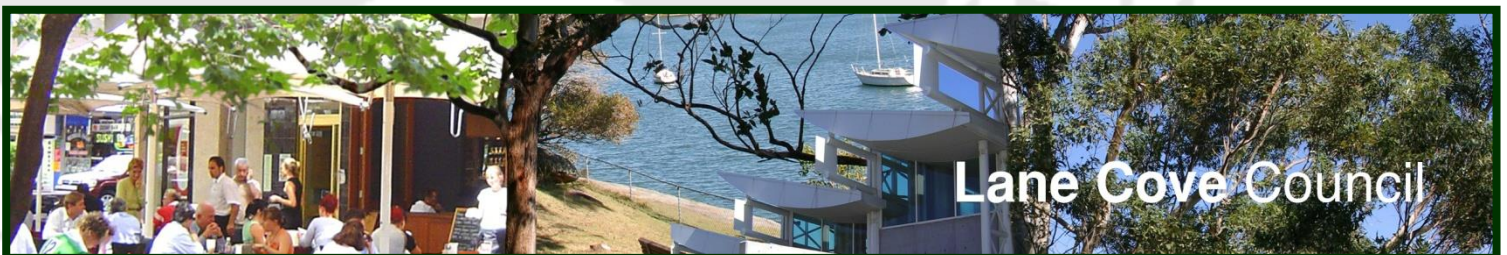


Agenda
Lane Cove Local Planning Panel Meeting
3 March 2022,



Notice of Meeting

Dear Panel Members,

Notice is given of the Lane Cove Local Planning Panel Meeting, to be held in the on Thursday 3 March 2022 commencing at 5pm . The business to be transacted at the meeting is included in this business paper.

Yours faithfully

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Craig Wrightson
General Manager

Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting is chaired by The Hon David Lloyd QC or alternate Chairs. The meetings and other procedures of the Panel will be undertaken in accordance with the Lane Cove Lane Cove Local Planning Panel Charter and any guidelines issued by the General Manager.

The order of business is listed in the Agenda on the next page. That order will be followed unless the Panel resolves to modify the order at the meeting. This may occur for example where the members of the public in attendance are interested in specific items on the agenda.

Members of the public may address the Panel for a maximum of 3 minutes during the public forum which is held at the beginning of the meeting. All persons wishing to address the Panel must register prior to the meeting by contacting Council's Office Manager – Environmental Services on 9911 3611. Speakers must address the Chair and speakers and Panel Members will not enter into general debate or ask questions during this forum. Where there are a large number of objectors with a common interest, the Panel may, in its absolute discretion, hear a representative of those persons.

Following the conclusion of the public forum the Panel will convene in closed session to conduct deliberations and make decisions. The Panel will announce each decision separately after deliberations on that item have concluded. Furthermore the Panel may close part of a meeting to the public in order to protect commercial information of a confidential nature.

Minutes of LCLPP meetings are published on Council's website www.lanecove.nsw.gov.au by 5pm on the Friday following the meeting. If you have any enquiries or wish to obtain information in relation to LCLPP, please contact Council's Office Manager – Environmental Services on 9911 3611.

Please note meetings held in the Council Chambers are Webcast. Webcasting allows the community to view proceedings from a computer without the need to attend the meeting. The webcast will include vision and audio of members of the public that speak during the Public Forum. Please ensure while speaking to the Panel that you are respectful to other people and use appropriate language. Lane Cove Council accepts no liability for any defamatory or offensive remarks made during the course of these meetings.

The audio from these meetings is also recorded for the purposes of verifying the accuracy of the minutes and the recordings are not disclosed to any third party under the Government Information (Public Access) Act 2009, except as allowed under section 18(1) or section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

DECLARATIONS OF INTEREST

APOLOGIES

NOTICE OF WEBCASTING OF MEETING

PUBLIC FORUM

Members of the public may address the Panel to make a submission.

LANE COVE LOCAL PLANNING PANEL REPORTS

2.	243 LONGUEVILLE ROAD, LONGUEVILLE.....	5
3.	146 LONGUEVILLE ROAD LANE COVE	16
4.	9 UPPER CLIFF ROAD, NORTHWOOD.....	49

**Lane Cove Local Planning Panel Meeting 03 March 2022
243 LONGUEVILLE ROAD, LONGUEVILLE**

Subject: 243 Longueville Road, Longueville
Record No: DA21/147-01 - 8565/22
Division: Environmental Services Division
Author(s): Henry Burnett

Property:	243 Longueville Road, Longueville
DA No:	DA147/2021
Date Lodged:	6 October 2021
Cost of Work:	\$40,000.00
Owner:	Lane Cove Council
Applicant:	C Keighery

Description of the proposal to appear on determination	Covered Outdoor Pizza Oven
Zone	RE1 Public Recreation
Is the proposal permissible within the zone	Yes
Notification	Notified in accordance with Council policy and no submissions received.

REASON FOR REFERRAL

The Development Application is referred to the Lane Cove Local Planning Panel to determine on behalf of Council as the site is owned by Council.

1. EXECUTIVE SUMMARY

The Development Application is for the construction of a covered outdoor pizza oven at the Longueville Sporting Club.

The Development Application has been assessed against the provisions of Lane Cove Local Environmental Plan 2009, Lane Cove Development Control Plan 2009 (on merit) and the Lane Cove Community Land Plan of Management and is considered satisfactory.

The Development Application was notified in accordance with Council policy and no submissions were received.

The Development Application would allow for the continued use of the site by Longueville Sports Club with proposed additional cooking facilities that are well integrated into the existing development, appropriately separated from adjoining residential uses and environmental impacts minimized (gas not wood-fired pizza oven).

The Development Application is reported to the Lane Cove Local Planning Panel to determine on behalf of Council with a recommendation for approval.

2. SITE

The part of the site on which the proposal is located is known as 243 Longueville Road, Longueville with title particulars Lot 1 DP 917402 (see **Figure 1** and yellow dashed area). The site forms part of a larger Council land holding of RE1 Public Recreation land, which includes 245 Longueville Road, Longueville. The site contains the Longueville Bowling Club (subject DA), Central Park and the Lane Cove Tennis Club. The site is an irregularly shaped corner allotment with frontage to Kenneth Street (east) and River Road West (north). The sites other boundaries (west and south) are adjoined by low density residential development.



Figure 1: Subject Site and Zoning (Source: Eplanning Spatial Viewer)

3. PROPOSAL

The Development Application is for an outdoor covered pizza oven. The proposed works are located between the two existing bowling greens adjacent to the club house (see **Figure 2**). The proposed works include:

- Demolition works to a small corner of a bowling green to remove hob and paving (**Figure 3**);
- Construction of an awning and outdoor kitchen area; and
- Installation of a gas-fired pizza oven (**Figure 4**).



Figure 2: Location of Proposed Works

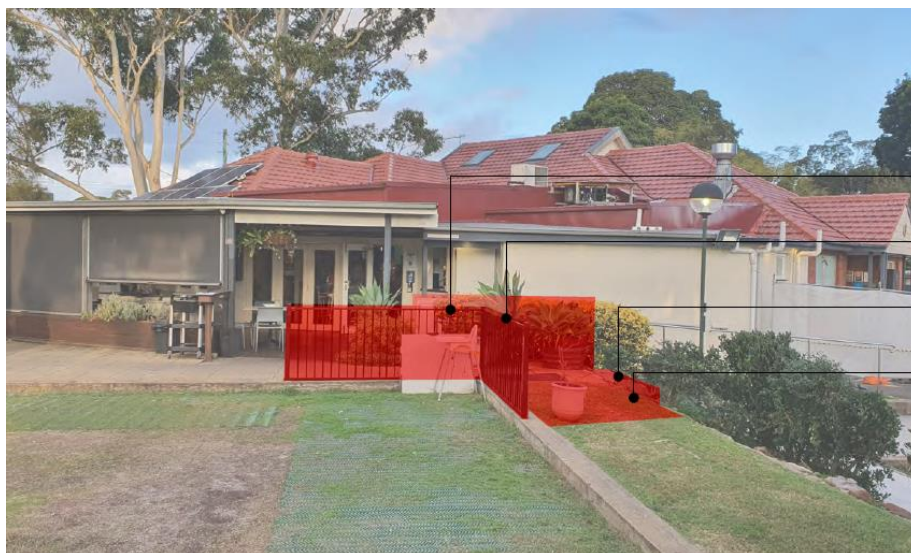


Figure 3: Proposed Demolition Works

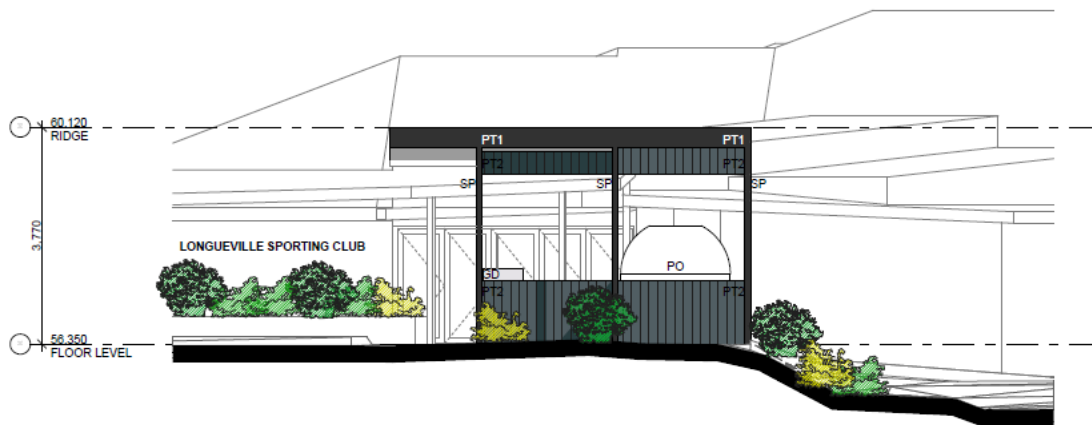


Figure 4: Western Elevation of Proposed Works

4. PROPOSAL DATA/POLICY COMPLIANCE

4.1 Lane Cove Local Environmental Plan 2009

4.1.1 Permissibility

The site is zoned RE1 Public Recreation under LCLEP 2009. The proposed development forms part of the continued use of the Longueville Sports Club as a community facility, recreation facility (outdoor) and restaurant, all which are permissible with consent in the RE1 Public Recreation zone.

4.1.2 Development Standards

The subject site does not have an applicable height of building or floor space ratio standard. Notwithstanding, the maximum height proposed is 3.77m and the proposal would not create any additional Gross Floor Area due to the open nature of the structure. The proposal is considered satisfactory on merit in relation to bulk, scale and height.

