to Development Application 131/2021 for a multi-dwelling housing development on Lots 1 and 2 of DP 872498; Lots 11 and 12 of DP 734969; and Lots A and B of DP 362786 and known as 21 – 25 Austin Street Lane Cove; subject to the following matters being addressed:

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(s)

**A A.2 - Design Amendments**

- (i) The driveway crossover is NOT APPROVED as proposed.

The architectural and landscape set are to be updated to reflect the following change:

- The driveway crossover on the south/south eastern side of the site is to be no closer than 7m from the centre of the trunk of tree T4. The driveway within the confines of the property is to run parallel to the boundary of 5 Austin Crescent, where it will connect to the crossover. The new crossover can partially use the footprint of the existing crossover, and splay on an appropriate angle.
  - A new swept path plan is to be designed to reflect the abovementioned driveway changes
- (ii) The following windows are to be raised to a minimum of 1.7m above finished floor level **and** are to be constructed with translucent glazing:
- **Townhouse 06** Ground floor and Level 1 windows facing 19 Austin Street.
  - **Townhouse 01** Level 1 windows facing 5 Austin Crescent.
  - **Townhouse 09** Level 1 windows facing 7 Austin Crescent.
  - The following windows are to be constructed with translucent glazing
    - **Townhouse 015** Level 1 windows facing rear yard of 19 Austin Street.

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- (iii) The communal path between Townhouse 15 and the northern boundary with 19 Austin (linking Sera Street to the central courtyard) is to be deleted and converted to soft landscaping to accommodate additional medium sized trees which would provide a more significant green buffer. The landscape plan is to be updated to reflect these changes.
- (iv) Any air-conditioning and mechanical plant not located within the basement is required to be housed within acoustically treated screening/barriers. Details of location are to be submitted.
- (v) **The Drainage Plans Amendments:** The Civil Plans/ Stormwater Drainage plans prepared by Greenview Consulting, reference No: 200722DA C01 1 to C05 1, revision 3 and dated on 21/07/22 are **NOT APPROVED**.

**An amended set of plans are to be submitted to and approved by Council.** The amended plans are to be prepared by a qualified practising hydraulic engineer **in consultation with project arborist of minimum Australian Qualitative Framework (AQF) Level 5 qualification** and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP;

- **The proposed below ground OSD tanks in the northwest corner of the site encroach the structural root zone (SRZ) and tree protection zone (TPZ) of retained tree T46 and are not supported. The tanks must be relocated to an area not within any proposed deep soil zone.**
- **The proposed grated stormwater pit and grated stormwater drain encroach into the structural root zone (SRZ) and tree protection zone (TPZ) of retained Tree T54 and are not supported. The stormwater pits and pipes must be relocated outside of the TPZ of any retained and protected trees. Installation pipe system near the protected trees must be assessed by Council's Tree Officer.**
- **The location of the proposed below deck rainwater tanks in the rear yards of all townhouses are not supported. The rainwater tanks must be relocated to an area not within any proposed deep soil zone. It is recommended the applicant explore relocating within the basement level or within ground floor void areas for each townhouse.**

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

Plans that address Part A Design Amendments (i)–(v) above are to be submitted to Council 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 OF CONSENT:**

Subject to the matters under Part A above being satisfied to the satisfaction of Council, an Operative Consent and plans be issued subject to the following conditions:

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, the Council grants development consent to:

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- Development Application DA131/2021
- For a multi-dwelling housing development
- 21 – 25 Austin Street Lane Cove

**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.

<b>Plan No</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Dated</b>
A005	D	Site Analysis Plan	Brewster Murray	19.10.2022
A006	D	Site Roof Plan	Brewster Murray	19.10.2022
A007	C	Construction Management Plan	Brewster Murray	19.10.2022
A008	C	Sediment and Erosion Control Plan	Brewster Murray	19.10.2022
A100	D	Excavation Plan	Brewster Murray	19.10.2022
A101	D	Basement Plan	Brewster Murray	19.10.2022
A102	E	Lower Ground Floor Plan	Brewster Murray	19.10.2022
A103	F	Lower Level 1 / Upper Ground Floor Plan	Brewster Murray	19.10.2022
A104	D	Lower Roof / Upper 1 Plan	Brewster Murray	19.10.2022
A105	D	Upper level Roof Plan	Brewster Murray	19.10.2022
A201	D	Austin Street Elevation (TH01 – TH06) & Boundary Elevation (TH06 -TH15)	Brewster Murray	19.10.2022
A202	D	Internal Elevation (TH06 – TH01) & (TH02) & Boundary Elevation (TH01)	Brewster Murray	19.10.2022
A203	D	Rear Boundary Elevation (TH15 – TH9) Boundary Elevation (TH09), Internal Elevation (TH03)	Brewster Murray	19.10.2022
A204	D	Internal Elevation (TH9 – TH15), (TH07) and TH07 – TH08) (TH05) & (TH04)	Brewster Murray	19.10.2022
A205	D	Internal Elevation (TH08) & (TH01, TH07 – TH09) & (TH05)	Brewster Murray	06.10.2022
A300	D	Section 01 and 02	Brewster Murray	19.10.2022
A301	D	Section 03 and 04	Brewster Murray	19.10.2022
A302	C	Section E and F	Brewster Murray	19.10.2022
A303	D	Drive Way Sections	Brewster Murray	19.10.2022
A502	E	Communal and Landscaped diagrams	Brewster Murray	19.10.2022
A701	B	Material Board	Brewster	20.07.2022

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			Murray	
A801	B	Adaptable Townhouses	Brewster Murray	20.07.2022
L-01		Lower Ground Landscape Plan	Site Design + Studios	18.10.2022
L-02		Lower Level 1 /Upper Ground Landscape Plan	Site Design + Studios	18.10.2022
L-03		Existing Tree Removal and Replenishment Plan	Site Design + Studios	18.10.2022
L-04		Planting Schedule	Site Design + Studios	18.10.2022
L-05		Planting Details	Site Design + Studios	18.10.2022
L-06		Landscape Specification	Site Design + Studios	18.10.2022
L-08		Deep Soil and Native Planting Area	Site Design + Studios	18.10.2022

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 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.**

- 1A. Landscaping is to be maintained for the life of the development.**
- 1B. That the development be constructed to be electric vehicle ready.**
- 1C. That the top level (ie roof level) of the future development include solar panels where there is no communal open space or potential for additional overshadowing.**

**2. 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 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.**

**3. A.3 - Payment of security deposits (if applicable)**

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>	\$205
<b>Infrastructure damage bond</b>	\$40,000.00
<b>Civil reconstruction work</b>	\$80,000.00
<b>Positive Covenant bond</b>	\$2000.00

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.

