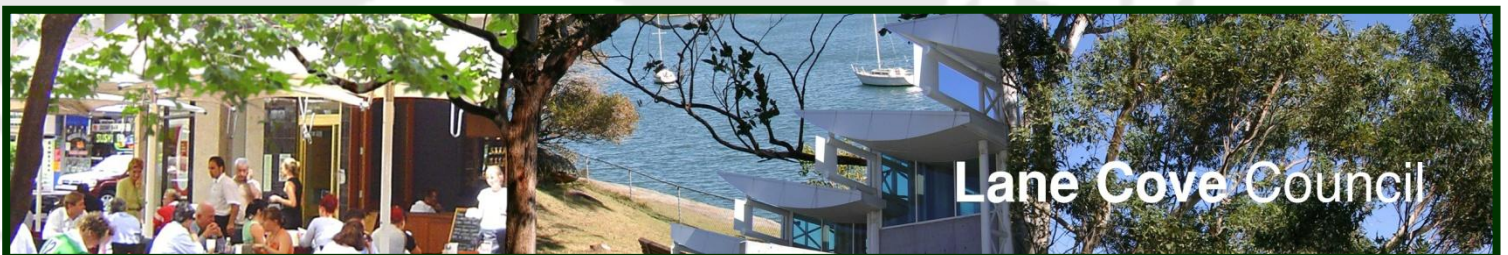


Agenda
Lane Cove Local Planning Panel Meeting
19 May 2026

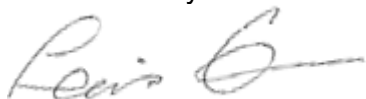


Notice of Meeting

Dear Panel Members,

Notice is given of the Lane Cove Local Planning Panel Meeting, to be held in the Council Chambers on Tuesday 19 May 2026 commencing at 5pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Louise Kerr
General Manager

Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting is chaired by Ms Janet Murrell or alternate Chairs. The meetings and other procedures of the Panel will be undertaken in accordance with 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. All persons wishing to address the Panel must register prior to the meeting by contacting Council's Office Manager – Environmental Services on 9911 3611. 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.

Minutes of LCLPP meetings are published on Council's website www.lanecove.nsw.gov.au as soon as possible 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 audio of members of the public that speak during the meeting. 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

LANE COVE LOCAL PLANNING PANEL REPORTS

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Lane Cove Local Planning Panel Meeting 19 May 2026
18-20 ORION ROAD, LANE COVE WEST

Item No: LPP7/26
Subject: 18-20 Orion Road, Lane Cove West
Record No: DA26/7-01 - 26518/26
Division: Planning and Sustainability Division
Author(s): Kirsten Picard

Property:	18-20 Orion Road, Lane Cove West
DA No:	DA7/2026
Date Lodged:	20/03/2026
Cost of Work:	\$4,936,174.49
Owner:	Lane Cove Commercial Park Pty Ltd
Applicant:	Interface Planning

Description of the proposal to appear on determination	Change of use for levels 3, 4, 7 and 8 to storage premises (self-storage units), internal fit out works, vehicle access ramp to existing car park and the removal of two existing trees (T4 & T5).
Zone	E4 General Industrial
Is the proposal permissible within the zone	Yes.
Is the property a heritage item	No.
Is the property within a conservation area	No.
Does the property adjoin bushland	No.
Are the proposed works within 5m of an exposed overhead power line or a swimming pool within 30m of an exposed overhead power line.	No.
BCA Classification	Class 7a, Class 7b and Class 5
Stop the Clock used	No
Notification	The Application was placed on public notification for 16 days in accordance with Council's Notification Policy. No submissions were received during this time frame.

REASON FOR REFERRAL

The development application has been reported to the Lane Cove Council Planning Panel as the proposal includes a contravention of more than 10% from the *Lane Cove Local Environmental Plan 2009* (LCLEP 2009) Floor Space Ratio (FSR) development standard.

The proposed development is seeking an FSR of 1.59:1 which is a variation of 59% above the maximum permissible 1:1 FSR control as specified within the LCLEP 2009.

EXECUTIVE SUMMARY

- On 20th March 2026 Council received a development application which seeks consent for the proposed change of use from an office premise to a storage unit premises at 18 – 20 Orion Road, Lane Cove West along with the installation of an external lift.
- The application also proposes a vehicular access ramp to the existing car park at the lower most level 3B and the removal of two (2) trees.
- The Application was notified as per Council's Notification Policy from 20th March 2026 to the 5th April 2026. During this time, no submissions were received.
- A Clause 4.6 written variation request accompanied the Development Application which sought a variation to the FSR Development Control Standard. This variation is considered to be well founded and provides reasonable planning grounds to support the variation.
- The Determination of this Development Application has been separated into two Parts.
 - Part 1 - Refusal
Council does not support the proposed addition of a vehicle access ramp to carpark Level 3B and the removal of trees T4 and T5.
 - Part 2 – Approval
Council supports the proposed conversion of Levels 3,4,7 and 8 and basement car parking 1A/1B to storage units and the proposed installation of the passenger lift.
- For the purposes of this report, any reference to 'the proposed development' refers to the approved works.

SITE

18-20 Orion Road, Lane Cove West (the Site) legally described as Lot 2 Deposited Plan 1095363, is an irregular shaped lot with an area of approximately 8938m². The Site is located north of Orion Road, with primary access from Orion Road. To the south, the Site has access from Sirius Road via a sealed service lane to the west.

The Site is currently occupied by a 9-storey commercial office building, basement parking and uncovered carparking, as well as a childcare center which is ancillary to the office building.

Surrounding developments are comprised of industrial and warehouse premises within Lane Cove West Business Park.

Properties adjoining the site are as follows:

- **North**
Directly to the north is 160 Epping Rd, Lane Cove West NSW 2066. An industrial warehouse and headquarters for SC Johnson Professional a manufacturer of household cleaning products and products for the home. Further, Stringybark Creek, Epping Road are other noteworthy characteristics of the sites north.
- **East**
15 Orion Road, Lane Cove West.
The Sites east is characterised by industrial and commercial uses with the immediate adjacent uses including but not limited to Plus Fitness, RenewCo Star and Fibonacci Coffee.

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- **South**

12-14 Orion Road, and 2 Sirius Road, Lane Cove West.

Directly South of the site is 14-16 Orion Road, a newly built industrial and commercial property. The Site provides a number of small commercial spaces which are mostly occupied by small businesses.

- **West**

Sirius Road, then, 1 Sirius Road, Lane Cove West.

The west of the site backs onto bushland before continuing onto industrial buildings. The Lane Cove West Data Centre is also being developed to the sites west.

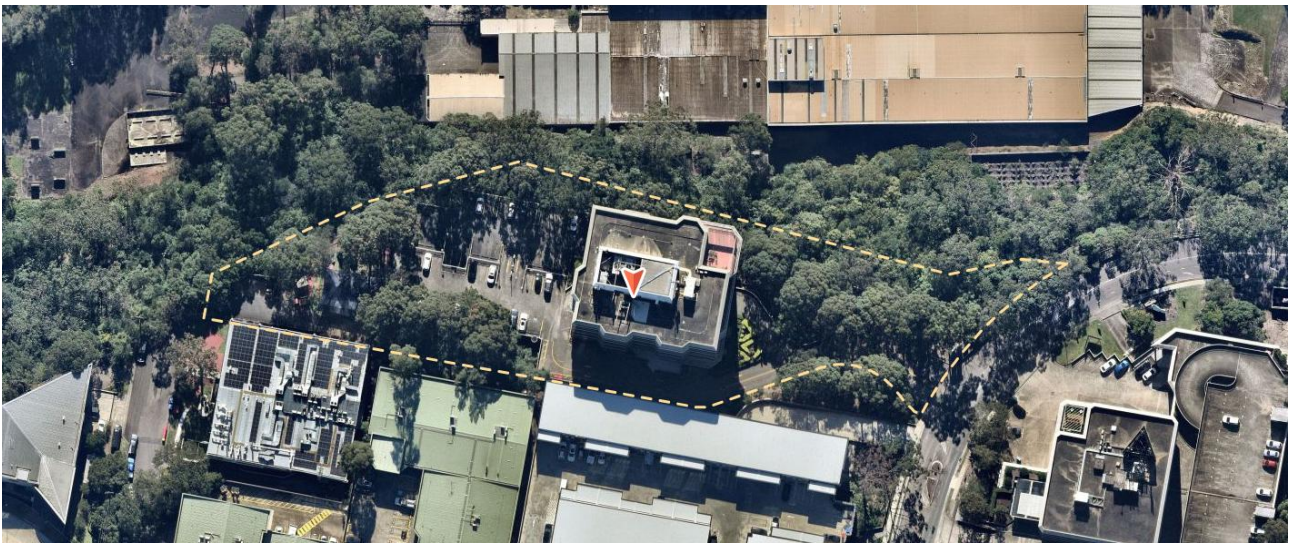


Figure 1. 18-20 Orion Road, Lane Cove West (Source: NearMaps)

SITE IMAGES



Figure 2. Eastern elevation of building proposed elevation of new external lift.



Figure 3. Eastern elevation of proposed building.



Figure 4. Location of proposed lift.



Figure 5. Western elevation of building, balconies to be infilled.



Figure 6. Existing Bicycle parking and male/ female amenities.



Figure 7. Existing car parking (level 1A/1B)

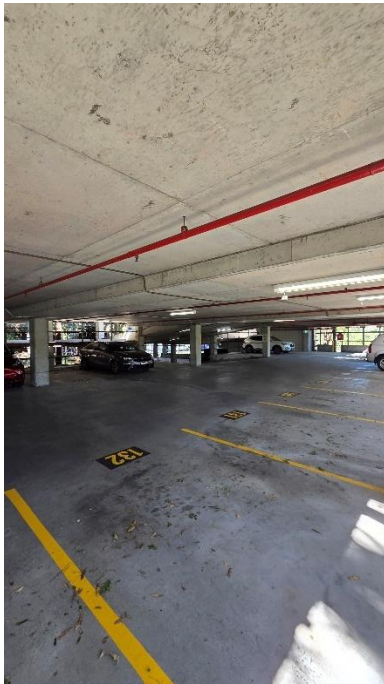


Figure 8. Existing Carpark (level 1A/ 1B)



Figure 9. Proposed location of new driveway and the two trees proposed to be removed.



Figure 10. Existing service laneway.



Figure 11. Existing vacant floor (level 7).



Figure 12. Existing vacant floor and balcony to be converted (level 7).



Figure 13. Existing vacant floor and balcony to be converted (level 7).



Figure 14. Internal corridor indicating access lift location (level 8).

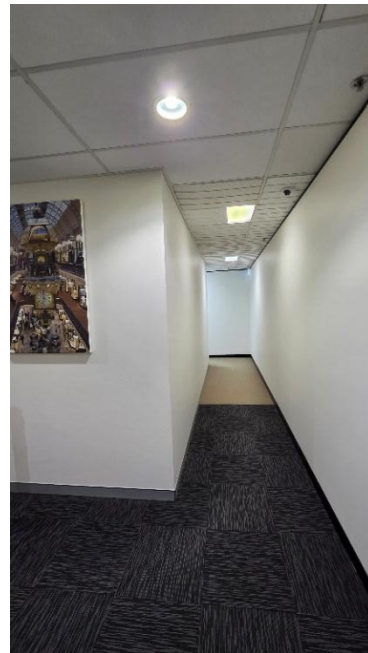


Figure 15. Proposed internal corridor (level 8).