4.2 Lane Cove Development Control Plan 2009

The proposed development would be subject to a merit assessment under Lane Cove Development Control Plan 2009. The structure is located centrally to the site with large setbacks, is of a high visual quality and is suitably integrated into the existing development.

4.3 Community Land Plan of Management

The proposal has been reviewed with respect to the *Lane Cove Council Community Land Plan of Management*. The site is categorised within the Plan of Management as 'general community use'. The proposal is consistent with the objectives, land use and desired outcomes of the Plan of Management as it allows for the continued/well-managed use of the site for a community purpose associated with the Longueville Sporting Club that is compatible with adjoining uses.

5. REFERRALS

Development Engineer

No objections subject to recommended draft conditions.

Environmental Health

No objections subject to recommended draft conditions.

6. RESPONSE TO NOTIFICATION

The proposal was notified in accordance with Council policy and no submissions were received.

7. CONCLUSION

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The proposed outdoor covered pizza oven integrates with the existing use of the Longueville Sporting Club and provides additional cooking facilities to support the viability of the restaurant and Club going forward.

On balance the proposed development would be reasonable and therefore is recommended for approval.

RECOMMENDATION

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979 the Lane Cove Local Planning Panel at its meeting of 3 March 2022, exercising the functions of Council as the consent authority, approve Development Application DA147/2021 for covered outdoor gas pizza oven at 243 Longueville Road, Longueville (Lot 1 DP 917402) subject to the following conditions of consent:

General Conditions

1. (20) That the development be strictly in accordance with:

- Drawing number/s
- Dated
- By

except as amended by the following conditions.

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

2. (1) The submission of a Construction Certificate and its issue by Council or Principal Certifier PRIOR TO CONSTRUCTION WORK commencing.

Reason: Ensures the detailed construction plans and specifications comply with the requirements of the Building Code of Australia (BCA) and any relevant Australian Standard.

3. (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

Reason: Statutory requirement.

4. (11) The approved plans must be submitted to Sydney Water online approval portal “*Sydney Water Tap In*”, please refer to web site www.sydneywater.com.au. This is to determine

whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier prior to the issue of a Construction Certificate.

Reason: Statutory requirement.

5. (17) An Occupation Certificate being obtained from the Principal Certifier before the occupation of the building.

Reason: To ensure all works have been completed in accordance with the development consent conditions, approved plans and the Building Code of Australia.

6. (35) All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm
No work to be carried out on Sundays or any public holidays.	

A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

Reason: To ensure reasonable amenity is maintained to the neighbouring properties.

7. (36) 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 protect the environment and public amenity.

8. (37) The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.

Reason: To protect the environment and public amenity.

9. (48) Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED.

Separate approval must be obtained from Council's Works and Urban Services Department PRIOR TO THE PLACEMENT of any building waste container ("Skip") in a public place.

Reason: To protect the environment and public amenity.

10. (49) Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:
- a) the name, address and telephone number of the Principal Certifier;
 - b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
 - c) a statement that unauthorised entry to the construction site is prohibited.

The signs shall be maintained for the duration of construction works.

Reason: To ensure public safety and public information.

11. (50) The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.

Reason: To protect the environment.

12. (51) Lane Cove Council regulates the **Preservation of Trees and Vegetation** in the Lane Cove local government area. Clause 5.9(3) of *Lane Cove Local Environmental Plan 2009* [the "LEP"], states that a person must not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent or a permit granted by the Council. 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. The co-operation of all residents is sought in the preservation of trees in the urban environment and protection of the bushland character of the Municipality. All enquiries concerning the preservation of trees and vegetation must be made at the Council Chambers, Lane Cove.

Reason: To protect the environment.

13. (66) The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal to be submitted PRIOR TO COMMENCING ANY DEMOLITION WORKS.

Reason: To ensure public safety.

14. (72) The demolition works being confined within the boundaries of the site.

Reason: To ensure compliance with the determination and public safety.

15. (77) All spillage deposited on the footpaths or roadways to be removed at the completion of each day's work.

Reason: To ensure public safety.

16. (78) The site being properly fenced to prevent access of unauthorised persons outside of working hours.

Reason: To comply with Work Health and Safety Regulations and ensure public safety.

17. (79) Compliance with Australian Standard 2601 - The Demolition of Structures.

Reason: To ensure compliance with the Australian Standards.

18. (132) It should be understood that this consent in no way relieves the owners or applicant from any obligation to obtain any other approval which may be required under any covenant affecting the land or otherwise nor relieve a person from the legal civil consequences of not complying with any such covenant.

Reason: To ensure all works are carried out lawfully.

19. (141) **Long Service Levy** Compliance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.

COMPLIANCE WITH THE REQUIREMENTS OF THIS CONDITION MUST BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.

Reason: To ensure the levy is paid.

Engineering Conditions

20. **(A1) Design and Construction Standards:** All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.

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

21. **(A2) 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

22. **(A3) 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

23. **(A4) 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

24. **(A5) 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

25. **(A6) 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

26. **(A7) 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

27. **(A8) 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 pipe lines without Council's approval.

Reason: To protect public infrastructure

28. **(A9) 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

29. **(B1) Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$3000 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

30. **(S2) Stormwater Requirement:** The stormwater runoff from the new and altered impervious areas within the development shall be connected to the existing drainage system in accordance with the requirements of Part O of Lane Cove Council's DCP-Stormwater Management.

The existing stormwater system is to be certified that it is in good working order and meets the requirements set out in Part O, Council's DCP-Stormwater Management. The certification is to be carried out by a fully licensed and insured plumber or a suitably qualified engineer **prior to the issue of the Construction Certificate**.

Where an existing element does not comply with current standards the subject element is to be replaced. A drainage design is required detailing the proposed stormwater replacement works. The stormwater drainage plan is to be prepared and certified by a suitably qualified engineer and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management.

Reason: To ensure existing and proposed stormwater system comply with Council's

requirements

31. **(M2) Certificate of Satisfactory Completion:** Certificates from a registered and licensed Plumber or a suitably qualified Engineer must be obtained for the following matters. The plumber, engineer is to provide a copy of their registration papers with the certificate. The relevant Certificates are to be submitted to the Principal Certifying Authority **prior to issue of any Occupation Certificate**.

- Confirming that the site drainage system has been constructed in accordance with the relevant Australian Standards and Council's DCP-Stormwater Management.

Reason: To ensure stormwater infrastructure is in accordance with Australian Standards and Council's requirements

Environmental Health Conditions

32. **Air Quality:** The pizza oven is to be constructed in accordance with the Air Quality Assessment (dated 14 December 2021) prepared by Todoroski Air Sciences (reference number 21111365_LonguevilleSportingClub_PizzaOven_AQ_211214.docx).

Reason: To ensure reasonable air quality is achieved.

33. **C.19.EH - Construction and fit-out of food premises**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, the construction and fit-out of any food premises must comply with the following:

- i) The Food Act 2003 (as amended);
- ii) Food Regulation 2015 (as amended);
- iii) Australia and New Zealand Food Standards Code;
- iv) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises);
- v) Sydney Water – trade Waste Section;
- vi) The Protection of the Environment Operations Act 1997; and
- vii) The Building Code of Australia.

A certificate of compliance with (iv) for the proposed kitchen design shall be submitted to the Principal Certifying Authority, prior to issuing the relevant Construction Certificate.

Reason: To ensure food preparation areas meet the relevant requirements.

34. **H.6 – Food premises (ongoing use)**

On-going operation of any food premises is to be maintained in accordance with:

- i) the [Food Act 2003](#) (as amended),
- ii) Food Regulation 2015 (as amended),
- iii) the Food Standards Code as published by Food Standards Australia & New Zealand,
- iv) Australian Standard AS 4674-2004: Construction and fit out of food premises (as amended),
- v) Sydney Water Corporation – Trade Waste Section, and

vi) The Protection of the Environment Operations Act 1997.

Reason: To satisfy Council's Engineering requirements. To ensure food and health safety.

35. **H.7.EH - Noise**

On-going use of the approved development shall not give rise to any offensive noise as defined in the PEOA Act 1997, including noise from any mechanical plant, public address system or sound amplifying equipment.

Reason: To satisfy Council's Engineering requirements. To ensure acoustic amenity.

ATTACHMENTS:

There are no supporting documents for this report.

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

Subject: 146 Longueville Road Lane Cove
Record No: DA21/172-01 - 1982/22
Division: Environmental Services Division
Author(s): Christopher Shortt

Property:	146 Longueville Road Lane Cove
DA No:	DA172/2021
Date Lodged:	12 November 2021
Cost of Work:	\$585,000
Owner:	Mr William Beckingham
Applicant:	Anthony Pavela – Pavel Architects

Description of the proposal to appear on determination	Upper floor addition to mixed-use building.
Zone	B2 Local Centre Zone
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Is the property adjacent to bushland	No
BCA Classification	2, 6 and 7A
Stop the Clock used	Yes- 27 days
Notification	Notified as per Council's policy. No submission received.

REASON FOR REFERRAL

The subject Development Application is referred to the Lane Cove Local Planning Panel as the proposed building height exceeds 10% of the applicable maximum 9.5m building height development standard of Lane Cove Local Environment Plan 2009.

EXECUTIVE SUMMARY

The application is for alterations and additions to an existing mixed-use building. The proposal would result in an additional level. The additional level would be setback 9.2m from the Longueville Road frontage and setback 9m from Pottery Lane. From street level at Longueville Road the building would continue to be perceived as 2-storeys in height. The upper level would result in the building increasing from a 3-storey to a 4-storey building when viewed from Pottery Lane. The additional level relates to the existing residential component of the building (shop-top housing). The proposal would result in the existing 2-bedroom unit expanding into a 3-bedroom unit with additional bedroom, living areas, bathrooms, and front and rear outdoor terraces.

The proposed design would have a maximum building height of 15.05m. The maximum building height control for the site is 9.5m. A variation of 4.6m (58.42%) is proposed to the maximum building height. The applicant has sought to apply Clause 4.6 – Exceptions to development standards and has submitted a written request to vary the building height development standard.

The proposal has been assessed with respect to Clause 4.6 and the variation is supported in this instance. The Clause 4.6 written justification provides sufficient evidence that the variation achieves a better planning outcome for the occupants without resulting in adverse impacts to neighbouring properties, the character of the locality, or the public domain.

The development proposal was notified in accordance with Council's notification policy and no submissions have been received.

