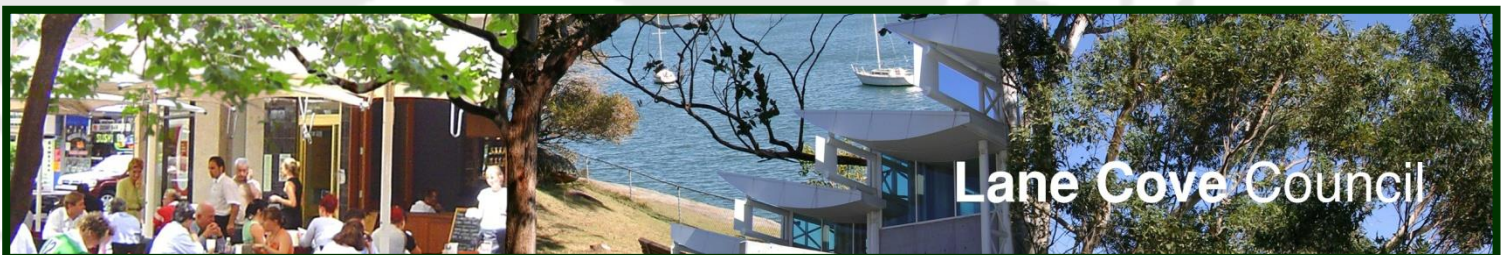


Agenda  
Lane Cove Local Planning Panel Meeting  
19 November 2024



Lane Cove Council

## 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 November 2024 commencing at 5pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Craig Wrightson  
**General Manager**

## Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting is chaired by Ms Jan 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](http://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**

**1. 2 EDWIN STREET, GREENWICH..... 4**

**Lane Cove Local Planning Panel Meeting 19 November 2024  
2 EDWIN STREET, GREENWICH.**

**Item No:** LPP10/24  
**Subject:** 2 Edwin Street, Greenwich.  
**Record No:** DA24/90-01 - 71886/24  
**Division:** Planning and Sustainability Division  
**Author(s):** Andrew Bland

<b>DA Number</b>	<b>Council Reference:</b> DA90/2024 <b>Portal Reference:</b> PAN-443779
<b>Proposed Development</b>	Demolition of existing structures and construction of a two storey dwelling house.
<b>Street Address</b>	2 Edwin Street, Greenwich
<b>Applicant/Owner</b>	<b>Applicant:</b> BJ Architects International Pty Ltd <b>Owner:</b> S Zhuang
<b>Date of DA Lodgment</b>	9 September 2024
<b>Development Cost</b>	\$1,000,000.00
<b>Public Notification Period</b>	<b>Notification Period:</b> - 9 September 2024 to 25 September 2024 In accordance with Council policy, the amended design was not required to be notified as the impacts were reduced.
<b>Submissions Received</b>	7 unique submissions have been received by way of objection. 1 submission was held by way of site meeting.
<b>Recommendation</b>	<b>Approval</b>
<b>Local Planning Panel Referral Criteria (Schedule 1 of Planning Direction)</b>	<ul style="list-style-type: none"> <li>• <b>Contentious Development:</b> Due to the contentious nature of the view impacts.</li> </ul>
<b>Relevant environmental planning instruments</b>	<ul style="list-style-type: none"> <li>- SEPP (Biodiversity and Conservation) 2021;</li> <li>- SEPP(Resilience and hazards) 2021;</li> <li>- SEPP (Building Sustainability Index) 2004;</li> <li>- Lane Cove Local Environmental Plan 2009.</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Vehicular access</li> <li>• View sharing</li> <li>• Height</li> <li>• Solar access</li> </ul>
<b>Report prepared by</b>	<b>Andrew Bland</b>
<b>Report date</b>	19 November 2024

### EXECUTIVE SUMMARY

- The development application is for the demolition of existing structures and construction of a two storey dwelling house.
- The development application was notified in accordance with Council policy and a total of 7 submissions were received. The key concerns included, but are not limited to, vehicular



**Lane Cove Local Planning Panel Meeting 19 November 2024  
2 EDWIN STREET, GREENWICH.**

Is the property within a conservation area	No
Does the property adjoin bushland	No
BCA Classification	Class 1a and 10b

**SITE APPLICATION HISTORY**

DA241/2008	Approval granted for a 2 storey dwelling house which was not constructed.
DA193/2018	Approval for a 2 storey dwelling house to which the consent has now lapsed and no works were completed.