SITE APPLICATION HISTORY

Details of the Sites Development Application history are as follows:

Table 1. Development Application History

DA05/299	<p>Type of Work: Modify car park to incorporate childcare centre Applicant: DUCRU NO 2 PTY LTD Date Lodged: 22/09/2005 Determination Details: APP BY DELEG Determination Date: 03/07/2006</p>
DA2017/84	<p>Type of Work: Carpark alterations and additions Applicant: M Benson Date Lodged: 23/06/2017 Determination Details: APP BY DELEG Determination Date: 28/08/2017</p>
DA39/2025	<p>Type of Work: Proposed change of use to storage premises & internal fit out works. Applicant: Collard Maxwell Architects Pty Limited Date Lodged: 12/05/2025 Determination Details: LPP - Approved Determination Date: 09/07/2025</p> <p>Comment The Local Planning Panel approved the proposed conversion of office levels 1,2,5 and 6 to be independent storage units in addition to storage units within basement Level 3A/3B and Level 2A and 2B.</p> <p>The Local Planning Panel refused the proposed removal of trees which would have allowed for a new access ramp to Level 3B via Sirius Road. This access ramp was to provide a new access route to the building's car park via Sirius Road.</p>

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DA39/2025	<p>Type of Work: S4.55(1A) Proposed change to amend the number of trees to be impacted by the proposal. Applicant: Lane Cove Commercial Park Pty Ltd Date Lodged: 23/09/2025 Determination Details: S96 APPROVED STAFF Determination Date: 09/10/2025</p>
DA39/2025	<p>Type of Work: Proposed S4.55(1A) modification to approved development consent to amend proposed weather protection measures to be installed on the approved storage areas that are at risk of suffering water damage during and after adverse weather events. Applicant: Lane Cove Commercial Park Pty Ltd Date Lodged: 15/01/2026 Determination Details: APP BY DELEG Determination Date: 04/02/2026</p>
DA39/2025	<p>Type of Work: S4.55(1A) modification involving minor changes to install additional cladding, amendment to stamped plans. Applicant: Lane Cove Commercial Park Pty Ltd Date Lodged: 11/03/2026 Determination Details: S96 APPROVED STAFF Determination Date: 30/03/2026</p>

PROPOSAL

The development application seeks consent for the change of use from office premises to storage premises (self-storage units) at 18-20 Orion Road, Lane Cove West.

The proposed works would include the following:

- *conversion of four vacant Levels (Levels 3,4,7 and 8) and basement carpark levels (Levels 1A and 1B) to be converted to self-storage units.*
- *Storage office space at ground level, approved under DA39/2025 is to be reconfigured to better align with operational requirements. The revised floor layout will increase the floor area allocated to the sprinkler pump and alternator room with a corresponding reduction in the area of one existing tenancy.*
- *Construction of a new vehicle access ramp connecting the Level 3B carpark to the access driveway linking to Sirius Road, all internal aisles, ramps and loading areas are to remain as existing as will current access driveway connections to public roads.*
- *Removal of two trees identified as T4 and T5.*

The proposed development seeks to provide vehicular access from the Sirius Road driveway to the Level 3B basement car parking area. This would be facilitated by a two-way access ramp which would be 6 meters wide, constructed of a 200mm pavement and 300mm edge beams. These works would require up to approximately 150mm excavation and necessitate the removal of Tree 4 and Tree 5. An Arborist Report has been provided for review by Council's Arborist.

This driveway ramp would be primarily used for the childcare centre. The Applicant states it would provide more efficient access and reduce '*unnecessary internal traffic movements within the basement*'.

Access to the Storage Units would be via Orion Road and would only be a one-way traffic route through the varying levels of basement parking spaces and exit via Sirius Road.

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A detailed review of works proposed at each floor are provided below:

Table 2. Overview of proposed works

Building Level	Proposed Works
Car Park 3A and 3B	<ul style="list-style-type: none"> • No change to carpark Level 3A addition of vehicle access ramp to carpark Level 3B • 21 Car parking Spaces for Childcare Centre. • 28 Car Parking Spaces for general use.
Car Park 2A and 2B	<ul style="list-style-type: none"> • No change. • 7 Car Parking Spaces for general use.
Car Park1A and1B	<ul style="list-style-type: none"> • Convert 100 parking spaces (Level 1A - 44 spaces, Level 1B - 56 spaces) to 63 self-storage units. <ul style="list-style-type: none"> ○ Carpark 1A - 31 self-storage units ○ Carpark 1B - 32 self-storage units • Provide metal clad walls and roller shutters to storage units. • 1461m² proposed net lettable area. • 10 Car Parking Spaces for general use. • Bike rack and amenities retained.
Ground Floor	<ul style="list-style-type: none"> • Goods lift from Ground Level to Level 6. • 45 Car Parking Spaces for general use consisting of: <ul style="list-style-type: none"> ○ 4 Accessible Parking Spaces ○ 2 Courier Spaces
Level 1	<ul style="list-style-type: none"> • No change other than addition of goods lift from Ground Level to Level 6.
Level 2	<ul style="list-style-type: none"> • No change other than addition of goods lift from Ground Level to Level 6.
Level 3	<ul style="list-style-type: none"> • Enclose existing balconies (x3) with prefinished aluminium wall cladding (Mondoclad – Steel Blue). <i>Balcony cladding involves the installation of a lightweight, non-combustible aluminium composite cladding system that compliments the tinting of existing glazing.</i> • Goods lift from Ground Level to Level 6 • Convert office area of 1270m² to 142 self-storage units with average unit size of approx. 6.33m². • Increased FSR as a result of enclosing balconies =81.192m²
Level 4	<ul style="list-style-type: none"> • Enclose existing balconies (x3) with prefinished aluminium wall cladding (Mondoclad – Steel Blue). <i>Balcony cladding involves the installation of a lightweight, non-combustible aluminium composite cladding system that compliments the tinting of existing glazing.</i> • Goods lift from Ground Level to Level 6 • Convert office area of 1270m² to 142 self storage units with average unit size of approx. 6.33m². • Increased FSR as a result of enclosing balconies =80.613m²
Level 5	<ul style="list-style-type: none"> • No change other than addition of goods lift from Ground Level to Level 6
Level 6	<ul style="list-style-type: none"> • No change other than addition of goods lift from Ground Level to Level 6
Level 7	<ul style="list-style-type: none"> • Enclose three (x3) existing balconies and partial enclosure of one (x1) balcony with prefinished aluminium wall cladding (Mondoclad – Steel Blue). <i>Balcony cladding involves the installation of a lightweight, non-</i>

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	<p><i>combustible aluminium composite cladding system that compliments the tinting of existing glazing.</i></p> <ul style="list-style-type: none"> • Goods lift from Ground Level to Level 6 • Convert office area of 1241m² to 156 storage units with average unit size of approx. 6.08m². • Increased FSR as a result of enclosing balconies = 119.549m²
Level 8	<ul style="list-style-type: none"> • Enclose three (x3) existing balconies and partial enclosure of one (x1) balcony with prefinished aluminium wall cladding (Mondoclad – Steel Blue). <i>Balcony cladding involves the installation of a lightweight, non-combustible aluminium composite cladding system that compliments the tinting of existing glazing.</i> • Goods lift from Ground Level to Level 6 • Convert office area of 1173m² to 154 storage units with an average unit size of approx. 6.18m². • Increased FSR as a result of enclosing balconies = 169.553m²
Roof Level	<ul style="list-style-type: none"> • New section of roof over Level 8 storage units.

Notes:

- Balcony Cladding
The proposed balcony cladding would be a lightweight, non-combustible aluminium composite cladding system that is consistent in appearance with existing glazing. The infill material would be compatible with existing building materials and established character of the area.
- Proposed Lift Installation
A proposed pre-cast concrete external ‘goods lift’ is proposed to be installed on the eastern façade at ground level which would provide access to Level 6.

The operational times for the self-storage units are to be consistent with DA39/2025, which are as follows:

Table 3. Operational Hours for Proposed self-storage unit

Day	Proposed Operational Hours
Monday	12:00AM – 11:59PM
Tuesday	12:00AM – 11:59PM
Wednesday	12:00AM – 11:59PM
Thursday	12:00AM – 11:59PM
Friday	12:00AM – 11:59PM
Saturday	12:00AM – 11:59PM
Sunday	12:00AM – 11:59PM

The proposed Gross Floor Area would be 14,280.3m² and an increase of 1868.387m² from DA39/2025.

This has been calculated to include the following:

- Car Parking 1A and 1B total FSR or net lettable area = 1461m²
- Level 3 enclosed balcony area contributing to additional FSR = 81.192m²
- Level 4 enclosed balcony area contributing to additional FSR = 80.613m²
- Level 7 enclosed balcony area contributing to additional FSR = 119.549m²
- Level 8 enclosed balcony area contributing to additional FSR = 169.553m²

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Total GFA to be considered for the following Contributions:

- Section 7.11 Contributions = 1868.4m²
- Housing and Productivity Contributions = 1868.4m²

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: E4 General Industrial

Site Area: 8938m²

LEP table				
	Existing	Development Standard	Proposal	Complies
Floor Space Ratio (max)	GFA – 12336.7m ² FSR of 1.38:1 (Approved DA39/2025)	1:1	GFA – 14,280.3 m ² FSR of 1.59:1 an increase of 1943.6m ² or 13% from the approved/ existing FSR.	No. Refer to Clause 4.6 and relevant assessment within the report below.
Height of Buildings (max)	18m	18m	18m – No change.	Yes

Comprehensive Development Control Plan assessment

DCP Table		
Part E - Industrial Development		
Objective	Proposal	Complies
E.4 Site Layout		
<ol style="list-style-type: none"> 1. To minimise any adverse environmental effects through planning of the site's layout. 2. To ensure the development is compatible with the streetscape and addresses the public domain. 3. To provide good access to pedestrians and cyclists. 	<p>The proposed works seek to enclose a number of existing balconies and install an external goods lift.</p> <p>Primary vehicle access would remain from Orion Road.</p>	Yes.
E.5 Building Setbacks		
<ol style="list-style-type: none"> 1. To minimise the impact of development and buildings on the surrounding area 2. To create a pleasant environment within and external to the site through adequate landscaping 3. To provide landscape to the street. 	<p>The proposed lift would be located approximately 59m from Orion Road, Lane Cove West.</p> <p>The lift would be consistent with the front setbacks of Orion Road and the surrounding area.</p>	Yes.
E.7 Building Design and Appearance		
<ol style="list-style-type: none"> 1. To encourage a high standard of environmental design within new and existing industrial areas. 2. To achieve high quality and innovative architectural design for industrial buildings. 	<p>The proposed development primarily maintains the existing external appearance with minor changes to the building's façade.</p> <p>The balconies on Levels 3,4,7 and 8</p>	Yes.

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DCP Table		
Part E - Industrial Development		
Objective	Proposal	Complies
3. To ensure industrial development presents attractive facades to adjoining uses. 4. To ensure industrial developments activate the public domain.	would be enclosed with new glazing and aluminium frames to match the existing design on the building. The roof is proposed to be extended at Level 8 which would enclose the existing balcony area.	
E.8 Parking and Vehicular Access		
1. To ensure sufficient car parking is provided on -site to satisfy the likely peak parking demands of the development as per the RMS requirements. 2. To reduce potential conflict with street traffic and pedestrians. 3. To provide disabled parking where appropriate in accordance with RMS requirements 4. Create attractive landscaped car parking throughout the development. 5. To provide sufficient secure bicycle storage facilities.	114 car parking spaces would be retained and consist of the following: - 21 Childcare Parking Spaces - 7 Office Parking - 10 Parking spaces for self-storage - 6 Accessible Spaces to be compliant with AS2890.6. - 5 bicycle spaces and 2 motorcycle spaces 70 Spaces are identified to be used for general purpose.	No. Refer to variations section and Traffic Referral section later within this report.
E.9 Landscaping		
1. To improve the environmental amenity of industrial areas. 2. To screen unsightly land uses and open storage areas and provide buffers between industrial development and other land uses, especially residential. 3. To provide pedestrian linkages to surrounding streets on larger sites and through other sites to link with existing pedestrian networks. 4. To provide recreation areas for workers in larger developments. 5. To retain and provide for significant vegetation, particularly large and medium sized trees. 6. To conserve significant natural features of the site and contribute to effective management of biodiversity and to provide continuous vegetation corridors. 7. To encourage the planting of indigenous, native and low water consuming plants and trees. 8. To assist with on-site stormwater management.	The site is located within an industrial area and does not have much area designated as a landscaped area. The proposal seeks to remove two trees identified as T4 and T5 to enable ramp access to Level 3B carparking via the Sirius Road service lane. A small portion of landscaping is proposed to be removed to allow the footprint of the proposed external lift to be accessible. The removal of both trees T4 and T5 is not supported by Council.	No. Refer to Tree Referral Assessment section later within this report.

PART S ASSESSMENT – Environmental Sustainability

The proposed works amount to a cost over \$250,000 and therefore an assessment against the provisions of Part S Environmental Sustainability is required.