SITE

The site is located on the eastern side of Longueville Road and has an area of approximately 210 sqm. The site is legally known as Strata Plan 722353. The site has a primary western frontage to Longueville Road and a secondary eastern frontage with vehicle access to Pottery Lane. The site has a fall in natural ground level of approximately 5.5m from Longueville Road (high point) to Pottery Lane (low-point).

The site contains a part 2 and part 3-storey mixed use commercial and residential building. The building includes a retail shop at ground floor at Longueville Road frontage, with a single 2 bedroom residential unit at the rear and at 1st floor above.

Existing building floor layout:

Lower Ground Floor: Carparking accessed from Pottery Lane stairs to ground floor.

Ground Floor: Longueville Road frontage - retail shop 'Gazman' Men's clothing including back of house storage, and accessible bathroom, fire separated residential unit at rear with stairs, ensuite bathroom, bedroom and rear balcony.

First Floor: Residential unit accessed from GF residential component, with bedroom, ensuite, laundry, home office, open plan kitchen/living and dining and rear balcony onto Pottery Lane.

Neighbouring buildings comprise of other mixed-use buildings with retail uses at ground floor of the Longueville Road frontage. Buildings are 2 - 3 storeys at the Longueville Road frontage and generally 3 - 5 storeys at the Pottery Lane frontage.

East of the site on the opposite side of Pottery Lane is a 3- storey residential flat building.

PREVIOUS APPROVALS/HISTORY

On 20 June 2012, consent was granted for the change of use the of ground floor retail tenancy (1/146 Longueville Road) and internal fit out for a menswear retail outlet and replacement of two signs (DA2012/82).



Figure 1: Location Plan.



Figure 2: Longueville Road frontage.



Figure 3: Pottery Lane frontage.



Figure 4: Site in context to neighbouring buildings fronting Pottery Lane.

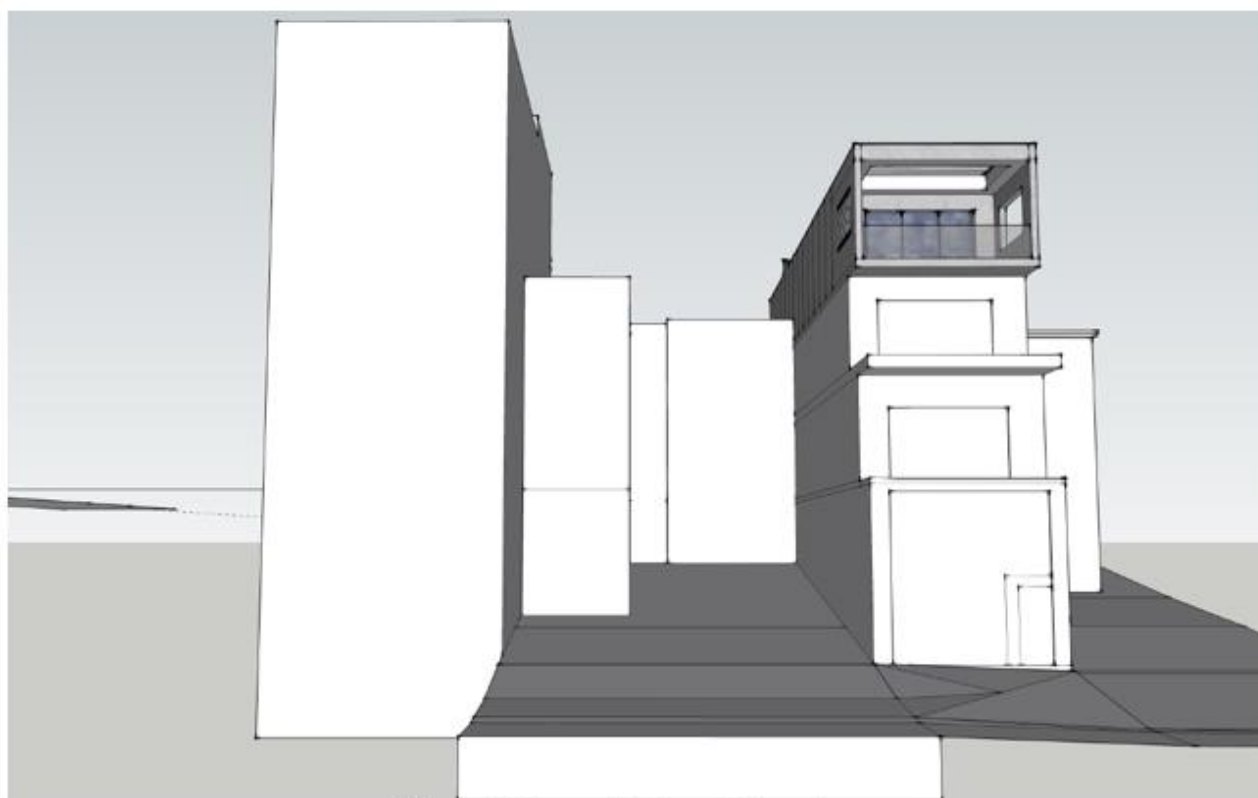


Figure 5: Perspective from Pottery Lane.

PROPOSAL

The application proposes alterations and additions to an existing part 2 and part 3-storey mixed use commercial and residential building. Works include:

- Additional upper level (level 3 at Longueville Road/Level 4 at Pottery Lane) to provide an additional bedroom, bathroom, sitting room and front and rear balcony's/terraces;
- Installation of passenger lift accessing residential levels (basement, first and second floors); and
- Additional spiral staircase from level 1 to level 2.

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: B2 Local Centre

Site Area:

210m²

LEP	Proposed	Complies
4.3 Height of Buildings		
J: 9.5m	15.05m max (variation of 58%)	No – see Clause 4.6 variation below
4.4 Floor Space Ratio (FSR)		
2:1 (420m ² FSR permitted)	1.85:1 (389.9m ² proposed)	Yes

Clause 2.2 - Zoning

Under Lane Cove LEP 2009, the property is zoned B2 Local Centre, and the proposed development for 'shop-top housing' would be permissible under the LEP.

Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a Development Application in respect of land within the zone. The objectives for the B2 Local Centre zone are as follows:-

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that this centre functions as a Town Centre in the hierarchy of Inner North Sub-region retailing.*
- *To permit development for the purposes of offices, community and other facilities.*
- *To encourage urban design maximising attractive public domain and adequate circulation space throughout the Lane Cove town centre for current and future users.*
- *To ensure that landscaping is a significant element in public and private development viewed from the public domain.*

The proposed is consistent with the zone objectives and would be acceptable with following aims of the LEP:

The application proposes to add additional gross floor area to the existing shop-top housing. The proposal adds to the existing residential use permitted within the zone. The central location would ensure future residents would walk to nearby facilities including shops, parks and other recreation facilities.

The site is almost 100% hard paved. The only exception is an area of approximately 1.6sqm of soft landscaping adjacent to the driveway at Pottery Lane. The front setback of the proposed upper floor addition includes approximately 13.6 sqm of soft landscaping (planter bed). This proposal would result in landscaping becoming a more significant element of the private development.

Clause 4.3 Height of Buildings

Building height is defined in the LCLEP2009 as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Clause 4.3(2) of LCLEP 2009 states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. In this instance, the Height of Buildings Map identifies a maximum height of 9.5m for any building on the subject site. The maximum height of the development is 15.05m (variation of 58.42%). Refer to **attachment (AT1)** to view the applicant's written Clause 4.6 justification. The proposal has been assessed with respect to Clause 4.6 as follows:

Clause 4.6 – Exceptions to Development Standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(1) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(2) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(3) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

The following justification for the variation to height:

The variation to height is partially caused by the change in levels across the site. The proposed development seeks to increase one level to the existing residential premises (shop-top housing). The proposed works seek to assist in providing additional residential floor space to a growing area and within a highly accessible location. The proposal would not have adverse shadow impacts on 148, 150 or 152-154 Longueville Road. Sunlight to the public domain Longueville Road and Pottery Lane is maintained.

The setback to the rear exceeds the minimum requirements and the proposal relates to the slope of the land. The proposal represents a better outcome than a strictly complying envelope and has no significant adverse impacts due to additional setbacks provided for from Pottery Lane.

The additional residential floor space would allow a diversity of shop top residential accommodation within the surrounding Lane Cove commercial area. The site is serviced by a good network of public transport and pedestrian infrastructure thereby encouraging the use of active modes of transport to access the site.

The proposal integrates within the surrounding context and amenity of the adjoining/surrounding sites whilst accommodating additional capacity which is permissible on the subject site. The proposed building height departure would have no undue impact on the streetscape or surrounding properties and is consistent with the desired character of the locality. The proposal is compatible with surrounding developments in terms of visual appearance, scale and design. The proposed

development complies with the current FSR development standard of the LEP. The proposal would support the productive economic use of the subject site.

Comment: The design approach adopted by the applicant and the justification/s provided are supported. The Clause 4.6 request addresses the relevant issue and provides evidence how the breach would result in a better planning outcome. The additional level would not be visible from the Longueville Road frontage from street level as it would be setback approximately 9.2m from the front boundary and behind the front parapet wall. Pottery Lane is characterised by buildings up to 5-storeys in appearance. The proposal would read as 4-storeys from Pottery Lane and would be significantly smaller than the approved 5-storey building at No # 152 - 154 Longueville Road and the 4 -storey building at No # 1 Central Avenue which are within the same visual catchment of the site.

Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The applicant relies in part upon building heights approved on adjoining and surrounding properties along Pottery Lane. The proposal would result in a gross floor area (GFA) significantly below the maximum FSR permitted for the site. The applicant also relies on the topographical characteristics of the site and that the proposal would not be readily discernible in the context of existing developments in the village or its desired future character. These references are sound justifications to vary the development standard in this instance.

Objectives of the particular standard

The objectives of Clause 4.3 Height of Building are as follows:

- (a) to ensure development allows for reasonable solar access to existing buildings and public areas.*

The proposal would increase shadows onto the upper floor northern facing window of the studio apartment at 150 Longueville Road. However, the majority portion of this window receives solar access between 9.00am and 1.00pm during mid-winter and complies. This room also receives secondary solar access from another window facing the east (rear) elevation.

- (b) to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable.*

The proposed upper level front roof terrace would include a planter box along its northern perimeter and would be mainly orientated toward Longueville Road. The rear balcony would include full height walls at the northern and southern ends which would prevent views to and from neighbouring properties. The visual impact of the proposed development would be consistent with neighbouring developments on Pottery Lane and would not be visible from Longueville Road. The proposal would be in keeping with the character of the streetscape.