**PROPOSAL**

The amended development application seek approval for the following works:

**Demolition**

Demolition of existing structures including the dwelling house, the swimming pool and outbuildings.

Removal of redundant vehicular access to Edwin Street.

The removal of some onsite trees.

**Construction**

The construction of a split level 2 storey dwelling house comprised of the following:

- Ground floor: Open plan kitchen, living and dining, bathroom and powder room, study and an attached double garage with EV Charging Infrastructure - 15A Circuit and Socket.
- Upper ground floor: 2 bedrooms with 1 ensuite, a bathroom and a central balcony which can be accessed from both rooms.
- First floor: Master bedroom with a WIR and ensuite, a bedroom with ensuite, a study, a bathroom, a secondary living room with a minibar and a rear facing balcony accessed from the secondary living room.
- A lift would service all levels including the covered deck area.
- Roof: Parapet roof including photovoltaic panels.

Other:

- A covered deck area would be located underneath the upper ground floor and would be attached to / face the proposed pool.
- Vehicular access to be located off Vista Lane.
- The construction of an inground swimming pool in the rear yard.
- Associated landscaping and stormwater drainage works.
- The amended stormwater system proposes a gravity fed system which is to be connected to Council's services located off the northeast corner of the property. The original design

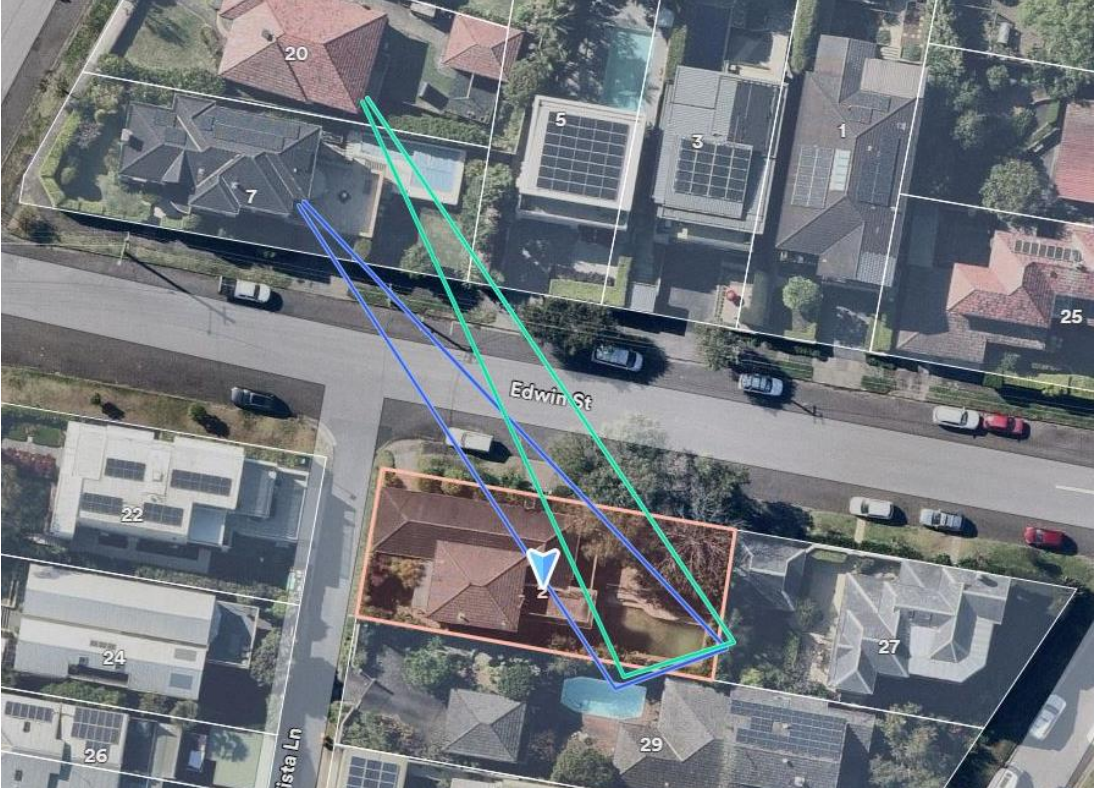
**Lane Cove Local Planning Panel Meeting 19 November 2024  
2 EDWIN STREET, GREENWICH.**