**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. **SECTION 7.11 CONTRIBUTION**

The payment of a contribution for additional person/s in accordance with Council's Section 7.11 Contributions Plan shall be made **PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE**. This payment is to be at the current rate at the time of payment. The amount of **\$180,000.00** at the current rate of \$11,529.18 per person (2022/2023) is required to be paid. **NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.**

This contribution is for Community facilities, Open Space/Recreation and Roads under the Lane Cove Section 7.11 Contributions Plan which is available for inspection at the Customer Service Centre located at Lane Cove Council, 48 Longueville Road, Lane Cove.

**N/B** The Section 7.11 Contribution is calculated as the follows:

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Medium density developments (including attached dual occupancy and duplexes): No. Bedrooms	Average Occupancy	Amount contribution per person	No. of dwellings	Total Contribution
3 bedrooms	2.4 persons	\$11,529.18 x 2.4 = \$27,670 per dwelling. <b>*Capped Rate \$20,000 per dwelling.</b>	15 dwellings x \$20,000 = \$300,000.00	\$300,000.00
			<b>TOTAL</b>	<b>\$300,000.00</b>

\*N/B The reforms to Local Development Contributions have a cap of \$20,000 per residential lot or per dwelling limitation on local development contributions. The development site has six (6) existing dwellings. For sites with an existing dwelling house (or houses) a credit is applicable which is capped at \$20,000.00 per dwelling. The Section 7.11 Contribution credit for the existing dwellings is therefore 120,000.00. The required S7.11 contribution is calculated at: \$300,000 – \$120,000 = **\$180,000.00**

**Reason: Statutory requirement**

5. **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:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- 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.
- Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- 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.
- 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.
- 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.
- 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.**

**6. Additional carpark requirements**

- Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
- Provision for electrical vehicle including cabling to be provided for all car parking spaces.

**Reason: Safety and amenity.**

**7. 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.**

**8. 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.**

**9. 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.
- For sites adjoining bushland a 1.8m chain mesh perimeter fence with 1m sediment fencing attached to the lower portion is required to ensure that no foreign materials enter the bushland.
- 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)
- For major works, 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.
- 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.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

### **Council Approvals**

- Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
- **Permit to Stand Plant:** Where the applicant requires the use of construction plant on the public road reservation, an "**Application for Standing Plant Permit**" shall be made to Council. Applications shall be submitted and approved prior to the start of any related works. Note: allow 4 working days for approval.

### **Additional Council Requirements**

- 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.
- 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. 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.**

#### **10. 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**

11. **C.3 - Waste management plan (WMP)**

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- Council's Development Control Plan (Part Q: *Waste Management and Minimisation*).
- Where sites adjoin bushland (private or public):
- the WMP shall detail measures to mitigate any rubbish or foreign materials from entering the bushland.
- Access through parks, reserves and bushland to the site is not permitted.
- Council's Coordinator of Bushland must be notified of any accidental or intentional dumping of material in the bushland area.
- details the following:
  - the contact details of the person(s) removing the waste
  - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
  - the disposal and destination of all waste material spoil and excavated material

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

**Reason: To ensure resource recovery is promoted and local amenity protected during construction.**

12. **C.4 - Utilities and services**

Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a letter of consent from the relevant Electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- a response from Water NSW as to whether the plans proposed to accompany the application for a construction certificate would affect any Water NSW infrastructure, and whether further requirements need to be met.
- other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

**Reason: To ensure relevant utility and service providers requirements are provided to the certifier.**

13. **C.5 - Dilapidation report (if applicable)**

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.**

14. **C.6 - Adaptable units (if applicable)**

Before the issue of the relevant construction certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of *AS 4299-1995 Adaptable Housing Standards*.

**Reason: To ensure adaptable units are designed in accordance with the Australian Standard.**

15. **C.7 - Car parking details**

Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of *AS 2890 Parking Facilities- Off- Street Carparking* and Council's development control plan.

**Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.**

16. **C.8.T - Car parking details and additional Council requirements**

Additional Council car parking requirements are set out below:

- The proposed car park design and access shall comply with AS 2890.1. This includes all parking spaces, ramps and aisles.
- All accessible car parking spaces are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and height clearance.
- All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
- All vehicles must front in/ front out to/ from the development.
- Small car spaces must form no more than 10% of the overall parking provision in public car parks.
- Small car parking, car share, car wash bay, motorcycle parking, retail parking, tenant parking, and resident parking to be sign posted and adequately line marked.
- The garbage collection and holding area is to be clearly signposted and line marked and provided in accordance with AS2890.2: 2002. On site garbage collection must be provided for with sufficient headroom and allow the vehicle to enter and exit in a forward direction.

**Reason: To comply with Council car parking requirements.**

17. **C.9.T - Car parking allocation and restrictions on excess spaces**

Car parking spaces shall be allocated as per the established minimum car parking rates (rounded up to the nearest whole number) in Table 1 of Part R: Traffic, Transport, and Planning of the LCDCP 2010.

The subdivision and sale of excess car parking spaces is prohibited.

**Reason: To comply with Council's car parking requirements**

18. **C.10.T – Pedestrians / cycling**

- All bicycle racks and secure bicycle parking provided on-site shall comply with the minimum standards as outlined in Section 4.3 of Part R: Traffic, Transport and

Parking of Lane Cove DCP 2010 and designed in accordance with AS 2890.3: 2015 Bicycle Parking Facilities. Alternative designs that exceed the Australian Standards will also be considered appropriate.

- Basement bicycle parking is to be located as close as possible to the car park entrance, clearly labelled, and easily identifiable through appropriate way finding signage.
- Line markings are to be provided to guide pedestrians to the lift in public car parking areas.