DCP Control table		
Part S – Environmental Sustainability		
	Proposed	Council Comment
2.1 All electric buildings	<ul style="list-style-type: none"> Where applicable, Electric services would be implemented across the site. 	Complies
EV Charging	<ul style="list-style-type: none"> None proposed. Applicant makes note given the proposed use as a storage facility, the provision for EV charging infrastructure is not required. 	<p>A condition was included within DA39/2025 which required one EV charging station to be provided within the car parking area which is still relevant.</p> <p>A condition of consent has been included to ensure a EV charging Stations is included.</p>
2.2 On Site Solar	<ul style="list-style-type: none"> None proposed. Rooftop solar was investigated however the applicant concluded it was not feasible due to limited available roof area. 	No. Council has reviewed and concurs that there is not sufficient roof space to provide appropriate on-site solar.
S.3.1 Natural Ventilation	<ul style="list-style-type: none"> Open car park/ existing commercial office 	N/A

REFERRALS

Development Engineer – Part O – Stormwater Management

No objections subject to recommended draft conditions.

Tree Assessment Officer – Part J – Landscaping

Assessment against Relevant Environmental Planning Instrument or Development Control Plan

- Lane Cove Council LEP 2009
- Lane Cove Council Development Control Plan 2010 (Amended 18 July 2024)
- Biodiversity and conservation SEPP 2021

Comments and / or issues with the proposal:

I have reviewed the supplied plans, documentation and attended site on three (3) occasions to gather site data. The Letter to Council dated 17.4.26 contains updated plans showing two (2) potential construction methods for the driveway access in proximity to two (2) trees #4 and #5, Eucalyptus microcorys (Tallowwood). These trees have been assigned a High significance rating within the supplied Arborist report, and an A1 rating using the Trees AZ method. The Letter dated 17.4.26 shows a theoretical methodology of Slab on ground for the 6m wide driveway. T5 is located within the footprint and a Major encroachment into the Structural Root Zone (SRZ) of T4.

The submitted arborist report does not measure the SRZ of the trees. The SRZ measurement used within the letter (dated 14.4.26) appears to be the Notional Root Zone (NRZ) measurement of 600mm (Diameter at Standard height x 12).

Council has measured the diameter above the root buttress flare of T4 per section 3.4 of AS4970-2025 at 860mm, for an SRZ measurement of 3.11m.

The submitted documentation has underestimated the extent of encroachment within the SRZ of T4 and therefore potential impacts and long-term viability of the tree. The new plans also indicate the milling and replacement of the roadway which may further impact T4.

The supplied documentation has not sufficiently demonstrated T4 will remain viable in the long term. Council's Tree Department does not support the removal of high value trees to facilitate an access driveway from Sirius Road.

Comment:

Councils Arborist does not support the removal of trees T4 and T5 for the provision of a access ramp to Level 3B, refer to Part 1 of the recommendation where this has been reported for refusal.

Traffic Committee

Comments and / or issues with the proposal:

- *Conversion of office space to self storage use and new vehicle access on Sirius Road connecting office carpark with Sirius Road.*
- *324 Car parking spaces to be reduced to 114 according to traffic report for all uses.*
- *Childcare centre use remains unchanged – currently 18 spaces allocated and new proposal provides 21 total.*
- *Office car parking is reduced from 324 spaces to 7 spaces.*
- *New self-storage use proposed to have 10 spaces.*
- *It is determined that there is now an excess of 76 car parking spaces which are not allocated to any use.*

The applicant is requested to provide additional information.

- *Applicant has not provided bicycle parking and end of trip facilities for the childcare centre.*
- *Applicant has proposed 5 bicycle parking racks for office and storage tenancy, which is satisfactory, however travel path to bike parking racks are not direct. The staff bike parking facilities should be located as close as possible to the primary entry point (lobby entrance/closest car parks) and subject to security camera surveillance where such security systems exist.*
- *Visitor bike parking must be located in an accessible at-grade location near a major public entrance to the development, preferably undercover, is able to be passively surveyed from the public domain and/or the proposed or adjoining development, is well lit to enable adequate night time use and is to be signposted.*
- *One personal locker shall be provided for each bike parking rack.*
- *The end of trip facilities should be provided close to the development entry/exit points, preferably next to the staff bike parking racks and within an area of security camera surveillance where there are such building security systems.*
- *Site is located on Orion Road which is a key cycling route in the new draft Lane Cove 10 year bike plan 2026. The bike plan proposes on Orion Road to have Protected bicycle lane (bi-directional) 2.5m wide. To facilitate this, Council requires the site frontage at Orion Road to be marked with green linemarking. These works shall be conducted in liaison with Council.*
- *The existing Orion Road site entry and exit is no longer suitable to the type of land use and vehicle types. Applicant to confirm largest design vehicle utilising this access and provide pedestrian safety improvements at the property boundary by narrowing the driveways or*

increasing width of median.

- *The car parking spaces which are located at blind aisles, the aisles must be extended a minimum of 1m beyond the last parking space and the last parking space widened by 300mm if it is bounded by a wall or a fence. Page 34 and 37 of the turning path assessment in the report clearly show non-compliant aisle widths and parking spaces. Council requires all parking spaces which are non-compliant to be removed. As per AS/NZS 2890.1:2004.*
- *Applicant has not provided turning path assessment for new access ramp and driveway off Sirius Road.*
- *All parking spaces with side boundary to wall or fence shall be increased to minimum 2.7m width. As per AS/NZS 2890.1:2004.*
- *Applicant to confirm the vertical height clearance of all the levels to be trafficable by vehicles and ensure is compliant with largest design vehicle for storage use.*
- *Applicant to confirm the excess number of carparks (76) to be used for which purpose.*

Comment:

Council's Traffic Officer reviewed the provided Traffic Assessment report provided by the Applicant. Additional information is required to ensure an appropriate assessment of the proposed ramp and associated works are compliant with relevant Council Controls and Australian Standards.

Council's Traffic Officer does not support the proposed works due to lack of information provided as part of the development application, refer to Part 1 of the recommendation where this has been reported for refusal.

New South Wales Rural Fire Service Referral

Council as the assessing authority referred the application to the RFS for concurrence under clause 4.14 of the EP&A Act 1979.

A referral Response was received 30th April 2026 from New South Wales Rural Fire Service (RFS) which indicated that there are no objections as the proposal relates to internal works of an existing building.

Recommended Conditions of Consent were provided as part of the Referral comments, which have been included within the recommended conditions of consent.

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

PROVISIONS OF ANY LEP, DCP, SEPP OR REGULATION (Section 4.15(1)(a))

Clause 4.6 Request – Clause 4.4 Floor Space Ratio (Lane Cove Local Environmental Plan 2009)

Clause 4.6 of LCLEP 2009 allows exceptions to development standards to provide flexibility and achieve better outcomes for and from development as a result of this flexibility. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered and agrees with the request from the applicant that seeks to justify the contravention of the development standard. This request must demonstrate compliance with the relevant provisions of Clause 4.6 of LCLEP 2009.

Request provided by Applicant

A Clause 4.6 Request was prepared by Interface Planning in January 2026.

The request was submitted as part of the development application for *“the proposed partial change of use of four floor levels (Levels 3, 4, 7 and 8) and one basement carpark level (Levels 1A and 1B) which will be converted to areas for self-storage units.”*

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.*

(2) *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.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has demonstrated that-*

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

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

Comment: Council's Assessment Report is kept on the electronic file and registered on the Clause 4.6 register which satisfies Clause 4.6(4).

Clause 4.6 (3) (a) & (b) the applicant is required to demonstrate:

(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

(b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The applicants Clause 4.6 notes that the variation sought is reasonable and well founded and that in this instance there are sufficient environmental planning grounds to justify contravening development for the following reasons (which have been summarised):

- The building footprint would remain the same;
- The visual bulk and scale of the building would remain as existing and as originally approved by Council. There would be no external change to visual amenity.
- The proposal is contained wholly within the existing building with no increase in footprint or significant changes to the external façade.
- The proposal supports and protects industrial land for industrial purposes and allows for adaptive reuse of multiple floors within the existing building, to meet the needs of the

locality;

- Self-storage units align with the existing uses in the locality and would offer a positive business prospect within an existing industrial precinct;
- Availability of storage premises space availability would be increased;
- Proposal aims to optimise the efficient use of existing vacant floor space, addressing the building's historically high and ongoing vacancy rates.

Comment:

The proposed increase to FSR for the proposed change of use would not negatively impact the site or surrounds. The proposed works are primarily subject to internal alterations and do not encroach the buildings footprint. The increased GFA is achieved through the enclosure of balcony's across the four levels and the conversion of car parking spaces to be storage units.

Despite the FSR variation requested being a 59% variation from the Lane Cove LEP Standard the building would maintain the existing footprint and built height. Works are to be undertaken within the buildings footprint, with the change of use aligning with the development objectives of the prescribed zone, such as;

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To recognise the close proximity of this zone to adjoining residential areas and to mitigate potential conflict between industrial and residential uses.*

The proposal is therefore considered compliant and is development consistent with the public interest. As such, there are planning grounds to justify supporting the contravention to the FSR planning control.

The Clause 4.6 request satisfies Clause 4.6 (3) (a) & (b) of the Lane Cove Local Environmental Plan 2009.

Conclusion Clause 4.6 Floor Space Ratio

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. The variation to the FSR development standard of LCLEP 2009 is considered well-justified in this instance. There are sufficient environmental planning grounds to support the proposed lift, and the objectives of the development standard have been met. The development satisfies the objectives and criteria outlined in Clause 4.6 and as such, the FSR variation and request is supported.

OTHER PLANNING INSTRUMENTS

SEPP (Resilience and Hazards) 2021

The subject site and adjoining sites are zoned for general industry. Given the types of uses permissible within the general industrial zones, there is possibility that the site may be contaminated. The development application has considered the following relevant chapters from the SEPP (Resilience and Hazards) 2021.

Chapter 2 – Coastal Management

The applicant notes that the site is identified within the proximity area for coastal wetlands (Division 1, Section 2.8) and entirely within both the coastal environment (Division 3, Section 2.10) and coastal use areas (Division 4, Section 2.11).

The SEE provides the following Statement:

“Consideration of relevant matters under Sections 2.8, 2.10 and 2.11 has been undertaken, acknowledging the low-impact nature of the proposed change of use, which is entirely contained within the existing building footprint and essentially involves only internal fit-out works.

There are no works on or near that part of the site mapped within the proximity area for coastal wetlands.

All proposed works will occur within the existing disturbed and developed footprint. Consequently, the proposal will not result in any adverse impacts on the coastal environment and is consistent with the requirements of this chapter. No further assessment is required.”

Comment:

The proposed development, as recommended for part approval, would be contained within the existing building footprint and would not require the addition of any new excavation or land clearing.

The proposed works are primarily contained wholly within the existing building. Minor excavation work would be required for the proposed installation of the lift however it is noted that this would not negatively impact or disrupt the surrounding environment. The proposed works are therefore understood to unlikely contribute to adverse impact on the identified coastal wetlands, coastal environment and coastal use areas.

Chapter 4 – Remediation of Land

The applicant states the following:

“Under Section 4.6 Council is required to consider whether the land may be contaminated due to past uses and what remediation measures will be implemented to make the land suitable for a proposed development.

The site is located within a well established industrial precinct and currently accommodates an existing building and hardstand surfaces. Given the nature of development proposed and negligible ground disturbance, the site is considered suitable and a preliminary site investigation report is not required.

There are no records indicating potentially contaminating activities having occurred on the site as listed within Table 1 of the “Managing Land Contamination Guidelines”. For these reasons, the proposed development is considered to meet the requirements of this Chapter.”

Comment:

The area and surrounds is zoned E4 – General Industrial.

The Site has been occupied and used as an office/ commercial building for over 10 years. The proposed works do not include significant excavation and is considered suitable for the proposed development as it is unlikely that any contamination would be exposed.

SEPP (Biodiversity and Conservation) 2021

The two relevant chapters are addressed under the following subheadings.

Chapter 2 Vegetation in non-rural areas

The aims of Chapter 2 have been satisfied as the proposed development as recommended for part approval has minor impact on the biodiversity values of trees and other vegetation.

Chapter 6 Water catchments

The aims of Chapter 6 have been satisfied as the proposed development would have minimal impact on the quality of water entering the *Sydney Harbour Catchment*.

Comment:

The only increase to impermeable surfaces is the proposed lift installation and associated footpath. Runoff from this surface is believed to be minor and would drain into existing drainage systems. This would not negatively impact the surrounding water catchments.

APPLICABLE REGULATIONS

The Environmental Planning and Assessment Regulation 2021 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and therefore any consent would require the application of a relevant condition seeking compliance with this Standard.

VARIATIONS TO COUNCIL’S CODES/POLICIES

The preceding policy assessment tables identify those controls that the proposal does not comply with. Each departure is discussed below.