- (c) to seek alternative design solutions in order to maximise the potential sunlight for the public domain.*

The proposal would result in a minor increase of shadows onto the vehicle carriageway of Longueville Road at 9.00am and 10.00am. The shadows are minor and are considered negligible. Beyond this, sunlight to the public domain of Longueville Road and Pottery Lane is maintained

- (d) to relate development to topography.*

The site has a considerable slope toward Pottery Lane. The proposed upper level addition has been setback from a minimum of 9m from both Longueville Road and the Pottery Lane frontages. Therefore, the massing is orientated towards the middle of the building and is consistent with other buildings in proximity to the site. The street facade, wall height and scale of the existing development when viewed from Longueville Road would remain unchanged. The proposal would relate to the existing topography of the site and meets this objective of the height standard.

Clause 4.6(3)(b) Are there sufficient environmental planning grounds to justify contravening the development standard?

The applicant states the below environmental planning grounds to justify the variation to the height control.

- *A Shop Top Housing development is a permissible use of the subject site under the B2 Local Centre Zoning.*
- *The proposal will not alter the quantum of residential housing on the site, but will improve the internal amenity for the occupants, and provides increased housing choice. This is consistent with the relevant objectives of the B2 Local Centre Zone.*
- *The existing building exceeds the building height control.*
- *The site is located immediately adjacent to and located with the same visual catchment of 154 Longueville Road and 1 Central Avenue which already exceed the building height control.*
- *Council has a well-established and consistent approach to consenting to higher building form exceeding the building height control along Longueville Road. Council has consented to a similar building height and scale at 126 and 128 Longueville Road, with a similar variation request containing similar recent clause 4.6 variation requests.*
- *The form, scale and orientation of the existing apartment complex when viewed Longueville Road is unchanged.*
- *The variation will provide a positive public benefit in providing an urban form that is consistent and complementary to the rear urban form that matches up with the height of 154 Longueville Road. This improves the public amenity and appearance of the Lane Cove Town Centre's rear lanes', as outlined in Part D.3 of Lane Cove DCP.*
- *Compliance with the control will result in an unreasonable and unnecessary restriction that would prevent the orderly and economic development of the site with the Lane Cove Town Centre.*
- *The proposal complies with the Floor Space Ratio density control for the site.*
- *The proposed variation does not result in any adverse impacts in regard to overshadowing impacts upon the public domain or adjoining residential properties.*
- *The proposed variation does not result in any adverse impacts in regard to visual privacy impacts.*

Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

The proposal is consistent with the objectives of Clause 4.3 Height of Building and the relevant zone objectives.

Is the exception well founded?

Yes. The proposed development would comply with the zoning and height objectives. It is considered that a better planning outcome has been achieved and the proposed variation to height seeks to fully maximise the full development potential of the proposal. The proposal as submitted would not be visible from the primary street frontage of Longueville Road. The scale and form is

consistent with the neighbouring buildings of the secondary street frontage of Pottery Lane. The upper level addition would have negligible impacts on the streetscape. The upper level addition uses high quality finishes which are complimentary to the existing building. The existing building has two (2) basement cars spaces allocated to the residential unit. The proposed expansion from a 2-bedroom to 3-bedroom unit would not require any additional car spaces to comply. The proposal would have no adverse privacy or shadow impacts to neighbouring properties or the public domain.

Clause 4.4 (2) – Floor space ratio

This clause prescribes a maximum floor space ratio (FSR) of 2:1. The subject site has a site area of 210m² allowing for a total floor area of 420m². The proposed FSR would be 1.85:1 where a total floor area of 389.9m² is proposed. The proposed development complies with the LEP FSR standard.

Lane Cove DCP 2010:

A full assessment of the proposal under Part B General Controls, Part D -Commercial Development Mixed Use, and Part R Traffic Transport and Parking in the Lane Cove DCP 2010 is illustrated in the following compliance table.

Part B -General Controls

DCP Controls		
B3 Site Amalgamation	Not applicable in B2 zone.	N/A
B4 View sharing	The upper level addition would not result in any view loss. No water of civic views across subject site.	Yes
B.8 Safety and Security	The upper level with front and rear balconies which provide additional passive surveillance to Lane Cove Town Centre.	Yes

Part D – Commercial Development and Mixed Use

DCP Control	Proposed	Complies
D.1 General Provisions		
1.1 Building Form		
1.1.1 Building to Street Frontages		
a) For developments within zones B1, B2 and B4 (and see Section 1.1.6 below)-		
I. New buildings are to have street frontages built predominantly to the street alignment	N/A Not a new building.	N/A
II. Street setback of maximum 2.0m is permitted for suitable use such as outdoor seating for a cafe.	No changes to ground floor or 1 st floor setbacks. Upper level to be setback approx. 9m from Longville Road frontage.	NA
1.1.2 Street Frontage Heights		

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
Refer to controls for specific zones and localities:	There are no specific storey controls for the site in the locality controls. The DCP does not specify number of storeys.	NA
B2: No Specific Controls under DCP Max. Building Height under LEP:9.5m Number of storeys not specified in the DCP.	The Longueville Road frontage would continue to be perceived as 2-storeys where adjoining properties are 2-storeys	Yes
Number of storeys not specified in the DCP.	The development from the rear would present as a 4-storeys even though the upper levels have been set back. Adjoining properties present as 4 and 5-storeys.	Yes
1.1.3 Street Frontage Activities		
a) Street and lane frontage uses should incorporate one, or a combination of, the following at street level:		
I. Entrances to residential and commercial occupying less than 50% of the street frontage	N/A	NA
II. Retail shop front, cafés or restaurants, if accompanied by an entry from the street	Existing.	N/A
III. Active office uses, such as reception, if visible from the street	Existing/provided to rear lane.	N/A
IV. Civic or community building if accompanied by an entry.	No civic or community buildings are proposed.	N/A
V. Allow for visual interest on the external face of fire escapes, service doors and equipment hatches.	N/A	N/A
b) Limit opaque or blank walls for ground floor uses to 20% of the street frontage.	No blank or opaque walls proposed along Longueville Road frontage.	N/A
c) Minimise the extent and visual impact of vehicle entrances and other entries not associated with active uses or building entries.	Existing vehicle driveway located in Pottery Lane. No change.	Yes
d) Provide enclosure on corner sites to define the corner.	Not applicable.	N/A

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
e) All street frontage windows at ground floor level are to have clear glazing.	Existing.	N/A
f) Security grilles are to be fitted only within the shop itself. Such grilles are to be transparent.	No grilles proposed on plans.	N/A
g) Provide multiple entrances for large developments including an entrance on each street	Not considered a large development.	N/A
1.1.4 Build Depth & Bulk		
a) For Commercial Developments in all the business zones:		
I. The maximum floor plate area of any commercial building is to be 2,000m ² subject to other requirements in this DCP.	No change to existing commercial floorplate.	Yes
II. Buildings with large floor plates must be expressed as separate building elements of not more than 1,000 m ² .	Not applicable.	N/A
III. The horizontal dimensions of any single building facade must not exceed 50 metres.	Upper level has maximum depth of 19.6m.	Yes
IV. All points on an office floor should be no more than 10m from a source of daylight (eg. window, atrium, or light wells). The depth for office floors with openings on one side should be a maximum of 10m. The depth for office floors with openings on two opposite sides should be a maximum of 20m.	No change.	Yes
V. Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack effect ventilation.	Satisfactory.	Yes
b) For Mixed Use Developments:		
I. The maximum horizontal dimension of the residential component parallel to the street frontage is to be 40m.	N/A	N/A
1.1.5 Building separation		
The separation distance between	Development contains one building	N/A

DCP Control	Proposed	Complies
buildings on the same site is not to be less than the setback to buildings in adjoining sites in the same business zonings. Refer to 'Setbacks' for different business zonings.	only.	
1.1.6 Setbacks		
Front/Street Setbacks are to comply with the following Table:		
Zone B2 1-2 storey - nil or 3m maximum on ground floor for suitable use such as outdoor cafe seating. 3 storey – Nil	Existing nil setback provided to Longueville Road frontage. No works to ground floor street frontage proposed.	N/A
Side setbacks in all Business Zones except special areas are to comply with the following Table:		
Single storey: nil 2 storey: nil for commercial use & 3m for residential use & shop top housing 3+ storey: 6m	Minimum 9.2 m setback proposed from Longueville Road proposed upper floor.	Yes
Rear setback – refer to Lane Way Setbacks.		
Lane way setbacks are to comply with the following Table:		
Single storey: 3m (to allow colonnades & landscaping)	Existing.	N/A
2 storey: Nil (commercial use) & 3m (residential use/shop top housing)	Existing.	N/A
3+ storey: 6m	Level 4: Proposed setback of upper floor would be 9m from Pottery Lane.	Yes
1.1.7 Building Design & Exteriors		
a) Floor to Ceiling height – See Diagrams 4 and 5 and for mixed use development see Part C 3.12 Ceiling Heights:	Minimum 2.7m provided for residential top floor	Yes
b) Materials, colours, finishes, proportion and scale of new development should add interest to façades and the streetscape.	Proposed upper level addition to be finished with concrete compressed wall cladding over tincell walls. The modern addition with complimentary materials which would provide visual contrast and interest to the original building. The addition will not be visible from the Longueville Road frontage due to setbacks.	Yes
c) Avoid large unbroken expanses of blank wall on any facade adjacent to the public domain.	Blank sections of wall on upper level not highly visible from public domain.	Yes
d) Provide flexible building layouts and floor to ceiling heights which allow variable tenancies or uses on the first floor of a building above the ground floor.	No changes to commercial floor proposed. Proposed lift will not access the commercial level only the basement	N/A

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
	below and residential floors above.	
e) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	The lift overrun would project a maximum of 75cm above the roof line. The lift would be centrally located within the site and a significant distance away from both street frontages. Although the slight projection, the lift is integrated with the architecture of the building.	Yes
f) Balconies and terraces should be provided, particularly where buildings overlook public open spaces. They should be avoided where they overlook the private open spaces and severely impact the privacy of the adjoining residential properties.	Balconies have been placed at the front and rear of the development with no overlooking to other private open space from Longueville Road or Pottery Lane.	Yes
g) Gardens on the top of setback areas of buildings are encouraged.	13.6 sqm of soft landscaping (planter bed) proposed on front terrace.	Yes
1.2 Excavation		
a) All development is to relate to the existing topography of the land at the time of the adoption of this DCP.	A maximum excavation of approximately 150mm is proposed for the lift shaft at lower ground level.	Yes
b) Excavation for major development is to be contained within the footprint of the development.	N/A	N/A
c) For development within Centres, Council may consider full site coverage for underground excavation and podium footprints where it is demonstrated that mature landscaping, landscaped area and rainwater retention is able to be provided as roof terraces on podium structures.	N/A	N/A
d) Uses at ground level are to respond to the slope of the street by stepping frontages and entries to follow the slope.	Ground level uses are existing.	Yes
1.3 Design and Location of On-Site Parking		
a) Parking of vehicles is prohibited in setback areas	Existing car parking spaces provided in basement level.	N/A
b) All developments must incorporate the required car parking on-site.	The DA would expand the existing 2-bedroom unit to a 3-bedroom unit. Two (2) existing car parking spaces have been provided at lower ground level further under Part R –Traffic, Transport and Parking.	Yes
c) All on-site parking, loading facilities and vehicle access points must be:		
I. accessed from a rear lane wherever	Existing vehicular access via Pottery	Yes