included a pump system which was not supported by Council’s development engineer.

The following table details the Request for Additional Information and the Applicant’s response.

<b>Request for Additional Information</b>		
<b>Contention (Summarised)</b>	<b>Response from Applicant</b>	<b>Supported</b>
<p><b>1. Height</b> – Request that the height be reduced in order to satisfy the Tenacity principle requirements regarding views and ensure compliance with the solar access provisions.</p> <p>Of particular note was the floor to ceiling heights as shown in <b>Figure 1</b> below.</p>	<p>The overall maximum height has been reduced 505mm to 8.92m from existing ground level at the rear.</p>	<p>Yes</p>
<p><b>Figure 1:</b> Section through the original design (Source: Applicant)</p>		
<p><b>2. Views</b> – Request that alternate design solutions be explored to mitigate the significant view impacts, in particular for the living rooms and private open spaces of 7 Edwin Street and 20 Chisholm Street.</p> <p>A view corridor was perceived to be located between vegetation and the proposed development, refer to <b>Figure 2</b> below.</p> <p>Height poles were required to be erected to reflect design solutions in response to the view impacts.</p>	<p>Height poles were erected in an alternate location which confirmed that a reduced front setback would not achieve a discernable benefit regarding the impacted views.</p> <p>Therefore, the amended application maintains the original position but has significantly reduced the maximum overall height to 8.92m in order to address the view loss concerns.</p>	<p>Yes, refer to the B.4 View Sharing Section for further details.</p>



<b>Request for Additional Information</b>		
<b>Contention (Summarised)</b>	<b>Response from Applicant</b>	<b>Supported</b>
 <p><b>Figure 2: Perceived view corridor</b> (Source: Council Planner)</p>		
<p><b>3. Solar Access</b> – Request that the design be amended to ensure compliance with the 3 hour solar access requirement for the private open space for 29 Vista Street.</p>	<p>Solar access provisions have been met: 3hrs to north facing windows 9am - 12pm 3hrs to rear yard 9am – 12pm</p>	Yes
<p><b>4. Privacy</b> – Request that privacy be addressed through the following:</p> <p>a). The neighbours at 27 Vista Street requested the retention of the existing fence treatment of the rear boundary and specifically the associated foliage along the rear boundary fence including Tree 14, Chinese Juniper.</p> <p>b). The planter boxes proposed on the first floor balcony are to be raised to a minimum height of 1.2m, extended to return around the full length of the southern and northern sides of the balcony and the depth is to be increased to 1m. The planter boxes proposed</p>	<p><b>Note:</b> Council does not rely upon vegetation to address privacy as it is not a permanent fixed structure, although the adjoining neighbour has requested the existing vegetation be retained.</p> <p>a). The Applicant has agreed to maintain the existing rear boundary fence treatment and agreed to retain Tree 14, the relevant tree conditions have been updated to reflect this.</p> <p>b). The Applicant has sought to increase planting in the rear yard to address privacy impacts from the balconies. This does not address the privacy impacts and therefore condition 2 has been included to adequately address privacy.</p>	<p>Yes</p> <p>No, refer to condition 2.</p>