Control	Proposed	Comment	Council support
Part E – Industrial Development			
E.8 Parking and Vehicular Access	114 car parking spaces will be retained and consist of the following: - 21 Childcare Parking Spaces - 7 Office Parking - 10 Parking spaces for self-storage - 6 Accessible Spaces to be compliant with AS2890.6. - 5 bicycle spaces and 2 motorcycle spaces 70 ‘General’ Carparking.	Councils Traffic Officer has assessed the proposed application and is not satisfied with the accompanying information. The following requires additional consideration. <ul style="list-style-type: none"> • Bicycle Parking to be provided at a accessible at-grade location near the major public entrance which is preferably undercover, is abled to be passively surveyed from the public domain and/or the proposed or adjoining development, is well lit to enable adequate night time use and is to be signposted. • Site is located on Orion Road which is a key cycling route in the new draft Lane Cove 10 year bike plan 2026. The bike plan proposes on Orion Road to have Protected bicycle lane (bi-directional) 2.5m wide. To facilitate 	No.

		<p>this, Council requires the site frontage at Orion Road to be marked with green line marking. These works shall be conducted in liaison with Council.</p> <ul style="list-style-type: none"> • The existing Orion Road site entry and exit is no longer suitable to the type of land use and vehicle types. Applicant to confirm largest design vehicle utilising this access and provide pedestrian safety improvements at the property boundary by narrowing the driveways or increasing width of median. • The car parking spaces which are located at blind aisles, the aisles must be extended a minimum of 1m beyond the last parking space and the last parking space widened by 300mm if it is bounded by a wall or a fence. Page 34 and 37 of the turning path assessment in the report clearly show non-compliant aisle widths and parking spaces. Council requires all parking spaces which are non-compliant to be removed. As per AS/NZS 2890.1:2004. • Applicant is required to provide turning path assessment for new access ramp and driveway off Sirius Road. • All parking spaces with side boundary to wall or fence shall be increased to minimum 2.7m width. As per AS/NZS 2890.1:2004. • Applicant to confirm the vertical height clearance of all the levels to be trafficable by vehicles and ensure is compliant with largest design vehicle for storage use. • Applicant to confirm the excess number of carparks (76) to be used for which purpose. 	
E.9 Landscaping	The proposal seeks to remove two trees identified as T4 and T5 which is to allow driveway access via the service lane from Sirius Road.	<p>Council does not support the removal of both trees for the purpose of the new access driveway from Sirius Road.</p> <p>Additional comments from Councils Arborist have been provided within the referral section of this report.</p>	No.
Part S – Environmental Sustainability			
2.2 On site Solar	Non provided.	Council has reviewed and concurs that there is not sufficient roof space to provide appropriate on-site solar given the mechanical room.	Yes.

IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))

The proposal as recommended for approval would not adversely impact neighbouring properties or the public domain in terms of overshadowing, visual privacy, acoustic privacy, or traffic and parking. The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls.

SUITABILITY OF SITE (Section 4.15(1)(c))

The subject site would be suitable for the proposed development as the proposed use is permissible within the Zone. The proposed development as recommended for approval would positively contribute to the amenity of the surrounding area and the subject site constrain the development or neighbouring sites.

PUBLIC INTEREST (Section 4.15(1)(e))

The proposal as recommended for approval would not have an unreasonable impact on neighbouring properties or the public domain with regard to the Lane Cove LEP 2009, Lane Cove DCP 2009 or any other environmental planning instruments. Therefore, approval of this application would not be contrary to the public interest.

CONCLUSION

Part 1 Recommended Refusal

The recommendation of this report is comprised of two parts. Part 1 addresses the proposed addition of a vehicle access ramp to carpark Level 3B. The works are not been supported for the following reasons:

- Tree removal of T4 and T5 is not supported.
- Lack of sufficient information regarding proposed vehicular access.

It is recommended that the architectural plans are to be amended as prescribed within Condition 2 to ensure consistency with Part 2 of recommendations.

Part 2 Recommended Approval

Part 2 addresses the remaining components of the development which relate to the proposed conversion of levels 3, 4, 7 and 8 and basement car parking Levels 1A/1B to storage units and lift installation. These proposed aspects of the works are supported and therefore is recommended for approval.

The relevant Clause 4.6 written variation sought for the increased FSR development standard is considered well founded in this instance and is reported to the LPP for support.

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

The application generally meets with the Part E Industrial Development Objectives and relevant aspects of Part S – Environmental Sustainability Objectives of the Lane Cove Development Control Plan 2009.

On balance the remaining part of proposed development would be reasonable and therefore it is reported to the Lane Cove Planning Panel for approval subject to the conditions recommended under Part 2.

RECOMMENDATION

Part 1 Recommended Refusal

Several matters have not been satisfactorily addressed nor justified and are therefore insufficient for Council's support for this aspect of the proposed development.

It is for the following reasons that the proposed vehicular access to Level 3B has been refused.

- Underestimated extent of encroachment within SRZ of T4.
- Insufficient information to demonstrate T4's long term retention.
- Lack of Traffic Analysis such as swept paths and the like to ensure the appropriate location of the vehicle ramp to Level 3B.

It is recommended that the architectural plans are to be amended as prescribed within Condition 2 to ensure consistency with Part 2 of recommendations.

Part 2 Recommended Approval

Part 2 addresses the remaining components of the development which relate to the proposed conversion of levels 3, 4, 7 and 8 and basement car parking Levels 1A/1B to storage units.

The applicant has made a written request pursuant to Clause 4.6 of the *Lane Cove Local Environmental Plan 2009* for the variation to FSR. Council is satisfied that the Clause 4.6 requirements have been met and that there are sufficient planning grounds to support the variation. The proposed development would be in the public's interest because the exceedance is consistent with the objectives of the development standard and of the zone to which the development is to be carried out. Therefore, it is recommended that the Clause 4.6 written request for the FSR development standard be supported.

That the Lane Cove Local Planning Panel at its meeting of 19 May 2026, exercising the functions of the Council as the Consent Authority pursuant to Clause 4.16(1)(a) of the Environmental Planning & Assessment Act 1979 approve a variation to the FSR prescribed by Clause 4.4 of the Lane Cove Local Environmental Plan 2009, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development would be in the public interest as it is consistent with the objectives of that particular standard and the objectives for development within the zone.

That pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 the Lane Cove Local Planning Panel at its meeting of 19 May 2026, exercising the functions of Council as the consent authority, grant consent to Development Application DA7/2026 for proposed change of use to storage premises to Carparking 1A and 1B as well as Levels 3, 4, 7 and 8 for internal fit out works, subject to attached draft conditions.

General Conditions

You are advised that

- Development Application DA 7/2026
- For proposed change of use to storage premises and internal fit out works.
- On (property address) 18-20 Orion Road, Lane Cove West

has been determined pursuant to Section 4.16(3) of the Act by:

PART A – GENERAL CONDITIONS

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

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision	Plan Title	Drawn By	Dated
DA-101	H	SITE PLAN - STAGE 2	STORCAD	25/11/2025
DA-200	N	CARPARK 3A AND 3B FULL - STAGE 2	STORCAD	04/02/2026
DA-203	N	CARPARK 2A AND 2B FULL - STAGE 2	STORCAD	04/02/2026
DA-206	N	CARPARK 1A AND 1B FULL - STAGE 2	STORCAD	04/02/2026
DA-209	N	GROUND FLOOR PLAN FULL - STAGE 2	STORCAD	04/02/2026
DA-212	H	LEVEL 1 FLOOR PLAN - STAGE 2	STORCAD	25/11/2025
DA-213	H	LEVEL 2 FLOOR PLAN - STAGE 2	STORCAD	25/11/2025
DA-214	O	LEVEL 3 FLOOR PLAN - STAGE 2	STORCAD	24/02/2026
DA-215	O	LEVEL 4 FLOOR PLAN - STAGE 2	STORCAD	24/02/2026
DA-216	H	LEVEL 5 FLOOR PLAN - STAGE 2	STORCAD	25/11/2025
DA-217	H	LEVEL 6 FLOOR PLAN - STAGE 2	STORCAD	25/11/2025
DA-218	O	LEVEL 7 FLOOR PLAN - STAGE 2	STORCAD	24/02/2026
DA-219	O	LEVEL 8 FLOOR PLAN - STAGE 2	STORCAD	24/02/2026
DA-220	H	ROOF PLAN - STAGE 2	STORCAD	25/11/2025

2. **A.2 - Design amendments**

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

- Amended Architectural plans are to be submitted requiring the deletion of the proposed vehicle ramp providing access to Level 3B from Sirius Road laneway.
- All plans to be amended to include the retention of Trees 4 and 5.
- Within amended plans, provide one (1) EV charging Space for electric vehicle use in accordance with relevant policies.

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

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

Before the commencement of any works on the site, or the issue of a construction certificate, the applicant must make the following payment(s) to Council and provide written evidence of these payments to the Certifier:

Security deposit	Revision
Infrastructure damage bond	\$6000.00

To make this payment please contact Lane Cove Customer Service team.

The mode of payment shall be **Non-cash payments only (Credit card, Bank cheque, EFT) or Bank Guarantee** lodged with Council.

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and

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

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

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$ \$12,340.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

Reason: To ensure the long service levy is paid.

5. **A.5 - Payment of development contributions**
Payment of section 7.11 contributions

The total contribution payable to Council under this condition is **\$100,762.10** as calculated at the date of this consent, in accordance with s 7.11 Contributions Rates 2025/26.

Payment method: To make this payment please contact Lane Cove Customer Service team.

The mode of payment shall be **Non-cash payments only (Credit card, Bank cheque, EFT) or Bank Guarantee** lodged with Council.

Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

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

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

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 2 working days for approval

Reason: To manage impacts to Council's assets.

7. **A.10 RFS CONDITION- Bushfire Condition - Asset Protection Zones**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

At the commencement of building works and in perpetuity, to ensure ongoing protection from the impact of bush fires, the property as identified in Map 1 – Study Area of the document Proposed Commercial Development Bushfire Assessment Report Lot 2 DP 1095363 18 – 20 Orion Road Lane Cove West NSW 2066, prepared by Sydney Bushfire Consultants, Ref: 79BA – 3127, dated 3 February 2025, must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

8. **A.11 RFS CONDITION - Construction Standards**

The intent of Infill measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities

As nominated in the document, Proposed Commercial Development Bushfire Assessment Report Lot 2 DP 1095363 18 – 20 Orion Road Lane Cove West NSW 2066, prepared by Sydney Bushfire Consultants, Ref: 79BA –3127, dated 3 February 2025, the proposed development will comply with the 'general fire safety provisions' of the NCC – BCA (2022). However, it is noted that all external wall structures currently consist of masonry/concrete walls/panels and glazing elements (i.e. all non-combustible elements). In addition the following additional measures are recommended:

- All new storage units are to be constructed from non-combustible materials (i.e. lightweight metal cladding etc.).
- No hazardous materials are to be stored outside the building structures.
- Ember proofing to external doors and windows.

9. **A.12 RFS CONDITION - Water and Utility Services**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities

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

10. **A.12 RFS CONDITION - Emergency and Evacuation Planning Assessment**

The intent of measures is to provide suitable emergency and evacuation arrangements for occupants of the development

As nominated in the document, Proposed Commercial Development Bushfire Assessment Report Lot 2 DP1095363 18 – 20 Orion Road Lane Cove West NSW 2066, prepared by Sydney Bushfire Consultants, Ref: 79BA –3127, dated 3 February 2025, the emergency/evacuation plan is to include the possibility of a bushfire event.

This is to be incorporated into the facilities Emergency Planning procedures, which should comply with AS 3745-2010 'Planning for Emergencies in Facilities' Detailed plans of all Emergency Assembly Areas including "onsite" and "offsite" arrangements as stated in AS 3745-2010 are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

PART B – PRIOR TO DEMOLITION WORKS

11. 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.

PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

12. 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:

- Before commencement of any works, safety barrier or temporary fencing is to be provided covering work area. This fence is for the safety of pedestrians on the public footpath.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- 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'.
- pedestrian and vehicular site access points and construction activity zones
- location of site storage areas and sheds
- equipment used to carry out all work.
- a garbage container with a tight-fitting lid

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

Council Approvals

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
2. Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".

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

13. C.10.T – Pedestrians

1. Line markings are to be provided to guide pedestrians within public car parking areas.

Reason: To ensure pedestrian safety satisfies Council's requirements.