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
available	Lane.	
II. fully concealed from view from any public street or arcade	Lower Ground parking and existing at grade parking containing 2 space arrangement is proposed to be maintained.	Yes
III. accessible from only one opening in the rear lane facade for both on-site parking and loading. Access openings are to be fitted with a garage door or roller shutter.	There is over 31sqm of area (3.3m wide x 9.2m length) at lower ground level that can accommodate loading/short term parking for commercial tenant.	Yes
d) For developments with a rear lane façade width less than 12.0m this opening must not be wider than 3.0m	Proposal relates to upper level addition only.	N/A
e) For developments with a rear lane façade width equal to or greater than 12.0m this opening must not be wider than 6.0m.	N/A	N/A
f) Vehicle entry should be: I. easily accessible and recognisable to motorists II. located to minimise traffic hazards and queuing of vehicles on public roads III. located to minimise the loss of on street car parking, and to minimise the number of access points. IV. Located away from main pedestrian entries and on secondary frontages. V. Located having regard to any approved cycling routes.	Existing vehicular access provided from Pottery Lane. No adverse traffic impacts. No loss of existing spaces and only one access point provided. Adjacent to pedestrian entry and on Pottery Lane which is a secondary frontage. No adverse impacts on cycling routes.	Yes
g) Avoid black holes in the facade for major development by providing security doors to car park entries	N/A	N/A
h) Return the facade material into the car park entry recess up to the extent visible from the street.	N/A	N/A
i) Parking and service/delivery areas are to be located underground within building footprint or screened from adjacent residential uses or the public domain by sleeving with active uses.	Existing parking and loading area located at lower ground level	Yes
j) Parking and service/delivery areas are to be located to minimise conflict between pedestrians/cyclists and vehicles and to minimise impact on residential amenity.	Existing parking and loading area located at lower ground level	Yes
k) Extensive areas of blank walls are	Avoided from visible locations.	Yes

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
to be avoided	Concrete compressed walls are divided into 1.4m wide panels which adds articulation.	
l) Vehicular access is not permitted along the boundary adjacent to residential zone unless there is no other practical solution.	Existing.	N/A
m) Residential and non-residential car parking spaces are to be physically separated.	N/A	N/A
n) For residential flat buildings, generally limit the width of driveways to a maximum of 6.0m.	N/A	N/A
o) Integrate ventilation grills or screening devices of carpark openings into the facade design and landscape design.	N/A	N/A
p) Provide safe and secure access for building users, including direct access to residential apartments, where possible.	N/A	N/A
q) Basement car parking is to be: I. adequately ventilated II. predominantly located within the building footprint III. located fully below natural ground level. Where slope conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1.2m but not to the street front.	N/A	N/A
1.4.1 Commercial in all areas other than St. Leonards Centre		
a) Except in the case of Shop Top Housing car parking, a cash contribution may be made to Council in lieu of required parking not provided on-site. The car parking contribution rate is listed in the Section 94 Contributions Plan (1999).	Contributions are not applicable. No additional dwellings are proposed. The proposal is expanding the existing dwelling from 2 bedrooms to 3 bedrooms.	N/A
b) For Lane Cove Village Centre see Section D3 – 3.8	Contributions are not applicable. No additional dwellings are proposed. The proposal is expanding the existing dwelling from 2 bedrooms to 3 bedrooms.	N/A
1.5 Awnings		
a) Continuous street frontage awnings are to be provided for all new developments on main streets or major retail streets in centres except where colonnades are required.	No change to existing arrangement.	N/A
b) Awning design must be coordinated with building facades	N/A	N/A

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
and be complementary in alignment and depth to the adjoining buildings and its awnings.		
c) Where a building is sited on a street corner, wrap awnings are to be provided around corners for a minimum of 6.0 metres unless there is continuity in active uses and in such case they should be continued.	Not applicable.	N/A
d) Awnings should generally be: I. Minimum soffit height of 3.3 metres. II. Low profile, with slim vertical fascia or eaves (generally not to exceed 300 mm height) III. Setback a minimum of 60nil m from the kerb. IV. Located and designed to ensure no conflict with street trees	N/A	N/A
e) Awnings are to allow for street trees or poles via innovative solutions, which may include cut outs.	Not applicable.	N/A
f) To control sun access/protection, canvas blinds along the street edge may be permitted, subject to design merit and assessment.	Not proposed.	N/A
g) Under awning recessed lighting is to be provided to facilitate night use and public safety.	No change	N/A
1.6 Reflectivity		
a) Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	N/A upper level addition only. Not a new building.	N/A
b) Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians, cyclists or motorists may be required.	Not required.	N/A
1.7 External lighting of buildings		
a) Any external lighting of buildings is to be considered with regard to: I. the integration of external light fixtures with the architecture of the building (for example, highlighting external features of the building)	No external building lighting proposed.	N/A

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
II. the contribution of the visual effects of external lighting to the character of the building, surrounds and skyline III. the energy efficiency of the external lighting system IV. the amenity of residents in the locality.		
b) Floodlights for buildings are prohibited.	Not proposed.	N/A
1.8 Landscaping		
a) Locate basement car parking predominately under the building footprint to maximize opportunities for landscaped area.	Existing Lower ground car parking	N/A
b) Deep soil zones in atria, courtyards and boundary setbacks are encouraged.	No change to existing building footprint and built site coverage on site	N/A - however the front setback of the proposed upper floor addition includes approximately 13.6 sqm of soft landscaping (planter bed).
1.9 Planting on Structures		
a) Areas with planting on structures should be irrigated with recycled water and appropriate drainage provided.	A 13.6 sqm planter box is proposed in the front balcony. Draft condition has been recommended requiring a minimum soil depth of 500mm to accommodate shrubs and a fully automated drip irrigation system is to be designed and installed by a suitably qualified irrigation company	Yes
b) Provide sufficient soil depth and area to allow for plant establishment and growth. The recommendations are: I. Large trees (canopy diameter of up to 16m at maturity) i. minimum soil volume 150m ³ ii. minimum soil depth 1.3m iii. minimum soil area 10m x 10m area or equivalent II. Medium trees (8m canopy diameter at maturity) i. minimum soil volume 35 m ³ ii. minimum soil depth 1m iii. approximate soil area 6m x 6m	The roof top planter boxes have a appear to have maximum depth of approximately 500mm according to the section plan. The largest vegetation that could be adequately accommodated would be shrubs.	Yes

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
or equivalent III. Small trees (4m canopy diameter at maturity) i. minimum soil volume 9m ³ ii. minimum soil depth 800mm iii. approximate soil area 3.5m x 3.5m or equivalent IV. Shrubs i. minimum soil depths 500-600mm V. Ground cover i. minimum soil depths 300-450mm VI. Turf i. minimum soil depths 100-300mm.		
1.10 Solar Access These provisions apply to proposed developments and any residential development beyond the site.		
a) Commercial and mixed-use developments are not to reduce sunlight to dwellings in the adjacent or same zone below a minimum of 3 hours of sunlight on a portion of the windows of the habitable rooms between 9am and 3pm on 21 June.	Solar access to adjacent dwellings at the adjoining residential flat building development receives minimum 3 hours of sunlight.	Yes
b) Where adjacent dwellings and their open space already receive less than the standard hours of sun, new development should seek to maintain this solar access where practicable.	Not applicable.	N/A
e) Council may accept a reduction in solar access for the subject site and adjacent development if the topography and lot orientation (as distinct from a preferred design) are such that the standard is considered unreasonable.	Not applicable.	N/A
1.11 Access and Mobility		
a) Any new development must comply with Australian Standards AS 1428 Design for Access and Mobility, AS 4299 Adaptable Housing, AS 2890 Parking Facilities and AS 1735 Lifts, Escalators and Moving Walks and with the Part F of this DCP – Access and Mobility.	Proposal is for alterations and additions however a lift has been provided.	Yes
1.12 Toilet Facilities		
a) Accessible and well sign-posted toilet facilities complying with AS 1428 shall be provided in all developments containing 10 or more shops or more than 500m ² of	Works relate to upper level addition to the private residential component only.	N/A

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
retail floor space. These facilities shall have the same minimum opening and closing hours specified for arcades.		
1.13 Signage		
a) All signage shall comply with the Part N of this DCP – Signage and Advertising.	No signage has been proposed for the development.	N/A
Part D.3 Development within Lane cove Village Centre – (B2) Local Centre and Surrounds		
3.2 Lanes: Active frontages encouraged		
Activation not achieved under the proposal		
3.3 Arcades, Thru Links/Midblock connections encouraged		
Existing connections maintained however is not direct, narrow and concealed		
3.4 Principal Retail Street		
a) The only permissible uses facing a principal retail street at street level shall be: I. shopfront retailing of goods and services; II. arcades and III. entrances to uses located elsewhere in the building and fire exits. The aggregate width of such entrances and exits shall not exceed 1m for lots with a principal retail street frontage of 1 nil or less; or 2m for lots with a principal retail street frontage greater than 10m	The use facing Longueville Road is retail and has an existing pedestrian entrance.	Yes
b) Longueville Road and Lane Cove Plaza: I. A new building façade to a principal retail street in the vicinity of heritage shopfronts should be broken up by vertical elements into units of 4m to 6m width, reflecting the Centre’s traditional small shop street frontages and providing interest to the streetscape at pedestrian level. II. A minimum of 80 percent of that portion of the principal retail street facade of a new development up to a height of 2.7m which is allocated to retail use shall be transparent.	There are no heritage items in the vicinity of the proposed development. No change proposed to the retail façade.	N/A N/A
c) Ground floor shop fronts may incorporate security grills provided these ensure light falls onto the	Existing shop fronts to be maintained.	N/A