**Reason: To ensure pedestrian safety and that bicycle parking facilities satisfy Council's requirements.**

19. **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.**

20. **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.**

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

- The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council.
- The driveway opening width along at the face of kerb must be as shown in the architectural drawing.
- The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- 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.
- 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 Standards.**

**22. F.3 - Post-construction dilapidation report (if relevant)**

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:

- 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
- 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.**

**23. G.1.B - Sydney Water requirements**

A section 73 certificate is to be obtained for development or subdivision requiring servicing of sewer and water.

**Reason: Sydney Water requirement.**

**24. H.2 - Annual fire safety certificate (if applicable)**

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.

**Reason: To satisfy Council's Engineering requirements to ensure annual checks on fire safety measures.**

**25. B.4.EH Demolition work plan**

A demolition work plan must be prepared for the development in accordance with Australian Standard AS2601-2001 by a licensed demolisher who is registered with the NSW WorkCover. The demolition work plan must be submitted to the Principal Certifying Authority (PCA), not less than seven working days before commencing any demolition work. A copy of the demolition work plan must be maintained on site and be made available to Council officers upon request. The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and license 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.**

26. **B.5.EH Construction environmental management plan**

Prior to the commencement of any demolition and remedial works, a construction environmental management plan (CEMP) must be prepared for the site and submitted to Council for written approval prior to the commencement of work. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions. All works must be undertaken onsite in accordance with the approved CEMP.

**Reason: To ensure health and safety**

27. **B.9.EH - General remediation requirement**

Any contaminated land must be remediated to satisfy the relevant requirements of the Contaminated Land Management Act 1997 and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013 and details of compliance are to be provided to the site auditor and Council from a suitably qualified environmental consultant upon completion of the remediation works.

**Reason: To ensure health and safety.**

28. **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**

29. **C.11.T - Basement car park safety and functionality**

Prior to the issue of the relevant construction certificate, a Traffic Report demonstrating the safety and functionality of the basement car park, including details of the proposed

signalised system is to be submitted to and approved by Council's Traffic Department. Certification of the internal traffic signal system that it complies with relevant standards and is safe and functional is to be provided by an independent Traffic Consultant.

**Reason: To ensure safety and functionality of the basement car park.**

**30. C.12.EH - Offsite disposal of contaminated soil**

All contaminated material to be removed from the site will need to be assessed, classified, and managed in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines (2014). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

**Reason: To ensure health and safety.**

**31. C.13.EH - Hazardous or intractable wastes**

Hazardous or intractable wastes arising from the site works, excavation and remediation process must be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

- Work Health and Safety Act 2011;
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- Protection of the Environment Operations Act 1997 (NSW);
- Protection of the Environment Operations (Waste) Regulation 2005;
- Waste Avoidance and Resource Recovery Act 2001; and
- NSW EPA Waste Classification Guidelines (2014).

The works must not cause any environmental pollution, public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or Work Health & Safety Act 2011 and Regulations.

**Reason: To ensure health and safety.**

**32. C.15.EH - Evidence of disposal of all waste, spoil and excavation material**

As soon as practicable after demolition is completed, documentary evidence detailing the destination of waste materials in accordance with the Waste Management Plan is to be submitted to the Principal Certifying Authority.

**Reason: To ensure waste is managed in accordance with the approved Waste Management Plan.**

**33. C.18.EH - Waste and recycling, and bulky waste storage room(s)** The construction certificate drawings shall detail compliance with the requirements of Part Q of Lane Cove DCP 2010 for all waste and recycling, and bulky waste storage room(s). As a minimum this shall include the following:

- Minimum clearance between bins of 300mm; Minimum door openings of 1700mm.
- Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
- Concrete which is at least 75mm thick; or



- Other equivalent material; and
- Graded and drained to a floor waste which is connected to the sewer
- Floors finished to a smooth even surface, coved at the intersection of walls and floor.
- Walls constructed of solid impervious material and cement rendered internally to a smooth even surface coved at all intersections.
- Provision of adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.
- Constructed to prevent the entry of vermin.
- Provision of artificial light controlled by switches located both outside and inside the rooms.
- Clearly printed "No Standing" signs affixed to the external face of each waste/recycling and bulky waste storage room.

**Reason: To ensure adequate waste and recycling storage and management in accordance with Councils DCP.**

34. **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.**

35. **D.3 Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with approved plan Certification by a suitably qualified engineer of the above plans is to be submitted to the Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the Construction Certificate.**

The Principal Certifying Authority is to satisfy themselves of the adequacy of the certified plans for the purposes of construction. They are to determine what details, if any, are to be added to the Construction Certificate plans, for the issue of the Construction Certificate.

**Reason:** To maintain the stormwater management of the property

36. **E.1 - Hours of work** All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:-

- Monday to Friday (inclusive) 7am to 5.30pm
- High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday, Saturday 8am to 12 noon, with NO high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.
- 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. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's approval.

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

37. **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.**

38. **E.7 -** While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

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

- 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.
- 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
- 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.
- 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.

The applicant shall:

- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
- Keep a register of all contractors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
- Place an employee within close proximity of the site exit during site operation hours to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site.
- Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be

permitted re-entry into the site for the duration of the project.

All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "Penalty Infringement Notice" being issued to the drivers of those vehicles not in compliance with the regulations.

**Reason:** To ensure worksite pollutions are controlled accordingly to protect the environment.

40. **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.

41. **E.21.EH - Storage and assessment of potentially contaminated soils**

- a) All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.
- b) All stockpiles of potentially contaminated soils must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).

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

42. **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.

43. **E.23.EH - Compliance tracking and reporting**

The Applicant must provide regular (6 monthly) reporting on any environmental performance required by the development consent for the development on its project website, in accordance with the reporting arrangements in any plans or other documents approved under the conditions of this consent.

**Reason:** To protect the environment.

44. **F.11.EH - Compliance with acoustic report**

At completion of the construction works and prior to the issue of any occupation certificate for stage 1, a validation certificate is to be submitted to the Principal Certifier confirming that the development has been constructed in accordance with the acoustic report prepared by Acoustic Logic and dated 21/12/21, and that the internal noise levels have been achieved.

**Reason:** To ensure adequate internal acoustic amenity.

45. **F.13.EH - Outdoor lighting**

Outdoor lighting shall comply with Australian Standard AS 4282-1997 – *Control of the*

*obtrusive effects of outdoor lighting.*

Where sites adjoin bushland, all outside lighting must be appropriately baffled to minimise light pollution into the bushland area. Native plantings may be used to absorb lighting.