14. C.7 - Car parking details

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

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

PART D - BEFORE THE COMMENCEMENT OF BUILDING WORK

15. D.1 - Erosion and sediment controls in place

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.

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).

PART E - WHILE BUILDING WORK IS BEING CARRIED OUT

17. E.1.A - 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

With NO high noise generating activities, to be undertaken after 12 Noon on Saturday.

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

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

Reason: To protect the amenity of the surrounding area.

18. 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)

19. **E.7 - Construction noise**

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

20. **E.15.B - Critical stage inspections**

Critical stage inspections are to be carried out in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000. Where Lane Cove Council is appointed as the PCA, an inspection is to be booked for each of the following relevant stages during the construction process:

- a) underpinning;
- b) retaining walls;
- c) footings;
- d) reinforced concrete work;
- e) structural steelwork;
- f) upper level floor and roof framing and lift structure.

Reason: EP&A Act requirement.

21. **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.

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

22. **F.1 - Works-as-executed plans and any other documentary evidence**

Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) The following matters that Council requires to be documented:
 - Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
 - Certification from suitable licenced contractor that all works have been constructed satisfying relevant Australian standards.

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

Reason: To confirm that the proposed works have been constructed satisfactorily as per approved plans.

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

Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or

- defaced, or
- b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

Reason: To protect the State's survey infrastructure.

24. F.5 - Repair of infrastructure

Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: The applicant must lodge Council an inspection application form and make payment for this inspection. If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified.

25. F.6 - Removal of waste upon completion

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

Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

PART H - OCCUPATION AND ONGOING USE

26. H.1 - Release of securities / bonds

When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with **Condition A.3**. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

27. H.2 - Annual fire safety certificate

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.

ATTACHMENTS:

There are no supporting documents for this report.

**Lane Cove Local Planning Panel Meeting 19 May 2026
88 CARLOTTA STREET, GREENWICH**

Item No: LPP8/26
Subject: 88 Carlotta Street, Greenwich
Record No: DA26/34-01 - 28888/26
Division: Planning and Sustainability Division
Author(s): Andrew Bland

Property:	88 Carlotta Street, Greenwich.
DA No:	DA34/2026
Date Lodged:	14/04/2026
Cost of Work:	\$48,000.00
Owner:	Ravi Lochan Singh
Applicant:	Ravi Lochan Singh

Description of the proposal to appear on determination	The installation of a passenger lift to service the dwelling house
Zone	R2 Low Density Residential
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No, however adjoins a heritage property known as 1 Bay Street, Greenwich. Refer to heritage section later in this report.
Is the property within a conservation area	No
Does the property adjoin bushland	No
Are the proposed works within 5m of an exposed overhead power line.	No, however a referral to Ausgrid has been issued as a precautionary measure in the instance that the proposed works are perceived as being within 5m of the power lines, pursuant to Section 2.48 of the SEPP (Transport & Infrastructure) 2021.
BCA Classification	Class 10b
Stop the Clock used	No
Notification	Notified in accordance with Council policy and 2 submissions were received. The matters raised have been addressed below.

REASON FOR REFERRAL TO LANE COVE PLANNING PANEL

The Development Application has been reported to the Lane Cove Planning Panel as the proposal includes a contravention of more than 10% from the Lane Cove LEP 2009 height of buildings development standard and floor space ratio development standard.

The proposed development would achieve a height of 10.57m which is a variation of 11.3% and below the existing roof of the dwelling house.

The proposed development would achieve an FSR of 0.7995:1 which is a variation of 39.9% and a minor reduction from the existing FSR.

EXECUTIVE SUMMARY

- Development application DA14/2023 was previously approved by the Lane Cove Planning Panel which included the same lift structure proposed within the subject development

application. The history of this application has been detailed in the next section of this report.

- 1.
- On 14 April 2026 Council received the subject development application which seeks consent for the installation of a passenger lift to service the dwelling house and is accompanied by a Clause 4.6 request relating to both the FSR and height of building development standard.
- 2.
- The application was notified in accordance with Council policy and 2 submissions were received, the matters raised are addressed later in this report.
- 3.
- The Clause 4.6 requests are considered to be well founded and provide adequate planning grounds to support the contravention.
- 4.
- The development application satisfies Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration against the Council's LEP, Council's DCP and the other relevant planning instruments.
- 5.
- The proposed development would be reasonable and therefore, it is recommended that the Lane Cove Planning Panel support the Clause 4.6 requests and support the development application subject to the recommendation of this report.

PREVIOUS APPROVALS/HISTORY

Development Application 14/2023 was lodged for alterations and additions to a dwelling house including the lift which is proposed within the subject application. The proposed lift was amongst other various changes to the existing building.

The Lane Cove Local Planning Panel at its meeting on 15 August 2023, exercising the function of Council as the consent authority issued a part approval and part refusal of Development Application 14/2023. The lift structure was amongst the portion of the application which was approved by the Panel.

A third party appeal was lodged against the approval seeking declarations that the development consent was invalid on grounds, including but not limited to, that Council and the Panel had not complied with the requirements of Section 2.48 of the SEPP (Transport and Infrastructure) 2021.

This Section requires the application be referred to Ausgrid as part of the development was identified as within 5m of an exposed overhead electricity power line (even though these works weren't identified to Council by the Applicant or supported in the Panel's decision). There was no determination by the Court on the issue, as ultimately the Applicant surrendered the Consent and the Class 4 proceedings were discontinued on terms.

Development Application 21/2025 was lodged which reduced the scope of works to the provision of a lift which would be over 6.2m from the boundary and any overhead electricity power lines. Therefore, referral to Ausgrid is not required for the subject development application. Notwithstanding, the Application was referred to Ausgrid as a precautionary measure to ensure that if any works were perceived as within the 5m they could be considered by Ausgrid and the Panel.

The Lane Cove Local Planning Panel at its meeting on 9 April 2025, exercising the functions of Council as the consent authority, refused the Application for the following reasons:

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1. *The Panel formed the view that a clause 4.6 request was required for the variation of the FSR standard, notwithstanding that the existing building exceeds the FSR standard, and the proposal may result in a minor reduction of floor area.*
2. *The Panel notes that plans depicting the floor area calculations were not submitted with the application.*
- 6.
3. *The Panel visited the site and observed the totality of views available in the locality. The Panel formed the opinion that the potential view loss was minor and was not unreasonable.*

The subject Development Application 34/2026 has been lodged seeking consent for these same works. Additional information including GFA plans and a Clause 4.6 for FSR have been lodged in order to address the Panels reasons for refusal.

SITE

Lot and DP	1/-/DP322594 and D/-/DP76934
Area	278sqm
Site location	The site is located on the high northeast side of Carlotta Street. Pedestrian access is also provided via a passageway from Greenwich Road. Vehicular access and further pedestrian access is provided from Carlotta Street.
Existing improvements	Existing improvements include a part 4 storey dwelling house with an integrated garage and a swimming pool.
Shape	Irregular
Adjoining properties	Adjoining properties include 2, 3 and 4 storey dwelling houses and of note is the heritage item at 153 Greenwich Road located east of the subject site.



Figure 1: Frontage view from Carlotta Street (Source: Architectural plans)



Figure 2: Subject site highlighted in orange (Source: Nearmaps)



Figure 3: The subject dwelling can be identified by its orange terracotta roof with solar panels (Source: Nearmaps)

PROPOSAL

The development application seeks consent for the following:

- Installation of a lift that would service 3 of the 4 levels including the garage level, ground level and level 1. A permanent void would be generated at the lower ground level as the carriage would not stop at this level.
7.
- A Clause 4.6 request has been lodged for the proposed contravention of the height development standard, albeit the structure is primarily internal, within the existing building footprint and envelope.
8.
- A Clause 4.6 request has been lodged for the proposed contravention of the FSR development standard, albeit the proposal would reduce the GFA and be primarily internal.
9.

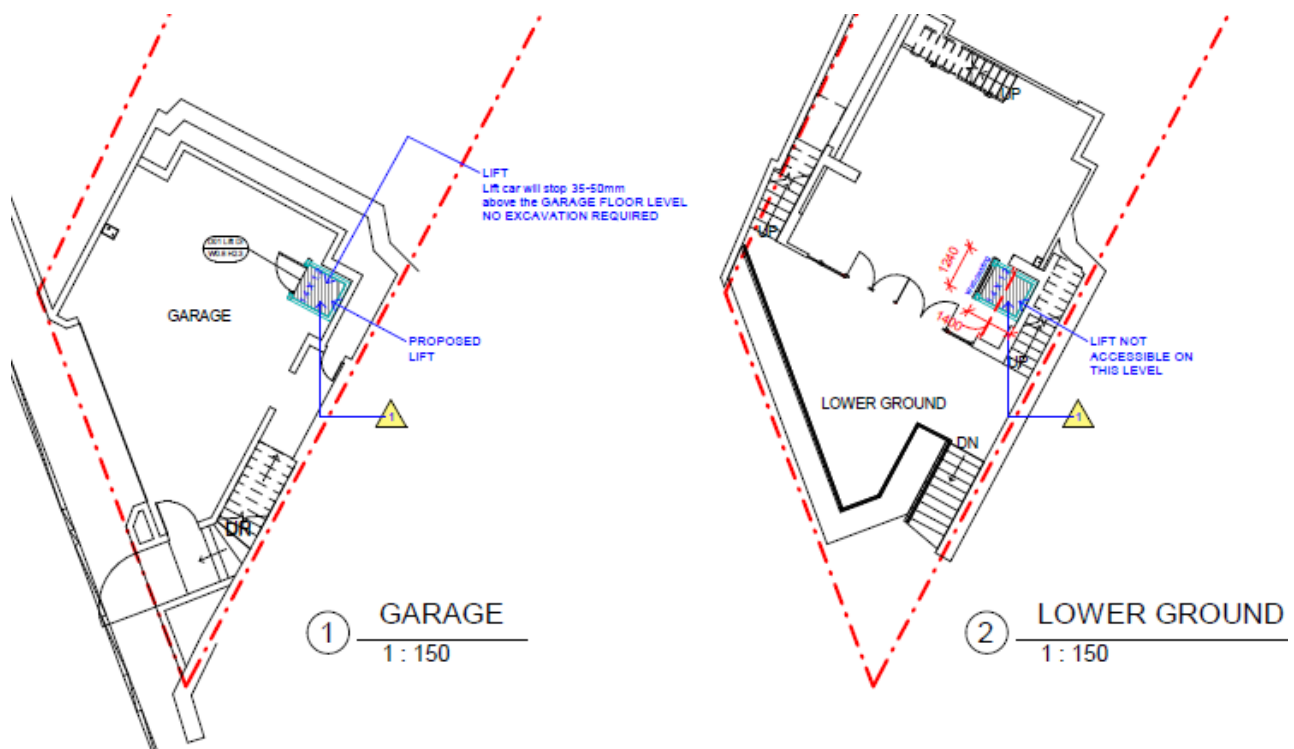


Figure 4: Proposed garage and lower ground floor plans (Source: Architectural Plans)