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

DCP Control	Proposed	Complies
footpath and that the interior of the shop is visible. Blank roller-shutter doors are not permitted.		
d) Vehicle access points will only be permitted on retail streets where there are no alternatives for access.	Existing rear vehicular access provided via Pottery Lane.	Yes
3.5 Facades		
a) Facades are to be articulated at the ground floor and above.	Upper level addition articulated through high quality finishes.	Yes
e) Facades where all solid elements are coplanar are not permitted. For the facade of a development facing Longueville Road: I. The average setback for facade articulation is to be a maximum of 0.5m either side of the front boundary alignment. II. Elements forward of the street alignment are to be restricted to balconies. III. Where the façade abuts an existing building on an adjoining site, it must be coplanar with the existing façade, unless the existing façade is set back more than 300mm from the street boundary.	N/A	N/A
3.6 Heritage: Not applicable		
3.8 Car Parking for Lane Cove Village Centre		
a) Except in the case of Shop Top Housing car parking, a cash contribution may be made to Council in lieu of required parking not provided on-site. The car parking contribution rate is listed in the Section 94 Contributions Plan (1999).	Contributions are not applicable. No additional dwellings are proposed. The proposal is expanding the existing shop-top housing from 2 bedrooms to 3 bedrooms.	N/A
b) Most land within Lane Cove Village Centre is subject to a special parking levy in addition to the normal rates charged by Council. The additional moneys generated in this manner are used to offset the costs of providing and maintaining Council car parks in the Centre area. Therefore, the provision of on-site parking or a contribution for car parking not provided on-site within the area subject to the special parking levy is only required for floor area in excess of that equivalent to a floor	See above	N/A

DCP Control	Proposed	Complies
space ratio of 1:1.		
Part C 3.12 Ceiling Heights		
a) In residential flat buildings, including residential apartments in mixed use buildings, the floor to ceiling height shall be: I. for non-habitable rooms, a preferred minimum of 2.4m, however a minimum of 2.25m will be permitted; II. for the upper level of a 2-storey apartment, a minimum of 2.4m provided at least 50% of the apartment has a minimum of 2.7m height; and III. for all single level apartments, a minimum of 2.7m.	Minimum 2.7m ceiling height provided for residential upper floor.	Yes

Part R – Traffic, Transport and Parking

Parking rates -Shop top housing		
1 space per dwelling	Two (2) existing car parking spaces have been provided at lower ground level. The proposal would expand the existing 2-bedroom unit to a 3-bedroom unit. The existing spaces already exceed the requirements. No additional spaces required. There is also an area within the lower ground carpark to accommodate loading for the retail shop.	Yes

REFERRALS

Development Engineer

No objections subject to recommended draft conditions.

Building Officer

The building has cross easements for support for the existing dividing party walls. The original proposal included loading on the existing party wall and therefore party wall consent is required to be obtained for DA application. After correspondence with Council's building surveyor a letter was submitted by an accredited structural engineer confirming

'The proposed second floor extension will not rely on the existing dividing party walls. All new live, dead and wind loads will be superimposed to the additional structural members in order to protect the dividing party walls and this will be incorporated in the new structural drawings'.

A condition is recommended to be included in the determination to comply with the structural engineer's letter. (Refer to draft condition 15).

No further objections subject to recommended draft conditions.

LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (Section 79C(1)(a))

The proposal is permissible, complies with the development standards for Floor Space Ratio and the clause 4.6 variation submitted to justify the exception with height standard is well founded and is considered acceptable.

OTHER PLANNING INSTRUMENTS

SEPP 55 Remediation of Land

The subject site and adjoining sites are zoned for residential purposes. Given the types of uses permissible within the residential zones, it is unlikely that the site would be contaminated.

APPLICABLE REGULATIONS

The Environmental Planning and Assessment Regulation 2000 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and therefore any consent will require the application of a relevant condition seeking compliance with the Standard.

RESPONSE TO NOTIFICATION (Section 79C(1)(d))

As a result of the notification period no submissions were received.

CONCLUSION

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The application complies with the Floor Space Ratio controls. The proposed exception to the Height control was supported by a written request under Clause 4.6 to vary the building height development standard as required in the Lane Cove Local Environmental Plan 2009. The clause 4.6 is well founded and supported in this instance. The proposal would comply with the Parts B, D and R in the Lane Cove Development Control Plan 2010. The proposal would result in a better planning outcome for the occupants without resulting in adverse impacts to neighbouring properties, the character of the locality, or the public domain.

On balance the proposed development would be reasonable and therefore is recommended for approval.

RECOMMENDATION

That:-

1. That the development be strictly in accordance with:

Drawing no:	Prepared by:	Dated:
Site Plan Ground Floor Plan 1.01 Rev A	Pavela Architects	Oct 2021
Basement Floor Plan 1.02	Pavela Architects	Oct 2021

Lane Cove Local Planning Panel Meeting 03 March 2022
146 LONGUEVILLE ROAD LANE COVE

Rev A		
First Floor Plan 1.03 Rev A	Pavela Architects	Oct 2021
Second Floor Plan 1.04 Rev A	Pavela Architects	Oct 2021
Roof Plan 1.05 Rev A	Pavela Architects	Oct 2021
Elevations (West and East) 2.01 Rev A	Pavela Architects	Oct 2021
Elevations (South) 2.02 Rev A	Pavela Architects	Oct 2021
Elevations (North) 2.03 Rev A	Pavela Architects	Oct 2021
Section 3.01 Rev A	Pavela Architects	Oct 2021
Proposed External Finishes Schedule	Pavela Architects	-

except as amended by the following conditions.

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

2. **A Traffic Management Plan:** A Traffic Management Plan (TMP) is to be submitted. The TMP is required to address the impact of traffic/parking from the demolition and the construction phase of the project. The plan is to be submitted in accordance with Council's commitment to reducing traffic/parking impacts on the surrounding residential and commercial area. This is to be submitted prior to construction being carried out.

Reason: To ensure reasonable amenity is maintained to the neighbouring properties and to the current workers on the subject site.

3. The submission of a Construction Certificate and its issue by Council or Principal Certifier PRIOR TO CONSTRUCTION WORK commencing.

Reason: To ensure the detailed construction plans and specifications comply with the requirements of the Building Code of Australia (BCA) and any relevant Australian Standard.

4. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.

Reason: To protect the environment.

Building Conditions

5. No external combustible cladding is permitted on the building.

Reason: Safety and amenity.

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

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of 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 longservice levy is paid.

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

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

Prior to any demolition works and before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones

- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2010 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's *Interim Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.

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

Council Approvals

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.

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

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 and approved by the certifier:

- a) Council's Development Control Plan (Part Q: Waste Management and Minimisation).
- b) 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) a letter of consent from the electrical service provider demonstrating that satisfactory arrangements can be made for the installation and supply of

electricity.

- b) a response from the water authority as to whether the plans proposed to accompany the application for a construction certificate would affect any infrastructure, and whether further requirements need to be met.
- c) 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.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.

14. 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.

- 15.** As per the letter prepared by N. Koloff & Associates and dated 20/12/2021 the proposed second floor extension will not rely on the existing dividing party walls.

Reason: Structural safety and amenity.

16. D.3 - Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

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

17. D.4 - Compliance with Home Building Act (if applicable)

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

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

18. E.1 - Hours of work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm

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	8.00am 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 ~~and~~ is not carried out on Sundays and public holidays, except where there is an emergency.

Reason: To protect the amenity of the surrounding area.

19. E.2 - Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: Prescribed condition - EP&A Regulation clause 98(1)(a)

20. E.3 - Procedure for critical stage inspections

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

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

21. E.6 - Surveys by a registered surveyor

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

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

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

22. **E.10 - Shoring and adequacy of adjoining property (if applicable)**

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

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

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

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

23. **E.18.B - No obstruction of public way**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

Reason: To ensure public safety.

24. **E.19.B - Encroachments**

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

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

25. **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.

26. **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.

General Engineering Conditions

27. **(A1) Design and Construction Standards:** All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.

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

28. **(A2) Materials on Roads and Footpaths:** Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED. 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. Separate approval must be obtained from Council's Works and Urban Services Department PRIOR TO THE PLACEMENT of any building waste container ("Skip") in a public place.

Reason: To ensure public safety and amenity

29. 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. The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.

Reason: To protect the environment and public amenity.

30. **(A3) 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

31. **(A4) 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

32. **(A5) 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

33. **(A6) 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

34. **(A7) 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

35. **(A8) Council Drainage Infrastructure:** 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 pipe lines without Council's approval.

Reason: To protect public infrastructure

36. **(A9) 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

Engineering conditions to be complied with prior to Construction Certificate

37. **(B1) Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$3000 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

38. **(D5) 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

39. **(S2) Stormwater Requirement:** The stormwater runoff from the new and altered impervious areas within the development shall be connected to the existing drainage system in accordance with the requirements of Part O of Council's DCP-Stormwater Management.

The existing stormwater system is to be certified that it is in good working order and meets the requirements set out in Part O of Council's DCP-Stormwater Management. The certification is to be carried out by a fully licensed and insured plumber or a suitably

qualified engineer **prior to the issue of the Construction Certificate.**

Where an existing element does not comply with current standards the subject element is to be replaced. A drainage design is required detailing the proposed stormwater replacement works. The stormwater drainage plan is to be prepared and certified by a suitably qualified engineer and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The design is to be certified that it fully complies with, AS-3500 and Part O of Council's DCP-Stormwater Management.

Reason: To ensure existing and proposed stormwater system comply with Council's requirements

Engineering condition to be complied with prior to commencement of construction

40. **(C2) Erosion and Sediment Control:** The applicant shall install appropriate sediment control devices **prior to the start of any works on the site.** The devices shall be maintained during the construction period and replaced when necessary.

Reason: To ensure worksite pollutions are controlled accordingly to protect the Environment

41. **(D7) 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

Engineering condition to be complied with prior to Occupation Certificate

42. **(M2) Certificate of Satisfactory Completion:** Certificates from a registered and licensed Plumber or a suitably qualified Engineer must be obtained for the following matters. The plumber or engineer is to provide a copy of their registration papers with the certificate. The relevant Certificates are to be submitted to the Principal Certifying Authority **prior to issue of any Occupation Certificate.**

- Confirming that the site drainage system has been constructed in accordance with the relevant Australian Standards and Council's DCP-Stormwater Management.

Reason: To ensure stormwater infrastructure is in accordance with Australian Standards and Council's requirements.

Landscaping Conditions

43. **Rooftop planting on structure; irrigation:**

To assist with the growing environment of the rooftop planter boxes, a fully automated drip irrigation system is to be designed and installed by a suitably qualified irrigation company that meets the relevant Australian Standards. The system is to be tested and approved by Council prior to issue of the Occupation Certificate.