**Reason: To protect the amenity of nearby residential properties**

46. **F.10.E Materials on Roads and Footpaths:** 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 ensure public safety and amenity

47. **F.11 Works on Council Property:** Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include hoarding applications, vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**

**Reason:** To ensure public works are carried out in accordance with Council's requirements

48. **F.11.A Permit to Stand Plant:** Where the applicant requires the use of construction plant on the public road reservation, an "*Application for Standing Plant Permit*" shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works.** Note: allow 4 working days for approval.

**Reason:** To ensure public safety

49. **F.11.B Restoration:** Public areas must be maintained in a safe condition always. Restoration of disturbed Council land and assets is the responsibility of the applicant. All costs associated with restoration of public land will be borne by the applicant.

**Reason:** To maintain Council infrastructure

50. **F.11.C Public Utility Relocation:** If any public services are to be adjusted, because of the development, the applicant is to arrange with the relevant public utility authority the alteration or removal of those affected services. All costs associated with the relocation or removal of services shall be borne by the applicant.

**Reason:** To protect, maintain and provide utility services

51. **F.12 Pedestrian Access Maintained:** Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, '*Part 3 - Traffic control devices for works on roads*'.

**Reason:** To ensure pedestrian access is maintained

52. **F.13 Council Drainage Infrastructure:** The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater 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 stormwater line are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipelines without Council's approval.

**Reason:** To protect public infrastructure

53. **F.14 Services:** 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.

**Reason:** To protect and maintain infrastructure assets

54. **F.15 Boundary Levels:** The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping, driveway and stormwater drainage plans and shall be obtained **prior to the issue of the Construction Certificate**. Note: The finished floor level of the proposed garage or carport shall be determined by Council.

Applicant has to lodge Vehicular Crossing Application form with application fee as shown in the form.

**Reason:** To provide consistent street alignment levels

55. **F.16.T Work Zone:** A Construction Traffic Management Plan and an application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to the commencement of the demolition and prior to any works that require construction vehicle and machinery movements to and from the site. If the development has access to a State Road, the Construction Management Plan and Work Zone need to be referred to TfNSW for approval. The approval of the Traffic Construction Management Plan and application for a Work Zone by Council's Traffic Section must be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

Loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within an approved Works Zone. If a Works Zone is required, the developer must give the Council at least six (6) weeks written notice prior to the date upon which use of the Works Zone will commence. The duration of the Works Zone approval shall be taken to commence from that date. All vehicular unloading/loading activities on a public roadway/footway are to be undertaken within an approved Works Zone.

**Reason: To ensure pedestrian and traffic safety.**

56. **G.1 Council Infrastructure Damage Bond:** The applicant shall lodge with Council a **\$40000.00** cash bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and gutter, drainage or other assets because of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred because of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the issue of the Construction Certificate**.

**Reason:** To protect and maintain public infrastructure

57. **G.2 Excavation Greater Than 1m depth:** Where there are structures on adjoining properties including all Council infrastructures, located within 5 meters of the proposed excavation.

The applicant shall: -

- (a) seek independent advice from a suitably qualified engineer on the impact of the

- proposed excavations on the adjoining properties
- (b) detail what measures are to be taken to protect those properties from undermining during construction
  - (c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties

The above matters are to be completed and documentation submitted to principal certifying authority **prior to the issue of the Construction Certificate.**

- (d) provide a dilapidation report of the adjoining properties and Council infrastructure. The dilapidation survey must be conducted **prior to the issue of the Construction Certificate.** The extent of the survey must cover the likely “zone of influence” that may arise due to excavation works, including dewatering and/or construction induced vibration. The dilapidation report must be prepared by a suitably qualified engineer. A second dilapidation report, recording structural conditions of all structures originally assessed shall be submitted to the principle certifying authority **prior to the issue of the Occupation Certificate.**

All recommendations of the suitably qualified engineer are to be carried out during excavation. The applicant must give at least seven (7) days’ notice to the owner and occupiers of the adjoining allotments before the excavation works commence.

**Reason:** To protect surrounding properties and identify vulnerable structures

58. **G.3 Drainage Plans Amendments:** The stormwater drainage plan prepared by Greenview Consulting, reference No: 200722DA CO01 1 to C05 1, revision 3 and dated on 21/07/22 is to be amended as detailed below by a qualified practising hydraulic engineer and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP;
1. This DA require OSD system. The detailed design for a proposed system is required
  2. 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.
  3. A rainwater tank shall be included into storm water management plan as per Basix certificate.
  4. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
  5. Sediment control fence shall be placed around the construction site and shown in plan
  6. As per site location, this is an overland flow path and proposed building is blocking this overland flow. Additional inlet pits and pipe system are required in upstream of the building and connected to Council drainage system.
  7. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system
  8. Stormwater runoff from driveway shall be collected by grated driveway pit and connected to stormwater system
  9. 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. The details of design level difference shall be shown in plan.
  10. A gross pollutant trap suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The suitable access to the GPT for future maintenance is required.
  11. Flood Study is required for this catchment to find out 1 in 100 flood level. The Council adopted freeboards are 300mm for habitable area and 150mm for non-habitable area.
  12. The recommendation given by Flood Analysis Report must be satisfied
  13. Upstream catchment shall be analysed, and suitable drainage relocation plan shall be provided if the proposed building is within easement
  14. 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 (450mm) system running across site. This proposed connection shall satisfy section 4.3 in Part O council DCP.
15. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
  16. The detailed cross section of the OSD is required and shall show levels, sizes, depths and widths.
  17. As per submitted plan, the kerb connection pipe from OSD is running through 5 and/or 7 Austin Crescent. This is not allowed. The applicant has to create a drainage easement through relevant property satisfying Section:12 of Council DCP.
  18. The details of proposed pit and pipe system on Austin Cres prepared by qualified hydraulic engineer, shall be submitted to Council with calculation.
  19. CCTV reports of the existing pipe system within the site are to be submitted to Council prior to the construction starts and after completion of construction work.
  20. Council does not support pipe lines underneath of any part of the buildings including garage and carport except seepage agg-line system.
  21. The pump out system in basement shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan submitted to Council.
  22. The proposed basement shall be constructed with water-proof walls around it since this section is within flood zone.
  23. Installation pipe system near the protected trees must be assessed by Council Tree Officer

The amended design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, for the issue of the Construction Certificate.