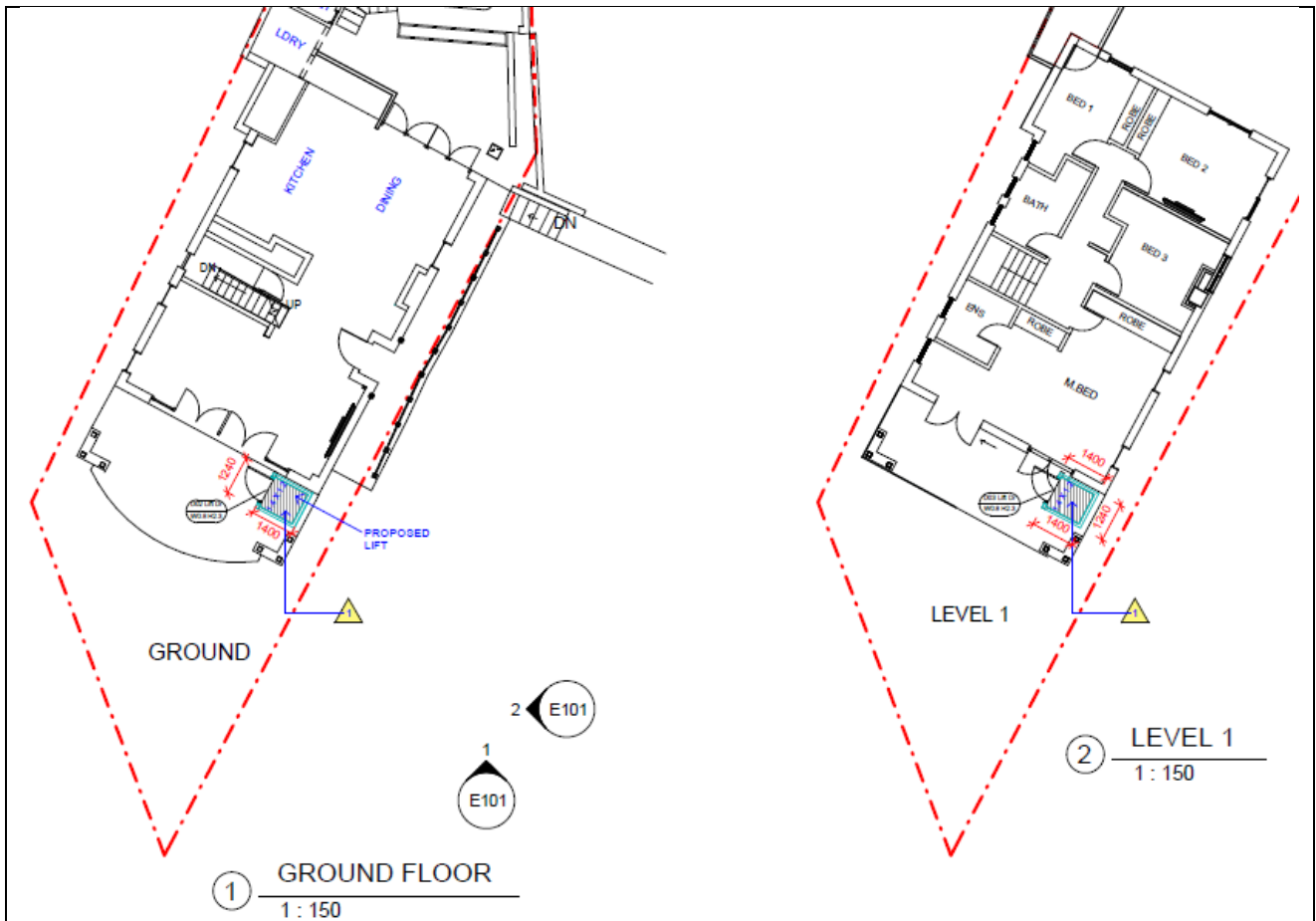


Figure 5: Proposed ground floor and level 1 floor plans (Source: Architectural Plans)

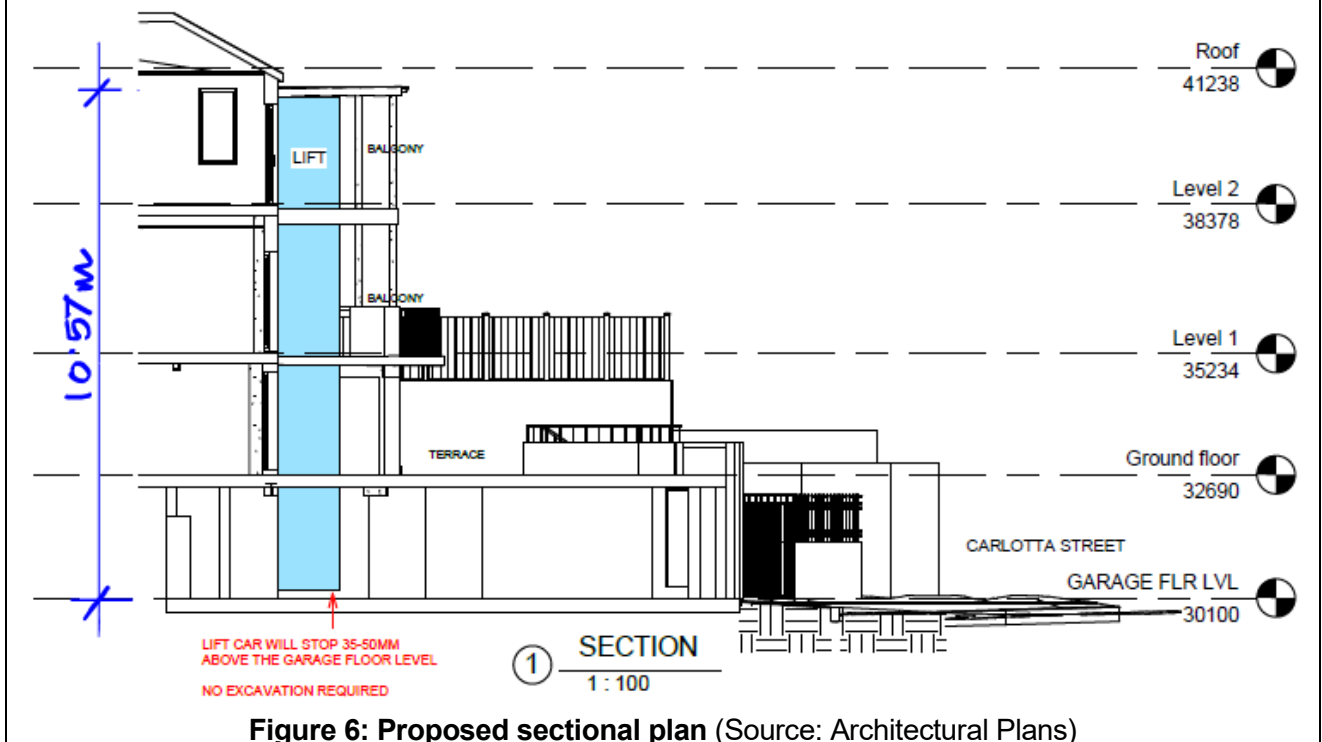


Figure 6: Proposed sectional plan (Source: Architectural Plans)

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: R2 Low Density

Site Area: 278m²

	Proposed	Control	Complies
Floor Space Ratio	<p>The proposed lift would travel from the basement level, past the lower ground floor (void) and then service the ground floor and first floor.</p> <p>For single dwellings lifts are considered GFA at the place of the carriage and for all other levels are considered to create a void. This is consistent with the approach taken in <i>Keith v Randwick City Council</i> [2025] NSWLEC 1011 and <i>Connoisseur Investments Pty Ltd v Sutherland Shire Council</i> [2020] NSWLEC 1181.</p> <p>This approach is consistently applied for the void associated with internal stairs. Generally, the floors are calculated at every level other than the upper most level which contains the associated void.</p> <p>Given a portion of the lift would travel through the existing basement and lower ground floor, this would displace any additional GFA created at the balconies, in this instance.</p> <p>Where the additional GFA of 1.736sqm is generated at the place of the carriage, there are 3 voids present which offsets any increase.</p> <p>Existing GFA:</p> <p>Garage level = 12sqm (52sqm – 40sqm allowance for garages under Council’s DCP. Lower ground floor = 48sqm Ground floor = 84sqm First floor = 80sqm</p> <p><u>Total existing = 224sqm or FSR of 0.80:1</u></p> <p>Proposed GFA:</p> <p>Proposed GFA with carriage at basement level:</p> <p>Garage level = 12sqm (as existing) Lower ground floor = 46.264sqm (lift void subtracted)</p>	0.6:1	Supported - refer to Clause 4.6 Variation section later in this report.

	<p>Ground floor = 84sqm (as existing, lift void located on the balcony) First floor = 80sqm (as existing, lift void located on the balcony)</p> <p><u>Total proposed: 222.264sqm or FSR of 0.7995:1</u></p> <p>Proposed GFA with carriage at either balcony:</p> <p>Garage level = 10.264sqm (lift void subtracted) Lower ground floor = 46.264sqm (lift void subtracted) Ground floor = 85.736sqm (addition from the lift carriage) First floor = 80sqm (as existing, lift void located on the balcony)</p> <p><u>Total proposed 222.264sqm or FSR of 0.7995:1.</u></p> <p>(39.9% breach)</p>		
Height of Buildings	<p>The lift would be 10.57m from ground level. (11.3% breach)</p> <p>No changes to the maximum ridge height of the building.</p>	9.5m	Supported - refer to Clause 4.6 Variation section later in this report.

Comprehensive DCP

	Proposed	Control	Complies
Front setback (min)	<p>The lift would be located 6.9m from the front boundary.</p> <p>This would be contained within the footprint of the existing balcony.</p>	<p>Consistent with area or 7.5m</p> <p>84 Carlotta = 5.7m 86 Carlotta = 4m</p>	Yes – consistent with the area.
Side setback (min)	The lift is contained within the existing envelope and thus maintains the existing 1.27m side setback to the east boundary.	1200mm single storey 1500mm two storey	Yes – existing maintained
Rear setback (min)	No changes	<1000m ² : 8m or 25%	Not applicable.
Wall Height (max) (max parapet of	The lift maintains the existing wall height of	7.0m	Yes – existing maintained

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	Proposed	Control	Complies
600mm)	8.1m. This structure would be contained within the existing building envelope and the garage level.		
Maximum Ridge height	No changes to the maximum ridge height as the lift would be contained within the existing building envelope.	9.5m	Yes
Subfloor height (max)	No changes	1.5m	Not applicable.
Number of Storeys (max)	No changes	2	Not applicable.
Landscaped area (min) (Minimum width of 1m required to be included in area)	No changes to the landscaped area.	35%	Not applicable.
Cut and Fill (max)	No excavation required.	1m	Yes
Solar Access	There would be no changes to the solar access compliance given the lift is contained within the existing envelope.	3 hrs. to north-facing windows	Yes
Provide for view sharing	The proposed development satisfies the tenacity principle and the impacts on views would be reasonable – refer to the B.4 View Sharing section later in this report.	B.4 View Sharing – tenacity principle.	Yes – refer to the B.4 View Sharing section later in this report.
Heritage Conservation	There would be negligible impacts on heritage as discussed in the heritage referral section later in this report.	5.10 Heritage conservation LEP B.9 DCP	Yes – refer to the heritage referral section later in this report.
Balcony depth (max)	No changes to the balcony depths.	3m	Yes
Private open space	Minimums exceeded.	24 m ² (min) 4m minimum depth	Yes
Basix Certificate	Basix not required as the \$50,000 threshold has not been achieved.		Not applicable.

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 PROVISIONS OF ANY LEP, DCP, SEPP OR REGULATION (Section 4.15(1)(a))
Clause 4.6 Request – Clause 4.3 Height of Buildings

Clause 4.6 of LCLEP 2009 allows exceptions to development standards to provide flexibility and achieve better outcomes for and from development as a result of this flexibility. Consent must not

be granted for development that contravenes a development standard unless the consent authority has considered and agrees with the request from the applicant that seeks to justify the contravention of the development standard. This request must demonstrate compliance with the relevant provisions of Clause 4.6 of LCLEP 2009.

Request provided by the applicant

The applicant has provided a request from Metro Planning dated March 2026, which seeks to contravene the building height development standard. The proposed lift would start in the existing garage level and extend to the top level of the dwelling. The lift would be 10.57m when measured from the finished floor level of the existing garage. This would result in a contravention of 1.07m or 11.3%. The resultant exceedance is largely due to the existing basement level having been excavated significantly below the prior natural ground level. The lift would be fully contained within the existing building envelope and does not exceed the existing maximum ridge height of the building.

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.*

(2) *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.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has demonstrated that-*

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

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

Comment: Council's Assessment Report is kept on the electronic file and registered on the Clause 4.6 register which satisfies Clause 4.6(4).

Consideration of Clause 4.6(3) (a) & (b)

The Applicant's Clause 4.6 request states that it is unreasonable and unnecessary to require strict compliance with the development standard in this instance, and, that there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons (which have been summarised):

- The proposed lift would not result in any overshadowing of neighbours or public areas.

- The proposed lift would not result in significant visual impacts to surrounding residents.
- The proposal would be contained within the existing built form.
- The proposal would be commensurate with the existing neighbourhood character.
- The proposed lift has been located with regards to visual and acoustic privacy.
- The proposal complements the existing architectural style.
- The proposal includes materials and colours which are consistent with the local character.
- The proposed variation is minor (1.07m) and would not exceed the existing building height which was a principle acknowledged in the *Fastbucks v Byron Shire Council* (1999) NSWCA 19 proceeding.