Reason: Ensure the health of landscaping.

44. **Rooftop planting on structure:**

The rooftop planter box planting scheme shall include minimum soil depths of 500mm to

accommodate plant sizes (shrubs) capable of providing sufficient amenity to the users of the rooftop garden within 24 months of their installation.

Reason: Ensure the health of landscaping.

Rajiv Shankar
Manager - Development Assessment
Environmental Services Division

ATTACHMENTS:

There are no supporting documents for this report.

Lane Cove Local Planning Panel Meeting 03 March 2022
9 UPPER CLIFF ROAD, NORTHWOOD.

Subject: 9 Upper Cliff Road, Northwood.
Record No: DA21/184-01 - 8748/22
Division: Environmental Services Division
Author(s): Andrew Bland

Property:	9 Upper Cliff Road, Northwood.
DA No:	DA184/2021
Date Lodged:	7/12/2021
Cost of Work:	\$400,000
Owner:	Robert Zaarour
Applicant:	Chris Kwan

Description of the proposal to appear on determination	Alterations and additions including the erection of a first floor.
Zone	R2 Low Density Residential
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Is the property adjacent to bushland	No
BCA Classification	Class 1a
Stop the Clock used	No
Notification	Notified in accordance with Council policy and two submission were received.

EXECUTIVE SUMMARY

- Council received the proposal for a first-floor addition and alterations to a carport roof.
- The reason for submitting it to the Lane Cove Planning Panel is due to the contentious nature of the significant views being lost.
- All other structures including the pool, ground floor and carport have been approved under CDC.
- The initial design was fully compliant with Council's DCP other than a 7.394m wall height along the first floor ensuite.
- The proposal raised view loss concerns from the property across the road at 12 Upper Cliff Road, Northwood.
- The Council received amended plans in relation to these concerns on the 2 February 2022 with the following changes;
 1. The roof pitch, floor thickness and ground floor ceiling were all reduced to achieve an overall reduction in building height of 280mm.
 2. The roof over the First floor Ensuite was changed from a gable roof to a hip roof.
- Council used the tenacity principle to assess the view loss and concluded that although the views are considered significant, the design is reasonable and further amendments would have negligible benefits on the views.
- Therefore, DA184/2021 at 9 Upper Cliff Road, Northwood, has been recommended for Approval.

Lane Cove Local Planning Panel Meeting 03 March 2022
9 UPPER CLIFF ROAD, NORTHWOOD.

SITE

Property	Lot. 1 DP. 6768
Area	921.6sqm
Site location	The site is located on the southern side of Upper Cliff Road.
Existing improvements	A single storey dwelling house with an integrated double carport.
Shape	Irregular – 5 boundaries
Dimensions	Frontage (north) - 21.635m, side (east) - 45.72m, rear (south) – 16.96m, side (southeast) 11.93m and side (western) 34.195m
Adjoining properties	Adjoining properties consist of one and two storey dwelling houses.

PREVIOUS APPROVALS/HISTORY

No previous DA history.

PROPOSAL

The proposal seeks approval for the following works:

First floor:

- Addition of a first floor incorporating a master bedroom with a WIR, a balcony, 2 bedrooms with an ensuite, a central bathroom and a living room.

Roof:

- The proposed roof would be a pitch roof of 20 degrees.
- The carport roof is to be replaced with a pitched roof.

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: R2 Low Density

Site Area: 921.6m²

	Proposed	Control	Complies
Floor Space Ratio	0.36.7:1	0.5:1	Yes
Height of Buildings	9.22m	9.5m	Yes

Comprehensive DCP

	Proposed	Control	Complies
Front setback (min)	Existing front setback maintained.	Consistent with area or 7.5m	Yes
Side setback (min)	First floor addition Eastern side – 2.6m Western side – 4m New roof over carport – maintains existing.	1200mm single storey 1500mm two storey	Yes Yes
Rear setback (min)	17.067m	<1000m ² : 8m or 25% 25% = 11.43m	Yes

	Proposed	Control	Complies
Wall Height (max) (max parapet of 600mm)	7.223m	7.0m	No, variation proposed.
Maximum Ridge height	9.22m	9.5m	Yes
Subfloor height (max)	No changes.	1.5m	N/A
Number of Storeys (max)	2	2	Yes
Landscaped area (min) (Minimum width of 1m required to be included in area)	No changes proposed.	35%	N/A
Cut and Fill (max)	No cut and fill proposed.	1m	N/A
Solar Access	Solar access provisions met due to the orientation of the lot.	3 hrs to north-facing windows	Yes
Provide for view sharing	Provided.		Yes
Heritage Conservation	The subject site is located 2 properties from item number 1310, known as Burdoo, 5 Upper Cliff Road. There would be no significant impacts on the heritage value of the property.		Yes
Deck/Balcony depth (max)	3m balcony proposed off the first floor master bedroom.	3m	Yes
Private open space	Provided.	24 m ² (min) 4m minimum depth	Yes
Basix Certificate	Certificate number A441933	Required	Yes

Car Parking and Carport roof

The replacement of the existing double carport roof to match the proposed dwelling house roof.

No other changes proposed.

Private Swimming Pools

Proposed under CDC.

B.4 View Sharing Lane Cove DCP 2010 and the Tenacity Principle

The sharing of all views is part of the character of the Lane Cove area and should be maintained where possible subject to how the view is obtained and whether the maintenance of such a view creates an unreasonable impost on adjoining land owners. Views that are gained across other privately-owned land are not “as of right”, as some may depend on the property that is overlooked maintaining a lower scale that is achievable under the LEP.

The neighbours diagonally across the road at 12 Upper Cliff Road currently enjoy southern views from the front of the dwelling house towards the City skyline and Darling Harbour. The views are enjoyed from the first-floor secondary living room / balcony, the master bedroom and another bedroom.

The relevant objective of the B.4 View sharing section of the Lane Cove Council DCP 2010 in this instance is “b) To minimise the impact of new development on existing public and private views and vistas.” Provision h), I) and J) have the same principles as the view sharing test implemented by the Land and Environment Court. The Tenacity principle is a 4-step assessment used to assess view loss and is as follows.

For the purpose of this assessment the Council obtained a photo of the views on the 18 February 2022 with height poles erected to indicate the proposed addition.



Figure 1: View obtained from the living room of 12 Upper Cliff Road. Source: Town planner site inspection.



Figure 2: View obtained from the master bedroom of 12 Upper Cliff Road. Source: Town planner site inspection.

Tenacity assessment of 12 Upper Cliff Road, Northwood.

Step 1. Assessing the types views to be affected. “Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.”

Livingroom / balcony: The subject views include **a view of the city skyline, with the iconic Centre Point Tower being partially visible and a small portion water views (darling harbour)**, as seen in the Figure 1.

Master bedroom: The subject views include **a partial view of the city skyline (disrupted by a tree), with the iconic Centre Point Tower being partially visible from either end of the bedroom balcony and a small portion water views (darling harbour)**, as seen in the Figure 2.

Step 2. Considering what part of the property the views are obtained. “The protection of views across side boundaries is more difficult than the protection of views from the front and rear

boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”

Livingroom / balcony / master bedroom: The views of concern are **obtained from a standing position over the front boundary** from the first level.

Step 3. Assessing the extent of the impact. “This should be done for the whole of the property, not just the view that is affected. Views from living rooms are more valuable than bedrooms.”

Livingroom / balcony / master bedroom: The property would lose **the small portion of partial water views, a majority of the partial view of the city skyline and a majority of the partial view of Centre Point Tower from the small first floor living room (secondary living room in the house) and the master bedroom. As seen in figure 1 and figure 2.**

Step 4. Assessing the reasonableness of the proposal. A proposal which is fully compliant is more reasonable than one which doesn’t comply, and, proposals which have been skillfully designed are considered more reasonable.

The only DCP non-compliant feature of the design is a 2m wide section of the master bedroom ensuite wall. See figure 3 below. The portion of the wall which is noncompliant would have negligible impacts on the subject views. The Applicant utilised a skillful design through the proposed low pitch roof structure and a change from gable to a hip roof. The design is considered reasonable.

The views are considered to be significant and a majority of the views would be lost as a result of the proposed development. It is unlikely that further amendments would make a measurable difference to the subject views. For these reasons, the proposal is considered acceptable when regarding view sharing.

REFERRALS

Development Engineer

No objections subject to recommended draft conditions.

LANE COVE LOCAL ENVIRONMENTAL PLAN 2009 (Section 4.15(1)(a))

The proposal is permissible, complies with the development standards for Floor Space Ratio and height and does not raise any issues in regard to the Lane Cove Local Environmental Plan 2009.

OTHER PLANNING INSTRUMENTS

SEPP 55 Remediation of Land


The subject site and adjoining sites are zoned for residential purposes. Given the types of uses permissible within the residential zones, it is unlikely that the site would be contaminated.

APPLICABLE REGULATIONS

The Environmental Planning and Assessment Regulation 2000 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and therefore any consent will require the application of a relevant condition seeking compliance with the Standard.

VARIATIONS TO COUNCIL'S CODES/POLICIES (SECTIONS 4.15(1)(a), (1)(b), and (1)(c))

The preceding policy assessment table identifies those controls that the proposal does not comply with. Each of the departures is discussed below.

Proposed	Control	Comment	Council support
7.223m wall height along the western façade.	7m max wall height	<p>Clause 1.71 (a) of Part C1 of the Lane Cove Development Control Plan 2010 states the following:</p> <p><i>a) The maximum wall height to the underside of eaves for any floor above ground level (existing) is 7.0m to minimise the bulk and massing.</i></p> <p>The proposed wall would be built 7.223m high along the western façade.</p>  <p>Figure 3: Western façade constructed 7.223m high. Yellow portion depicts noncompliance with 7m wall height control. Source: Amended DA plans.</p> <p>A variation in this instance is considered satisfactory for the following reasons:</p> <ul style="list-style-type: none"> - The wall would be setback at least 4.038m from the side boundary. This is considered a generous setback and provides high levels of sunlight, ventilation and view / vegetation 	Yes

		<ul style="list-style-type: none"> - corridors between the adjoining properties, - The large undercroft area of the existing building which the proposed additional level would be built on addresses the significant slope in the site (7m front to rear), this results in a small portion of the wall in Figure 1 being noncompliant, - The proposed dwelling meets the 9.5 height control and is of similar bulk and scale to the surrounding properties 11 and 13 Upper Cliff Road, Northwood, - The elevations are well portioned and designed when viewed from the street as the proposed first floor utilizes the existing houses generous setbacks, - The solar access provisions have been met, - There would be no privacy issues as a result of the noncompliance, and, - The view loss impacts assessed in the B4 view sharing section have been minimised by a reduction in the overall height and a change in the roof design, which reasonably addresses these concerns. 	
--	--	--	--

RESPONSE TO NOTIFICATION (Section 4.15(1)(d))

The Council received 2 submissions in response to the development application. These matters raised in these submissions are discussed below.