**Reason:** To ensure the proposed stormwater designs meet and satisfy Part O, Council DCP

59. **G.4 Geotechnical Report:** A geotechnical report is to be completed for the excavation of proposed development. The Geotechnical Report and supporting information are to be prepared by a suitably qualified geotechnical engineer and be submitted to Principle Certifying Authority **prior to issue of a Construction Certificate.**

**Reason:** To protect the environment and required for any excavation greater than 2m

60. **G.25.E Construction Methodology Report:** 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 Principal Certifying Authority **prior to issue of a Construction Certificate.** The details must include geotechnical report to determine the design parameters appropriate to the specific development and site. The Report must 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 properties

61. **G.5 Dilapidation Report:** The applicant is to provide a dilapidation report of all adjoining properties, roads and any of Council's and public infrastructure located within the zone of influence of the proposed excavation.

Dilapidation report must be conducted by a suitably qualified engineer **prior to the commencement of any demolition, excavation or construction works**. The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The Initial dilapidation report must be submitted to Principal Certifying Authority **prior to issue of a Construction Certificate**.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principle Certifying Authority **prior to issue of an Occupation Certificate**.

**Reason:** To provide a record of public and private infrastructure

62. **G.5A Dilapidation Report Stormwater:** The applicant is to provide a dilapidation report on the existing Council stormwater pipeline affecting this property.

The dilapidation report must be conducted by a suitably qualified person and a CCTV survey of the pipeline needs to be conducted. The Initial dilapidation report and CCTV footage must be submitted to Principal Certifying Authority **prior to issue of a Construction Certificate**.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principle Certifying Authority **prior to issue of an Occupation Certificate**.

**Reason:** To provide a record of Council's drainage infrastructure

63. **G.6 Construction adjacent to or parallel to a drainage Easement / pipeline:** The footings of the proposed structure adjacent to the Council drainage easement/pipe line shall be taken below the zone of influence of the Council stormwater line. The location and depth of the footings in relation to the stormwater line, along with the design of the footings, are to be detailed on engineering plans. The engineering plans are to be completed and certified for construction by a suitably qualified engineer and be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

On completion of the works and **prior to the issue of the Occupation Certificate** the design engineer shall certify that structure has been constructed in accordance with the approved plans and is within acceptable construction tolerances. The certification is to include a Work as Executed plan. The Work-as-Executed must show the location of all structures near the Council drainage easement, indicating that all footings are located below the zone of influence of the Council stormwater line.

**Reason:** To protect existing pipe system and ensure uninterrupted flow path within the easement

64. **G.7 Overland Flow around Buildings:** To prevent stormwater from entering the building the finished habitable ground floor level of the building must be a minimum of 150mm above the adjacent finished ground level.



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65. **G.7A Overland Flow Requirements:** The applicant shall submit a flood study to the Principle Certifying Authority which demonstrates that all proposed structures that are to be built upon the area affected by the overland flow path comply with Part O, Council's DCP- Stormwater Management. The flood study is to be completed by a suitably qualified engineer. Overland flows generated from a 1 in 100-year storm event must be accepted at the upstream boundary and conveyed through the site. Overland flow, which enters the site from upstream properties, should not be redirected in a manner which adversely affects adjoining properties. The report needs to be prepared and certified by the engineer and submitted to the Principle Certifying Authority **prior to the issue of the Construction Certificate.**

66. **G.7B Overland Flow:** Overland flows generated from a 1 in 100-year storm event must be accepted at the upstream boundary and conveyed through the site. A hydraulic evaluation of the overland flow path shall be prepared by a suitably qualified engineer the hydraulic evaluation is to comply with Council's DCP- Stormwater Management.

The hydraulic evaluation and any related documents are to be submitted to and approved by Council prior to the issue of consent.

67. **G.7C Overland Flow path over Council Pipeline:** An overland flow path is to be created above the Council stormwater line within the drainage easement. The flow path shall have sufficient capacity to convey runoff exceeding the pipe capacity during storms up to the 1 in 100 year storm events. Overland flow, which enters the site from upstream properties, should not be redirected in a manner which adversely affects adjoining properties.

An overland flow path shall be designed in accordance with councils DCP Stormwater Management by a suitably qualified engineer

The design of the flow path shall be submitted to and approved by Council prior to the issue of consent.

68. **G.7.E Positive Covenant Bond:** The applicant shall lodge with Council a **\$2000.00** cash bond to cover the registration of a Positive Covenant for the removal of structures over the Council drainage easement. Lodgement of this bond is required **prior to the issue of the Construction Certificate.**

**Positive Covenant - Removal of Structures:** Documents giving effect to the creation of a Positive Covenant for the removal of all structures located over the Council Drainage Easement shall be registered on the title of the property. The creation of a Positive Covenant under *Section 88E of the Conveyancing Act 1919*, burdening the property with the requirement to remove all structures should Council need to gain access to the Easement. The wording of the terms of the Positive Covenant shall be in accordance with those issued by Council. The documents prepared shall be submitted to Council prior to registration with the Land and Property Information and prior to the issue of the Occupation Certificate.

**Reason:** To protect existing Council pipe within the easement

69. **G.8 Road Dilapidation Survey:** The applicant is to prepare a dilapidation survey and a dilapidation report that includes details of the existing state of repair / condition of the road surface of **Austin Street and insert name of roads]** and provide that survey and report to the Council prior to the issue of the first **Construction Certificate.** Following completion of construction of the development and prior to the issue of the first occupation certificate, the applicant is to cause to be prepared a second dilapidation survey and a dilapidation report that includes details of all changes and damage caused to the surface of the said public roads as a consequence truck movements associated with the construction of the

development. The Council may apply funds from the security deposits paid in favour of this consent to meet the cost of making good any damage caused to the surface of the said public road as a consequence truck movements associated with the construction of the development to which the consent relates. The dilapidation surveys and reports must be prepared by an engineer registered with the Institute of Engineers (Australia).