Comment: The proposed lift would have reasonable impacts on the amenity of neighbours and provides improved amenity to the existing dwelling house. This structure would not protrude the existing building envelope and would not exceed the existing building height. The principles of the *Bettar V City of Sydney Council NSWLEC 1070* proceeding can be applied to illustrate that when measured from a perceived natural ground level the proposed structure would attain a height of approximately 8.1m. This would be well below the height development standard from the ground level prior to any improvements of the site. The historic excavation utilised to provide the garage level is primarily the reason for the proposed height variation in this instance.

The proposed lift satisfies the relevant zone and development standard objectives. The lift would not result in adverse overshadowing or privacy impacts. The proposal maintains the existing residential amenity of the area and there would be no changes to the bulk and scale of the development. The proposal would improve the accessibility of the dwelling house, which would increase the longevity of the development. Compliance with the relevant objectives ensure that the development is consistent with the public interest. As such, there are sufficient planning grounds to justify contravening the building height development standard.

The Clause 4.6 request satisfies Clause 4.6(3) (a) & (b) of Lane Cove Local Environmental Plan 2009.

Conclusion Clause 4.6 Height of Buildings

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. The variation to the height development standard of LCLEP 2009 is considered well-justified in this instance. There are sufficient environmental planning grounds to support the proposed lift, and the objectives of the development standard have been met. The development satisfies the objectives and criteria outlined in Clause 4.6 and as such, the building height variation and request is recommended to be supported.

The Development Application satisfies Clause 4.6 of the LEP 2009 for the height development standard.

Clause 4.6 Request – Clause 4.4 Floor Space Ratio

Request provided by the applicant

The applicant has provided a request from Metro Planning dated March 2026, which seeks to contravene the Floor Space Ratio {FSR} development standard. The existing FSR for the site is 0.80:1 as confirmed on the provided GFA plans. The proposed development would result in a net reduction in GFA which achieves an FSR of 0.7995:1 or 39.9%, as detailed in the FSR assessment provided earlier in this report. Albeit a reduction in existing FSR, a Clause 4.6 Assessment has been provided below.

Clause 4.6 – Exceptions to Development Standards

The legislation requirements are detailed in the previous Clause 4.6 assessment for the height development standard.

Consideration of Clause 4.6(3) (a) & (b)

The Applicant's Clause 4.6 request states that it is unreasonable and unnecessary to require strict compliance with the development standard in this instance, and, that there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons (which have been summarised):

- The proposed development does not introduce discernible bulk to the existing dwelling.
- The proposal would be contained within the existing built form.
- The proposed lift would not result in significant visual impacts to surrounding residents.
- The proposal would be commensurate with the existing neighbourhood character.
- The proposed lift has been located with regards to visual and acoustic privacy.
- The proposed lift would not result in any overshadowing of neighbours or public areas.
- The proposal increases accessibility of the existing dwelling.
- The proposed development is compatible with the R2 Low Density Zone.

Comment: The proposed lift would have reasonable impacts on the amenity of neighbours and provides improved amenity to the existing dwelling house. This structure does not introduce discernible bulk to the existing dwelling which mitigates adverse impacts on amenity.

The proposed lift satisfies the relevant zone and development standard objectives. The lift would not result in adverse overshadowing or privacy impacts. The proposal maintains the existing residential amenity of the area and there would be no changes to the bulk and scale of the development. The proposal would improve the accessibility of the dwelling house which would increase the longevity of the development. Compliance with the relevant objectives ensure that the development is consistent with the public interest. As such, there are sufficient planning grounds to justify contravening the building height development standard.

The Clause 4.6 request satisfies Clause 4.6(3) (a) & (b) of Lane Cove Local Environmental Plan 2009.

Council's Assessment Report is kept on the electronic file and registered on the Clause 4.6 register which satisfies Clause 4.6(4).

Conclusion Clause 4.6 Height of Buildings

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. The variation to the FSR development standard of LCLEP 2009 is considered well-justified in this instance. There are sufficient environmental planning grounds to support the proposed lift, and the objectives of the development standard have been met. The development satisfies the objectives and criteria outlined in Clause 4.6 and as such, the FSR variation and request is recommended to be supported.

The Development Application satisfies Clause 4.6 of the LEP 2009 for the FSR development standard.

REFERRALS

Development Engineer

No objections subject to recommended draft conditions.

Ausgrid – SEPP (Transport and Infrastructure) 2021, S2.48

Development Application 14/2023 was required to be referred to Ausgrid under Section 2.48 of the SEPP (Transport and Infrastructure) 2021, given the enclosure of the balcony works were within 5m of overhead power lines.

These works are not included in the subject application and the proposed lift would be located over 6m from any overhead power line. The subject development application was referred to Ausgrid as a precautionary measure to ensure that if any works were perceived as within the 5m, then they could be considered by Ausgrid and the Panel. Council received a letter in response which provided the following comments:

"This letter is Ausgrid's response under section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Ausgrid consents to the development subject to the following conditions: -.

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Overhead Powerlines are in the vicinity of the development.

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

New Driveways - Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

New or modified connection

To apply to connect or modify a connection for a residential or commercial premises.

Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website:

www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Should you require further information please contact Ausgrid via email to Development@ausgrid.com.au

*Regards,
Ausgrid Development Team”*

Comment: The comment provided regarding new driveways in proximity to power lines is general in nature and not relevant to this Development Application. **Condition 3** has been included to ensure the relevant requirements are complied with.

Heritage Referral Officer

DA14/2023 was referred to Council's Heritage advisor as the subject site adjoins a heritage item and is in proximity to several other items.

No objections were raised, and the following comments were provided:

“Heritage Items

88 Carlotta Street is not a listed heritage item, but is located adjacent to 153 Greenwich Road, a house at the rear of the subject site. Features in Greenwich Road including rock outcrops and kerbs are also listed items.

Impact of the proposed extension

The proposed development will have minimal impact on the adjacent heritage items. The work is essentially internal, except for the top of the lift shaft and enclosure of the balcony, both of which are located on the opposite side of the building to Greenwich Road.

Recommendations

The proposed alterations will have minimal impact on any heritage items in the vicinity, therefore I have no objection to the proposed work.”

Comment: Given the proposal has reduced the scope of works and the environmental impacts from the previous development application, it is considered that the proposed development would have negligible impacts in terms of heritage conservation. The proposed development satisfies the objectives of 5.10 Heritage conservation LEP 2009 and B.9 Heritage DCP 2009. This is confirmed in the Heritage Impact Statement provided by Edwards Heritage Consultants and dated 11 October 2024 and the addendum Statement dated 26 March 2026.

B.4 View Sharing – 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 landowners. Views gained across other privately-owned land are not “as of right”, as some may depend on the property that is overviewed maintaining a lower scale that is achievable under the LCLEP 2009.

The Tenacity principle is a 4-step test implemented by the Land and Environment Court for the purposes of view loss assessment. The objectives of the B.4 View sharing section of the Lane Cove Council DCP 2010 outline the key components of this 4-step view sharing principle.


The four steps of the Tenacity principle area as follows:



- **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.
- **Step 2.** Assessing what part of the property the views are obtained. Side views are harder to protect than rear or front views and seated views are harder to protect than standing views and living rooms and kitchens are more valuable than bedrooms.
- **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.
- **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 skilfully designed are considered more reasonable.

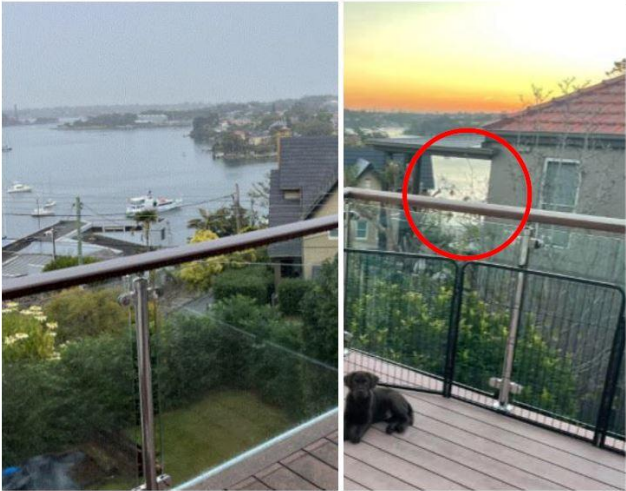




Figure 7: Aerial photo identifying the neighbouring properties. (Source: Nearmaps)

The following table provides a summarised view loss analysis against the tenacity principle.

View analysis	
Property location	View Analysis
<p>145 Greenwich Road, Greenwich.</p>  <p>Figure 8: View obtained from the first floor balcony and living areas, overlooking the rear of the subject site and the external balcony which is proposed to be enclosed. (Source: Council Planner)</p>	<p>No impacts – There would be no impacts on the water views of the Lane Cove River or the views of Cockatoo Island. Refer to Figure 8.</p>
<p>147 Greenwich Road, Greenwich.</p>	<p>Satisfactory – There would be negligible</p>

View analysis	
<p>Property location</p>  <p>Figure 9: View obtained from the first floor kitchen area and balcony which overlooks the northeast corner of the subject dwelling house. (Source: Council planner)</p>	<p>View Analysis</p> <p>impacts on the water views of the Lane Cove River. The subject view is obtained from the kitchen and over multiple side boundaries. The lift would obstruct a negligible portion of the view which is obtained through the balustrade and support beams of the first floor balcony of the subject site. Refer to Figure 9.</p>
<p>151 Greenwich Road, Greenwich.</p>  <p>Figure 10: View obtained from the first floor living area and balcony which overlooks the front yard and front facing balcony of the subject site. (Source: Council planner)</p>	<p>Satisfactory – The proposed development maintains expansive views which are virtually uninterrupted, the impacts of the proposal would be minor.</p> <ol style="list-style-type: none"> 1. There would be minor impacts on the oblique water views of the Lane Cove River away from the primary aspect of the view towards Cockatoo Island. 2. The subject view is obtained from the first floor balcony and living area, over multiple side boundaries and lots. 3. The lift would occupy a small portion of the total view, which is already partially obstructed by existing physical structures. The view is obtained through the first floor balcony of the subject site. This can be seen in Figure 10 and Figure 11. 4. The development application includes a Clause 4.6 for height and FSR which are considered satisfactory as discussed earlier in this report. The lift would be contained within the existing footprint of the dwelling and is a result of historic excavation for the garage level. Given the minor extent of the impacts to the total view, it is considered unreasonable to

View analysis	
Property location	View Analysis
 <p>Figure 11: Alternate view provided from submission showing the impacts when the existing foliage has been trimmed. (Source: Metro Planning submission)</p>	<p>require amendment of the lift location.</p> <p>The Applicant has provided the following consideration of relocating the lift:</p> <ul style="list-style-type: none"> • Reduces the operable portion of the garage, • Reduces existing storage areas adjacent to the toilet at the lower ground floor, • Requires the relocation of aircon services, • The application has been proposed with the opinion that the Clause 4.6 requests are supportable and the Tenacity Principle has been satisfied. <p>Figure 12 shows the view to Lane Cove River and Cockatoo Island from the ground floor balcony which would be unaffected.</p>
 <p>Figure 12: View obtained from the ground floor balcony. (Source: Council planner)</p>	<p>No impacts – There would be no impacts on the water views of the Lane Cove River. The lift would be located behind vegetation in the rear yard. Refer to Figure 13.</p> <p>Unobstructed water views are obtained in a 90 degree direction from the stood position referenced in Refer to Figure 13. This is the same unobstructed view obtained in Figure 12 above, from the adjoining property.</p>
<p>153 Greenwich Road, Greenwich.</p>	<p>No impacts – There would be no impacts on the water views of the Lane Cove River. The lift would be located behind vegetation in the rear yard. Refer to Figure 13.</p> <p>Unobstructed water views are obtained in a 90 degree direction from the stood position referenced in Refer to Figure 13. This is the same unobstructed view obtained in Figure 12 above, from the adjoining property.</p>

View analysis	
Property location	View Analysis
 <p>Figure 13: View obtained from the ground floor balcony. (Source: Council planner)</p>	

Comment: The proposed lift would generally have a negligible impact on the significant views of the Lane Cove River. In some instances, there would be an impact on partially obstructed water views obtained through the existing balcony and developable portion of the site. In any instance where the lift obstructs views the primary expansive view toward Cockatoo Island remains unaffected. It is therefore considered that the impacts on views are negligible to minor and it would be unreasonable to require any amendments in order to preserve the insignificant portion of these views. The proposed development has been designed in accordance with the tenacity view sharing principles and satisfies the relevant requirements.

The Development Application satisfies the B.4 View Sharing and Tenacity Principle requirements

OTHER PLANNING INSTRUMENTS

SEPP (Resilience and Hazards) 2021 – Chapter 4 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.