1. Submission received from 12 Upper Cliff Road, Northwood, across the road from the subject site, located higher than the subject site.

Concern	Comment
Concerns with the overall height of the proposed development.	Plans provided clarified that the proposed development was within the 9.5m height requirement. Notwithstanding, the Applicant has reduced the height of the dwelling to 9.22m and the low roof pitch has been reduced further to 20 degrees.
Wall height noncompliance	Assessed in the noncompliance table. Variation considered reasonable and having minimal impacts.
Undercroft noncompliance	Considered to comply as it is existing and unchanged.
Design should step with the topography.	The proposed development is being built on top of an existing ground floor structure. It is considered unreasonable to step the design into the ground floor.
Concerned with the scale of the development in comparison to the street.	Maximum Height and FSR are the key measure of bulk and scale. The proposed dwelling meets the 9.5 height control and is well within the FSR controls. It is therefore considered to be of the typical bulk and scale of properties found throughout the Lane Cove Council. The proposed development is of similar bulk and scale to the

Lane Cove Local Planning Panel Meeting 03 March 2022
9 UPPER CLIFF ROAD, NORTHWOOD.

	surrounding properties 11, 13 and 14 Upper Cliff Road, Northwood
--	--

2. Submission received from 14 Upper Cliff Road, Northwood. Across the road from the subject site.

Concern	Comment
Concerns with bulk and scale, wall height.	<p>Maximum Height and FSR are the key measure of bulk and scale.</p> <p>The proposed dwelling meets the 9.5 height control and is well within the FSR controls. It is therefore considered to be of the typical bulk and scale of properties found throughout the Lane Cove Council.</p> <p>The proposed development is of similar bulk and scale to the surrounding properties 11 and 13 Upper Cliff Road, Northwood.</p>
Concerns with the overall height of the proposed development.	<p>Plans provided clarified that the proposed development was within the 9.5m height requirement.</p> <p>Notwithstanding, the Applicant has reduced the height of the dwelling to 9.22m and the low roof pitch has been reduced further to 20 degrees.</p>
View loss.	See tenacity section above.
Wall height noncompliance.	Assessed in the noncompliance table. Variation considered reasonable and having minimal impacts.

CONCLUSION

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The application meets with the Floor Space Ratio and Height controls as required in the Lane Cove Local Environmental Plan 2009 and generally meets with the Part C Residential Development Objectives in the Lane Cove Development Control Plan.

On balance the proposed development would be reasonable and therefore is recommended for approval.

RECOMMENDATION

General Conditions

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

- Development Application DA184/2021
- For the alterations and additions including the erection of a first floor.
- On (property address) 9 Upper Cliff Road, Northwood.

subject to the following conditions:

1. (20) That the development be strictly in accordance with:

- Drawing number/s A105, A106, A107, A108 and A110.
- Dated 02/02/2022
- By C K ARCHITECTS

except as amended by the following conditions.

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

2. (1) The submission of a Construction Certificate and its issue by Council or Principal Certifier PRIOR TO CONSTRUCTION WORK commencing.

Reason: Ensures the detailed construction plans and specifications comply with the requirements of the Building Code of Australia (BCA) and any relevant Australian Standard.

3. (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

Reason: Statutory requirement.

4. (11) The approved plans must be submitted to Sydney Water online approval portal “*Sydney Water Tap In*”, please refer to web site www.sydneywater.com.au. This is to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier prior to the issue of a Construction Certificate.

Reason: Statutory requirement.

5. (12) Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council or the Principal Certifier (PC) that they have complied with the applicable requirements of Part 6. **Council as the PC will not release the Construction Certificate until evidence of Home Owners Warranty Insurance or an owner builder permit is submitted.** THE ABOVE CONDITION DOES NOT APPLY TO COMMERCIAL/INDUSTRIAL CONSTRUCTION, OWNER BUILDER WORKS LESS THAN \$5000 OR CONSTRUCTION WORKS LESS THAN \$20,000.

Reason: Statutory requirement.

6. (17) An Occupation Certificate being obtained from the Principal Certifier before the occupation of the building.

Reason: To ensure all works have been completed in accordance with the development consent conditions, approved plans and the Building Code of Australia.

7. (36) 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 protect the environment and public amenity.

8. (37) The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.

Reason: To protect the environment and public amenity.

9. (48) Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED.

Separate approval must be obtained from Council's Works and Urban Services Department PRIOR TO THE PLACEMENT of any building waste container ("Skip") in a public place.

Reason: To protect the environment and public amenity.

10. (49) Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:
- a) the name, address and telephone number of the Principal Certifier;
 - b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
 - c) a statement that unauthorised entry to the construction site is prohibited.

The signs shall be maintained for the duration of construction works.

Reason: To ensure public safety and public information.

11. (50) The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.

Reason: To protect the environment.

12. (51) Lane Cove Council regulates the **Preservation of Trees and Vegetation** in the Lane Cove Local Government area. Clause 5.9(3) of *Lane Cove Local Environmental Plan 2009* [the "LEP"], states that a person must not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent or a permit granted by the Council. 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. The co-operation of all residents is sought in the preservation of trees in the urban environment and protection of the bushland character of the Municipality. All enquiries concerning the preservation of trees and vegetation must be made at the Council Chambers, Lane Cove.

Reason: To protect the environment.

13. Standard Condition (56) Where Lane Cove Council is appointed as the Principal Certifier, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-
- c) The dampcourse level, ant capping, anchorage and floor framing before the floor material is laid.

- d) Framework including roof and floor members when completed and prior to covering.
- e) Installation of steel beams and columns prior to covering.
- k) Completion.

Reason: Statutory requirement.

14. Standard Condition (57) Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-

- e) structural steelwork;
- f) upper level floor framing;

Reason: Statutory requirement.

15. (58) Structural Engineer's Certificate being submitted certifying that existing building is capable of carrying the additional loads. Such Certificate being submitted PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE.

Reason: To ensure structural adequacy.

16. Standard Condition (64) A check survey certificate is to be submitted at the completion of:-

- a The establishment of the first floor level;
- b The roof framing; and
- c The completion of works.

Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.

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

17. (77) All spillage deposited on the footpaths or roadways to be removed at the completion of each day's work.

Reason: To ensure public safety.

18. (78) The site being properly fenced to prevent access of unauthorised persons outside of working hours.

Reason: To comply with Work Health and Safety Regulations and ensure public safety.

19. (79) Compliance with Australian Standard 2601 - The Demolition of Structures.

Reason: To ensure compliance with the Australian Standards.

20. (130) Compliance with the Waste Management Plan submitted along with the application.

Reason: To protect the surrounding environment.

21. (132) It should be understood that this consent in no way relieves the owners or applicant from any obligation to obtain any other approval which may be required under any covenant affecting the land or otherwise nor relieve a person from the legal civil consequences of not complying with any such covenant.

Reason: To ensure all works are carried out lawfully.

22. (141) **Long Service Levy** Compliance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.

COMPLIANCE WITH THE REQUIREMENTS OF THIS CONDITION MUST BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.

Reason: To ensure the levy is paid.

23. (142) **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.

Reason: Statutory requirement.

General Engineering Conditions

24. **(A1) Design and Construction Standards:** All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.

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

25. **(A2) 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 is maintained.

26. **(A3) 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.

27. **(A4) 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 is maintained.

28. **(A5) 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.

29. **(A6) 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.

30. **(A7) 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.

31. **(A8) 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. The applicant 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. The applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.

Reason: To protect public infrastructure.

32. **(A9) 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.

Engineering conditions to be complied with prior to Construction Certificate

33. **(B1) Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$3,000 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.

34. **(D2) Drainage Plans Amendments:** The stormwater drainage plan prepared by CK Architects, reference No: 21102-C1.04, revision 1 and dated on 29/11/21 is to be amended as detailed below by a qualified practising hydraulic engineer and certified by them. This amended plan shall show full details of new pipe network amended as follows and satisfies part O of the Council's stormwater DCP 2010;

1. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
2. No pipe system is directed to flow towards downstream properties if there is no easement/pipe system available.
3. Clean out pits are required at all low points of charged drainage line if charged pipe

system is proposed.

4. Sediment control fence shall be placed around the construction site and shown in plan
5. 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.

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 Certifier **prior to the issue of the Construction Certificate.**

The Principal Certifier 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 satisfies Part O of Council's DCP 2010.

35. **(R1) 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.

- 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 and Council's requirements.

36. **(S1) Stormwater Requirement:** Stormwater runoff from all new 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.

37. **(S2) Stormwater Requirement:** The existing stormwater system is to be certified that it is in good working order. The certification is to be carried out by a fully licensed and insured plumber or a suitably qualified engineer **prior to the issue of the Construction Certificate.**

Where an existing element does not comply with current standards the subject element is to

be replaced.

Where the existing system does not comply with Council's DCP-Stormwater Management a drainage design is required. The stormwater drainage plan is to be prepared and certified by a suitably qualified engineer and submitted to the Principal Certifier prior to the issue of the Construction Certificate. If a charged drainage system is proposed as a replacement of existing system, the design of the charged system shall be submitted to Council for approval. The design is to be certified that it fully complies with, AS-3500 and Council's DCP-Stormwater Management.

Reason: To ensure compliance with Council's requirements.

Engineering conditions to be complied with prior to commencement of construction

38. **(C2) Erosion and Sediment Control:** The applicant shall install appropriate sediment control devices **prior to the start of any works on the site**. The devices shall be maintained during the construction period and replaced when necessary.

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

39. **(D7) 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.

Engineering conditions to be complied with prior to Occupation Certificate

40. **(M2) Certificate of Satisfactory Completion:** Certificates from a registered and licensed Plumber or a suitably qualified Engineer must be obtained for the following matters. The plumber or engineer is to provide a copy of their registration papers with the certificate. The relevant Certificates are to be submitted to the Principal Certifier **prior to issue of any Occupation Certificate**.

· Confirming that the site drainage system has been constructed in accordance with the relevant Australian Standards and Council's DCP-Stormwater Management.

Reason: To ensure stormwater infrastructure is in accordance with Australian Standards and Council's requirements.

41. **(M3) 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.

· Rainwater tank

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

Reason: Statutory requirement.

Mark Brisby
Executive Manager
Environmental Services Division

ATTACHMENTS:

There are no supporting documents for this report.