**Reason:** To provide a record of Council's infrastructure and protect them

70. **K.1 Council Construction Requirements:** The applicant shall construct/reconstruct the following to Council's satisfaction;
1. New footpath adjacent the entire frontage Austin St to Council's satisfaction
  2. New Kerb and Gutter along the entire frontage of Austin St to Council's satisfaction
  3. Construction of new drainage system within the site
  4. Reinstate all adjustments to the road surfaces.
  5. Reinstate all existing nature-strips with turf and soil on road reserve.
  6. Reinstate all damages identified in dilapidation report
  7. Reinstate all damages identified in CCTV report.

**Reason:** In accordance with Council's requirements to restore site

71. **K.1.A** An **\$80,000** cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is required **prior to the issue of the Construction Certificate**. The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the issue of the Occupation Certificate**. All costs associated with the construction of the above works are to be borne by the applicant.

**Reason:** In accordance with Council's requirements to restore site

72. **K.2 Cast in Situ Drainage Pits:** Any drainage pit within a road reserve, a Council easement, or that may be placed under Council's control in the future, shall be constructed of cast in situ concrete and in accordance with Part O Council's DCP- Stormwater Management.

**Reason:** To ensure all works are in accordance with Council's requirements

73. **K.3 Council Inspection Requirements:** The following items are to be inspected
- Proposed stormwater pipe relocation work
  - Proposed stormwater connection to existing pipe in easement
  - All footpath, kerb/gutter and landscaping works
  - Any adjustment works in Council road reserve

Each item is to be inspected 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.

An Inspection fee (**\$205** for one inspection) is to be paid **prior to the issue of the Construction Certificate**.

**Reason:** To ensure completion of work satisfying Council

74. **O.1 Positive Covenant Bond:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the onsite detention system. Lodgement of

this bond is required **prior to the issue of the Construction Certificate**

**Reason:** To protect stormwater infrastructure and confirm future maintenance

75. **O.3 On-Site Stormwater Detention System - Marker Plate:** The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in Council's DCP-Stormwater management. An approved plate may be purchased from Council's customer service desk.

**Reason:** To ensure clear identification of onsite stormwater infrastructure

76. **O.4 On-Site Stormwater Detention Tank:** All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 m in depth must be fitted with step irons.

**Reason:** To prevent unauthorised access and ensure safe access to stormwater infrastructure

77. **R.1 Rainwater Reuse Tanks:** The proposed rainwater tank is required as per BASIX certificate and to be installed in accordance with Council's rainwater tank policy and relevant Australian standards.

Note:

- Rainwater draining to the reuse tank is to drain from the roof surfaces only. No "on - ground" surfaces are to drain to the reuse tank. "On - ground" surfaces are to drain via a separate system.
- Mosquito protection & first flush device shall be fitted to the reuse tank.
- The overflow from the rainwater reuse tank is to drain to the receiving system.
- Hydraulic calculation prepared by qualified engineer for charged pipe system draining to rainwater tank and submitted to Council
- Installation of rainwater tank shall be accordance with section O6 of part O of Council DCP.

**Reason:** To comply with Basix/Council's requirements and satisfy hydraulically

78. **S.1 Stormwater Requirement:** Stormwater runoff from roof areas shall be collected and disposed of using the following mechanism
- Only roof areas are to drain to the reuse system with overflow to the existing system
  - All other areas to drain to the existing drainage system
- The design and construction of the drainage system is to fully comply with, AS-3500 and Part O, Council's DCP-Stormwater Management. The design shall ensure that the development, either during construction or upon completion, does not impede or divert natural surface water to have an adverse impact upon adjoining properties.

**Reason:** To ensure compliance with Council's requirements

79. **V.1 Car Parking Certification:** The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities within the site shall be submitted to the Principal Certifying Authority.

The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's standards and

specifications. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

**Reason: To ensure compliance with Australian Standards and Council's standards**

80. **V.6 Temporary Footpath Crossing:** A temporary footpath crossing must be provided at the Vehicular access points. It is to be 1.5m in width, made of sections of hardwood with chamfered ends and strapped with hoop iron.

**Reason: To ensure safety vehicular movement to and from site**

81. **V.7 Splay of Front Fence:** The front fence is to have a 1x1m splay on both sides of the driveway to maintain pedestrian sight lines. Plans showing this amendment to the proposed design are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**; all associated works are to be completed **prior to the issue of the Occupation Certificate.**

**Reason:** To ensure good visibility

82. **T.1 Design of Retaining Structures:** All retaining structures greater than 1m in height are 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.**

**Reason:** To ensure the safety and viability of the retaining structures onsite

83. **T.2 Safety fence along the boundary of the property:** 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.

**Reason: To ensure safety of road and footpath users**

84. **T.3 Truck Shaker:** A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

**Reason: To protect the environment**

85. **T.4 Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise.

The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of the Occupation Certificate.**

**Reason: To ensure retaining walls are constructed according to approved plan**

86. **U.1 Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:

- (a) Be signed by a registered surveyor, &
- (b) Clearly show the surveyor's name and the date of signature.

All documentation is to be submitted to the Principle Certifying Authority **prior to the issue of the Occupation Certificate.**

**Reason:** To ensure stormwater infrastructure has been installed in accordance with Australian Standards and Council's requirements

87. **U.2 Engineering Certification:** A suitably qualified engineer shall certify that following has been constructed in accordance with the approved plans and is within acceptable construction tolerances.

- Pump out system
- Rainwater tanks
- All repair works identified in Dilapidation reports
- OSD

Certification is to be submitted to the Principle Certifying Authority **prior to the issue of the Occupation Certificate.**

**Reason: Statutory requirement**

88. **U.3 Engineering Note:** All engineering compliance certificates are to contain the following declarations:

- a. This certificate is supplied in relation to **21-25 Austin Street, Lane Cove**
- b. **[INSERT NAME OF ENGINEER AND COMPANY]** have been responsible for the supervision of all the work nominated in (a) above.
- c. I have carried out all tests and inspections necessary to declare that the work nominated in (a) above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent.
- d. I have kept a signed record of all inspections and tests undertaken during the works and can supply the Principal Certifying Authority with a copy of such records and test results if and when required.