SEPP (Biodiversity and Conservation) 2021

The two relevant chapters are addressed under the following subheadings.

Chapter 2 Vegetation in non-rural areas

The aims of Chapter 2 have been satisfied as the proposed development would have a reasonable impact on the biodiversity value of trees and other vegetation.

Chapter 6 Water catchments

The aims of Chapter 6 have been satisfied as the proposed development would not adversely impact the quality of water entering the *Sydney Harbour Catchment*. This has been ensured by the proposed stormwater management system.

APPLICABLE REGULATIONS

The Environmental Planning and Assessment Regulation 2021 indicates that the standards for demolition and removal of materials should meet with AS 2601-2001 and therefore any consent would require the application of a relevant condition seeking compliance with this Standard.

IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))

The proposed development would have reasonable impacts on neighbouring properties and the public domain in terms of overshadowing, visual privacy, acoustic privacy, traffic and parking. The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls.

SUITABILITY OF SITE (Section 4.15(1)(c))

The subject site would be suitable for the proposed development as the use is permissible within the Zone. The proposed development would positively contribute to the amenity of the surrounding area and the subject site would not constrain the development or neighbouring sites.

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

The development application was notified in accordance with Council policy and 2 submissions were received. The matters raised have been addressed in the following table.

Concern	Comment
<p>Impacts on views – concerns that there would be a detrimental impact on significant views as a result of the lift and the application fails to satisfy the Tenacity principle framework.</p> <p>The <i>Furlong v Northern Beaches Council [2022] NSWLEC1208</i> (Furlong) case was referenced in regards to the commissioner’s decision to uphold a refusal where the proposal would result in “severe view loss impacts” to a side view where there was a reasonable design alternative</p>	<p>The impact on views has been assessed against the tenacity principle in the B.4 View Sharing section earlier in this report.</p> <p>The impacts on views would be reasonable and satisfy the tenacity principle requirements.</p> <p>The Furlong appeal dealt with “severe view loss impacts” where the subject proposal would result in a minor/negligible impact on the total view enjoyed. Thus, it is considered unreasonable to require an alternate design solution for the subject application.</p>

available with reduced impacts.	
Clause 4.6 – the proposed breach exceeds the requirements for determination from the Lane Cove Planning Panel.	The development application has been reported to the Lane Cove Planning Panel.
Relocation of lift – request that the lift is relocated either within the building or to the north-west corner of the balcony to alleviate view impacts.	<p>The impact on views is considered acceptable as discussed earlier in this report. Notwithstanding this request was put to the Applicant who agreed to explore alternate locations for the lift. Upon consideration the Applicant has not amended the plans as this would result in:</p> <ul style="list-style-type: none"> • Reduction of the operable portion of the garage, • Reduction of the existing storage areas adjacent to the toilet at the lower ground floor, and, • Require the relocation of aircon services.
Lift details – request that the lift details are provided and ensure that there is no lift overrun or excavation required for the lift structure.	<p>The lift details have been provided and were made available on Council’s website. These details confirm that the proposed lift would not require any lift overrun or any form of excavation.</p> <p>It is to be noted that if excavation was required Council would not have any concerns and would recommend the standard conditions which mitigate excavation impacts.</p>
FSR – concerns that the proposal constitutes increased FSR and would result in an overdevelopment of the site.	The proposed development reduced the existing GFA and FSR of the site, as documented above. The additional bulk has been considered in terms of views, solar access, visual privacy and acoustic impacts.
Impacts of the lift – Concerns that the lift would have unreasonable impacts regarding amenity and would be inconsistent with the streetscape.	<p>The lift is a permissible structure and has been well integrated into the design of the dwelling house. There would be no unreasonable impacts on the streetscape.</p> <p>Acoustic impacts have been mitigated through the recommended Condition 2. This condition requires certification from a qualified acoustic expert to ensure that the noise generated by the lift is reasonable and maintains acoustic amenity.</p> <p>Privacy would be improved as there would be reduced sightlines from the balcony due to the lift.</p> <p>There would be negligible impacts, if any, on ventilation and overshadowing.</p>
Other works - Concerns raised for existing works near the pool that are outside the scope of the development application.	<p>This matter does not relate to the assessment of the development application.</p> <p>This structure is a cover for the pool pump and is exempt development.</p>

PUBLIC INTEREST (Section 4.15(1)(e))

The proposed development would have reasonable impacts on neighbouring properties and the public domain with regard to the Lane Cove LEP 2009, Lane Cove DCP 2009 and the relevant environmental planning instruments. Therefore, approval of this application would not be contrary to the public interest.

CONCLUSION

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

The Clause 4.6 Requests to vary the FSR and building height development standard are well founded and provide reasonable planning grounds to support the contraventions. It is recommended that the Lane Cove Planning Panel support the Clause 4.6 requests.

The application meets the Part C Residential Development Objectives in the Lane Cove Development Control Plan.

On balance the proposed development would be reasonable and therefore is reported to the Lane Cove Planning Panel for approval subject to the recommendation below.

RECOMMENDATION

The Applicant has made two requests pursuant to Clause 4.6 of the Lane Cove Local Environmental Plan 2009 for the proposed breach of the building height development standard and floor space ratio development standard. Council is satisfied that the Clause 4.6 requirements have been met and that there are sufficient planning grounds to support the variations. The proposed development would be in the public interest as the exceedances are consistent with the objectives of the development standard and of the zone in which the development is to be carried out. It is therefore recommended that the Clause 4.6 requests for the building height development standard and floor space ratio development standard be supported by the Lane Cove Planning Panel.

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 19 May 2026, exercising the functions of Council as the consent authority, approve Development Application DA34/2026 for the installation of a passenger lift to service the dwelling house at 88 Carlotta Street, Greenwich subject to the following conditions.

PART A – GENERAL CONDITIONS

1. A.1 - Approved plans

Development must be carried out in accordance with the following approved plans (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision	Plan Title	Drawn By	Dated
A101	J	Cover Sheet	Siva Projects Pty Ltd	09/10/2024
A102	J	Garage and Lower Ground	Siva Projects Pty Ltd	09/10/2024
A103	J	Ground Floor and Level 1	Siva Projects Pty Ltd	09/10/2024
A104	J	Site Plan	Siva Projects Pty	09/10/2024

			Ltd	
E101	H	Elevations	Siva Projects Pty Ltd	04/10/2024
E102	H	Elevations	Siva Projects Pty Ltd	04/10/2024
E103	H	Section	Siva Projects Pty Ltd	04/10/2024
1 of 7	-	Shaft Drawing	Cibes	2024/12/10
2 of 7	-	Cut out sizes	Cibes	2024/12/10
1 of 1		Erosion & Sediment Control Plan	KD Stormwater Pty Ltd	07.05.2026

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **A.2 - Acoustic certification of the lift**

A verification certificate from an acoustic consultant is to be prepared. This must confirm that the noise generated by the lift & lift motor (when measured at the site boundaries) does not exceed 5dB(A) above background noise. This verification certificate is to be submitted to the Private Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure that acoustic amenity is maintained.

3. **A.2a – Ausgrid Condition for any works within 5m of a powerline**

A letter is to be provided to the Private Certifier, prior to the issue of a construction certificate, confirming whether any works or associated structures used for construction would be located within 5m of an overhead powerline.

If these works or structures are present, then a letter is to be provided to the Private Certifier, prior to the issue of Construction Certificate confirming that the SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

New or modified connection

To apply to connect or modify a connection for a residential or commercial premises.

Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:

www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Reason: To protect the public environment, the safety of any workers and the Ausgrid assets.

4. **A.3 - Payment of security deposits**

Before the commencement of any works on the site, or the issue of a construction certificate, the applicant must make the following payments to Council and provide written evidence of these payments to the Certifier:

Security deposit	Amount
Infrastructure damage bond	\$6,000.00

To make this payment please contact Lane Cove Customer Service team.

The mode of payment shall be **Non-cash payments only (Credit card, Bank cheque, EFT) or Bank Guarantee** lodged with Council.

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates, and,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent.

Note: An inspection fee is required to be paid which is included in Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). Council inspection fees are calculated in accordance with Council's fees and charges at the date of payment.

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

The following items are to be inspected:

- proposed stormwater drainage improvements

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

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

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

A separate application shall be made to Council's Open Space and Infrastructure Division for any associated works on Council property. Written approval is to be obtained prior to the start of any works on Council property.

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 2 working days for approval.

Reason: To manage impacts to Council's assets.

6. **A.12 – Construction Certificate**

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

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

PART B – PRIOR TO DEMOLITION WORKS

7. **B.3.EH - Compliance with demolition standard**

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.

Reason: Prescribed condition under the EP&A Regulation 2021.

PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

8. **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 provided to and approved by the principal certifier. The plan must include the following matters:

- safety 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 and shall be erected before the commencement of any works.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- 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'.
- pedestrian and vehicular site access points and construction activity zones

- location of site storage areas and sheds
- equipment used to carry out all work.
- a garbage container with a tight-fitting lid

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

Council Approvals

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
2. Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".

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

9. **C.23.B - Sydney Water requirements**

The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In" for approval.

Reason: To comply Sydney Water requirements.

10. **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:

- a) footings;
- b) reinforced concrete work;
- c) structural work; and,
- d) the lift structure.

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

Reason: To ensure structural adequacy.

PART D - BEFORE THE COMMENCEMENT OF BUILDING WORK

11. **D.1 - Erosion and sediment controls in place**

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the approved plan are in place until the site is rectified (at least 70% ground cover is achieved over any bare ground on site).

Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.

12. **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 any demolition or building work is being carried out but must be removed when these works have 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 under section 70 of the EP&A Regulation 2021.

13. **D.4 - Compliance with the Home Building Act**

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

Reason: Prescribed condition under section 69 of the EP&A Regulation 2021.

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

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

- a) In the case of work for which a principal contractor is required to be appointed -
- i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) In the case of work to be done by an owner-builder—
- i) the name of the owner-builder, and
- c) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

Reason: Prescribed condition under section 71 EP&A Regulation 2021.

PART E - WHILE BUILDING WORK IS BEING CARRIED OUT

15. **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

With NO high noise generating activities, to be undertaken after 12 Noon on Saturday.

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

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

Reason: To protect the amenity of the surrounding area.

16. **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 under section 69 of the EP&A 2021.

17. **E.4 - Implementation of the site management plans**
While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

18. **E.7 - Construction noise**
While building work is being carried out where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or works does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where these works are being carried out.

Reason: To protect the amenity of the neighbourhood.

19. **E.9 - Responsibility for changes to public infrastructure**
While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure the payment of approved changes to public infrastructure.

20. **E.15.B - Critical stage inspections**
Critical stage inspections are to be carried out in accordance with Section 6.5 of the EP&A Act 1979 and sections 61, 63 and 65 of the *Environmental Planning and Assessment (Development Certification and Fire safety) Regulation 2021*.

Where Lane Cove Council is appointed as the principal certifier, an inspection is to be booked for each of the following relevant stages during the construction process:

- a) footings;
- b) reinforced concrete work;
- c) structural work; and,
- d) the lift structure.

Reason: EP&A Act requirement.

21. **E.18.B - No obstruction of public way**
The public way and Council verge 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.

22. **E.19.B – Encroachments**

1. No portion of the proposed structure shall encroach onto adjoining properties.
2. The proposed construction shall not encroach onto any existing Council drainage pipe or easement unless approved by Council. If a Council stormwater pipe is located at site during construction, Council is to be immediately notified. Where necessary the drainage line is to be reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the drainage pipe are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.

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

23. **E.20.EH – Stockpiles**

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

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

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

24. **F.1 - Works-as-executed plans and any other documentary evidence**

Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented:
 - Certification from suitable licenced contractor that all works have been constructed in accordance with the Australian standards.
 - Certification from lift manufacturer that the lift installed satisfies the relevant Australian standards.
 - Certification from qualified structural engineer that the proposed construction has been completed according to approved plans and is structurally adequate.

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

Reason: To confirm that the proposed works have been constructed satisfactorily as per approved plans.

25. **F.2 - Completion of public utility services**

Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the principal certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements before occupation.

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

Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

Reason: To protect the State's survey infrastructure.

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

Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the security/bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified.

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

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

Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed of or satisfactorily stored.

PART H - OCCUPATION AND ONGOING USE

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

When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with **Condition 4**. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

ATTACHMENTS:

There are no supporting documents for this report.