**Reason: Statutory requirement and to protect stormwater infrastructure and confirm future maintenance**

89. **U.4 Positive Covenants OSD and Pump Out System:** Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property **prior to the issue of the Occupation Certificate.** The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

**Reason: Statutory requirements**

90. **U.5 Works as Executed Drawings for OSD:** A works as executed survey of the onsite detention facility will need to be prepared and certified to demonstrate that the OSD system functions as per the intention of the approved design. A suitably qualified engineer must certify that the construction system is satisfactory.

**Reason: Statutory requirements**

91. **U.6 Redundant Gutter Crossing:** All redundant kerb/gutter and footpath crossings shall be removed, and the kerb, gutter and footpath reinstated to the satisfaction of Council's

Urban Services Division. These works shall be carried out **prior to the issue of the Occupation Certificate.**

**Reason: To ensure Council's footpath and nature strip is free from potential vehicular or other obstructions.**

**PART A – GENERAL CONDITIONS**

**92. A.3 - Payment of security deposits (if applicable)**

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>Council owned trees</b>	<b>\$ 100000</b>

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.

**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.**

**94. A.7.L Tree preservation and approved landscaping works**

Lane Cove local government area in accordance with State Environmental Planning policy (Biodiversity and Conservation) 2021.

Chapter 2, Part 2.2, section 2.6 of this Sepp states:

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“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. **All landscaping is to be maintained for the life of the development.**

**The following trees shall be retained:**

Tree No.	Species	Location	Dimension (metres)
1	<i>Lophostemon confertus</i>	Austin Street	16 x 11
2	<i>Lophostemon confertus</i>	Austin Street	10 x 9
3	<i>Lophostemon confertus</i>	Austin Street	14 x 9
4	<i>Lophostemon confertus</i>	Austin Street	12 x 9
13	<i>Eucalyptus saligna</i>	Council reserve at rear	14 x 5
14	<i>Eucalyptus saligna</i>	Council reserve at rear	24 x 15
23 ABC	<i>Pittosporum undulatum</i>	5 Austin cr	9 x 6
24 ABCDE	<i>Ligustrum lucidum</i>	5 Austin cr	4 x 6
46	<i>Eucalyptus saligna</i>	23a Austin	22 x 12
47	<i>Banksia integrifolia</i>	23a Austin	4
48	<i>Archontophoenix cunninghamiana</i>	23a Austin	8 x 4
49	<i>Elaeocarpus reticulatus</i>	23a Austin	6 x 4
50	<i>Archontophoenix cunninghamiana</i>	23a Austin	8 x 4
51	<i>Pyrus calleryana</i>	23a Austin	6 x 2
52	<i>Pyrus calleryana</i>	23a Austin	6 x 2
53	<i>Pyrus calleryana</i>	23a Austin	6 x 2
54	<i>Corymbia citriodora</i>	23a Austin	14 x 6
		<b>Totals</b>	<b>17</b>

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

Tree No.	Species	Location	Dimension (metres)
5	<i>Cupressus sempervirens</i>	21 Austin	8 x 2
6	<i>Cupressus sempervirens</i>	21 Austin	8 x 2
7	<i>Syzygium leuhmanii</i>	21 Austin	8 x 4
8	<i>Syzygium leuhmanii</i>	21 Austin	8 x 4
9	<i>Phoenix canariensis</i>	21 Austin	3 x 2
10	<i>Ficus benjamina</i>	21 Austin	10 x 5
11	<i>Jacaranda mimosifolia</i>	21 Austin	10 x 7
12	<i>Ficus benjamina</i>	21b Austin	10 x 6
15	<i>Lagerstroemia indica</i>	25 Austin	5 x 4
16	<i>Elaeocarpus reticulatus</i>	25 Austin	6 x 4

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17a & b	<i>Ceratopetalum gummiferum</i>	25 Austin	4 x 2
18	<i>Michelia figo</i>	25 Austin	3 x 6
19	<i>Unknown deciduous spp</i>	25 Austin	4 x 3
20	<i>Prunus spp</i>	25 Austin	6 x 2
21	<i>Camellia japonica</i>	25 Austin	5 x 4
22	<i>Jacaranda mimosifolia</i>	25 Austin	6 x 4
25	<i>Tibouchina urvilleana</i>	25 Austin	<4
26	<i>Hakea salicifolia</i>	25 Austin	6 x 5
27	<i>Cotoneaster glaucophyllus</i>	23 Austin	7 x 5
28	<i>Hakea salicifolia</i>	25 Austin	5 x 4
29	<i>Lagerstroemia indica</i>	23 Austin	5 x 4
30	<i>Hakea salicifolia</i>	23 Austin	5 x 4
31	<i>Olea eurpoea var cuspidata</i>	23 Austin	6 x 6
32	<i>Syagrus romanzoffiana</i>	23 Austin	5
33	<i>Ficus microphylla hedge</i>	25 Austin	6 x 6
34	<i>Juniperus chinensis</i>	23a Austin	6 x 5
35	<i>Elaeocarpus eumundii</i>	23a Austin	8 x 3
36	<i>Syzygium paniculatum</i>	23a Austin	8 x 4
37	<i>Unknown deciduous tree</i>	23a Austin	3
38	<i>Jacaranda mimosifolia</i>	23a Austin	7 x 5
39	<i>Deciduous tree</i>	23b Austin	3
40	<i>Lagerstroemia indica</i>	23b Austin	5 x 4
41	<i>Lagerstroemia indica</i>	23b Austin	5 x 4
42	<i>Brachychiton acerifolius</i>	23b Austin	9 x 6
43	<i>Schefflera actinophylla</i>	23b Austin	2
44	<i>Phoenix canariensis</i>	23b Austin	5
45	<i>Syagrus romanzoffiana</i>	23b Austin	5
55	<i>Cupressus x leylandii</i>	23a Austin	5
56	<i>Cupressus x leylandii</i>	23a Austin	5
57	<i>Cupressus x leylandii</i>	23a Austin	5
58	<i>Cupressus x leylandii</i>	23a Austin	5
59	<i>Cupressus x leylandii</i>	23a Austin	5
60	<i>Cupressus x leylandii</i>	23a Austin	5
		<b>Totals</b>	<b>43</b>

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

Tree No.	Species	Location	Permitted works in TPZ
1	<i>Lophostemon confertus</i>	Austin Street	Demolition of existing crossover, Minor landscape elements
2	<i>Lophostemon confertus</i>	Austin Street	Demolition of existing crossover, Minor landscape elements
3	<i>Lophostemon confertus</i>	Austin Street	Demolition of existing crossover, Minor landscape elements
4	<i>Lophostemon confertus</i>	Austin Street	Demolition of existing crossover, Minor landscape elements
14	<i>Eucalyptus saligna</i>	Council reserve at rear	Excavation for basement level. Above ground structures, Permeable paving for patio, retaining walls.
23ABC	<i>Pittosporum undulatum</i>	5 Austin Cr	Construction of new driveway
24ABCD	<i>Ligustrum lucidum</i>	5 Austin Cr	Construction of new driveway
46	<i>Eucalyptus</i>	23A Austin	Excavation for basement level. Above



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	<i>saligna</i>		ground structures, Permeable paving for patio, retaining walls.
54	<i>Corymbia citriodora</i>	23a Austin	Excavation for basement level. Above ground structures, Permeable paving for patio, retaining walls.

**Tree removal may only occur upon issue of a Construction Certificate**

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

**95. A10 – Special condition – Prepurchase of Replacement Trees**

The applicant is to provide receipt of pre purchased trees from a registered nursery that will attain the prescribed height of replacement trees as part of this consent. The receipt is to be provided to Council's Landscape and Tree department **prior to the issue of a construction certificate**. Purchased trees are to be grown in accordance with specifications outlined within AS2303:2018 *Tree Stock for Landscape Use*.

**Reason:** To ensure replacement trees are at appropriate size upon completion of the development.

**PART B – PRIOR TO DEMOLITION WORKS**

**96. 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 all tree protection measures listed within Part B prior to demolition works
- Clearly identify and tag trees which are to be removed and which trees are to be retained as part of this consent
- Oversee the excavation for the basement level at the rear of the property
- Oversee the demolition of existing crossovers within the protection zone of Council street trees
- Oversee the construction of patio areas at the rear of townhouses 9 – 15
- Oversee the construction of all fences and retaining walls within the TPZ of protected trees.
- 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.**

**97. B.14 - Special Condition - 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 inclusive of the below areas
2. Offset 8m from the rear (Western) boundary fence to run the length of the property
3. Offset 4m from the trunk of tree 54
4. To encompass the entire Council nature strip protecting trees 1-4

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*. 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**

**98. B.15 – Special Condition – Site Specific Tree protection plan and Construction Management Plan**

**Prior to the Issue of a Construction Certificate**, a site specific Tree Protection Plan, prepared by the Project Arborist is to be developed alongside a Construction Management Plan detailing Tree Protection Methods in accordance with the Australian Standard 4970-2009 where proposed construction activities will affect the longevity of retained trees. This includes the demolition of existing structures, excavation, assembly of crane platforms, delivery storage and movement of site materials and location of site sheds.

**Reason:** To ensure the protection of retained trees.

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

**99. 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 **B14** . 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.**

**100. E.26 Special condition – Excavation for the basement level**

Excavation required for the installation of the basement level must be overseen by the project arborist. 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**

**101. E.27 Special condition – Demolition of existing and construction of the driveway crossover**

Demolition of existing driveway crossovers must be undertaken using handheld pneumatic breaker tools under the supervision of the project arborist.

Construction of the new driveway must be overseen by the project arborist to ensure no spillage or soil leaching of concrete occurs on the Council nature strip

**Reason: To protect trees during construction**

**102. E.28 – Construction of Patio areas**

The construction of patio areas at the rear of townhouse 9, 10, 11, 12, 13, 14, and 15 within the Tree Protection Zones of trees 14 and 46 is to be constructed entirely above grade. Permeable fill consisting of 20mm angular stone is to be required to level any undulating ground. A geotextile fabric should then be used to separate the fill from a sand bedding layer. Permeable paving may then be placed on the layer of sand bedding. Level depths of subbase are to be determined by the landscape company. Installation of the patios is to be overseen by the project arborist; no excavation is permitted within the Tree Protection Zone of tree #14 and #46 for the installation of the patios.

**Reason: To minimise detrimental incursions into Tree Protection Zones**

**103. E29 – Special Condition – Installation of retaining walls and fences**

The installation retaining walls and fences within the Tree Protection Zone of protected trees must be done so using an isolated pier and beam method under the supervision of the project arborist. No roots greater than 30mm diameter are to be severed to facilitate the installation of the piers. A 150mm buffer must be given to roots greater than 30mm diameter. Roots less than 30mm diameter that conflict with the location of piers must be documented by the Project arborist and 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 mitigate damage to protected trees**

**104. E.30 – Special condition – 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 designated tree protection areas or on the Council Owned Nature Strip. All building materials must be stored within the subject site.

**Reason: To mitigate damage to Council land**

**105. E.31 – Special Condition – No access to adjoining reserve**

There shall be no access through the adjacent park/reserve to carry out any building works, storage of materials, storage of soil or storage of rubbish during construction.

**Reason: In compliance to DCP part H.1 Objectives:**

- 1. To protect both public and private bushland from adjacent development which could result in any adverse change to the condition of bushland through altered moisture conditions, increased nutrient levels, soil movement, invasive or inappropriate plant species and proximity of development.**

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

**106. 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).**

**107. F19 - Special Condition – 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.

Tree species and planting location are to be done in accordance with the stamped landscape plans for the site and comply with any relevant landscaping conditions as part of this consent. **All replacement trees are to be maintained for the life of the development.**

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

**Reason: Replacement Planting**

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108. F.20 – Special condition – Planting

Any tree that will attain a height greater than 8m as defined under section 4O and 4P of the Apartment Design Guide must be planted a minimum 3m from any structure, service or excavation cut.

**Reason:** To ensure replacement trees will achieve their maximum future potential

**Panel Reasons**

The Panel has considered the current application as amended, the comments of the submitters and has visited the site. The Panel is satisfied with the amended deferred conditions relating to design, drainage and landscaping including the retention and protection of trees.

The decision was not unanimous but a majority decision because in the opinion of the dissenting member, the proposed development does not provide appropriate diversity in relation to unit mix (i.e. number of bedrooms) or housing choice.

The decision of the Panel was not unanimous it was 2 votes to 1

The meeting closed at 6.45pm

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