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<b>Request for Additional Information</b>		
<b>Contention (Summarised)</b>	<b>Response from Applicant</b>	<b>Supported</b>
<p>on the upper ground floor are also to be raised to a height of 1.2m.</p> <p>c). Further details are to be provided on the privacy screening proposed on the southern façade.</p> <p>The following windows are to be amended to address privacy WHG-01, WHG-04, WF-04, WF-05, WF-06 and WF-07.</p>	<p>c). The proposed privacy screening to the first floor adequately addresses privacy.</p> <p>Opaque glazing has been included to the requested windows being: WHG-01, WHG-04, WF-04, WF-05, WF-06 and WF-07.</p>	Yes
<p>5. Stormwater System – The proposed pump out system is not supported. Council’s development engineer requested that a gravity fed system be connected to Council’s services located off the northeast corner of the property.</p>	<p>The stormwater plan has been amended as requested.</p>	Yes
<p>6. Urban Heat and Shade – Confirmation that the Roofing materials, including shade structures, with a minimum solar reflectivity index (SRI) of 82 if a horizontal surface or a minimum SRI of 39 for sloped surfaces greater than 15 degrees.</p>	<p>The Applicant has confirmed on the plans that the SRI requirements have been met for the roofing material which ensures compliance with the relevant control.</p>	Yes

**PROPOSAL DATA/POLICY COMPLIANCE**

**Local Environmental Plan 2009**

**Zoning: R2 Low Density**

**Site Area: 558m<sup>2</sup>**

<b>LEP table</b>			
	<b>Development Standard</b>	<b>Proposal</b>	<b>Complies</b>
Floor Space Ratio (max)	0.5:1	<p>Ground floor: 105sqm</p> <p>Upper ground floor: 50sqm</p> <p>First floor: 123sqm</p> <p>Total: 278sqm, or,</p> <p>0.498:1 FSR</p>	Yes
Height of Buildings (max)	9.5m	8.92m	Yes

**Comprehensive Development Control Plan assessment**

<b>DCP table</b>			
	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
Front setback (min)	Consistent with area or 7.5m	7.5m to Vista Lane.	Yes
Secondary street setback (min) (corner lots)	2m	2m for the ground floors 2.5m for the first floor	Yes
Side setback (min)	1.2m single storey 1.5m two storey	1.5m for the ground floor 2.15m for the first floor	Yes
Rear setback (min)	<1000m <sup>2</sup> : 8m or 25%	9.145m	Yes
Wall height (max)	7m + 600mm parapet for flat roof structures	6.1m – articulated design to ensure a break in the wall height.	Yes
Ridge height (max)	9.5m	8.92m	Yes
Subfloor height (max)	1m	No subfloor proposed given the split level design	Yes
Number of storeys (max)	2	Split level 2 storey dwelling house.	Yes
Landscaped area (min) (Minimum dimension of 1m)	35%	205.9 or 36.8%	Yes
Cut and fill (max)	1m	0.9m	Yes
Solar access (min)	3 hours to north facing habitable windows plus the private open space	The proposed development would cast additional shadows over 29 Vista Street.  3hrs to windows: 9am -12pm  3hrs to rear yard: 9am – 12pm  Further improvements to solar access considered unreasonable given the lot orientation, setbacks and the proposed height of the dwelling.	Yes
Deck/balcony depth (max)	3m	Maximum 3m depth for all balconies.	Yes
Private open space (min)	24m <sup>2</sup> and 4m in depth	Miniums exceeded.	Yes
BASIX Certificate	Required	Certificate number: 1751311S_02	Yes

**Car parking**

<b>Car parking table</b>			
	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
Off-street spaces (min)	1	2	Yes
Driveway width	3m at the kerb	3m	Yes

**Private swimming pools**

<b>Private swimming pool table</b>			
	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
Setback to neighbour's house (min)	3m to waterline	The proposed water line would be setback <b>2.4m</b> to the dwelling house at 29 Vista Street.	No, refer to variations section later in this report.
Setback to boundary (min)	1m to waterline	1.7m	Yes
Height (max)	1m	In ground swimming pool	Yes

**Fences**

<b>Fences table</b>			
	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
Front fence height (max)	Solid: 900mm Lightweight: 1.2m	Solid fence varying in heights of 880mm to 442mm	Yes
Height of side and rear fences (max)	1.8m	1.8m high boundary lapped and capped timber fence.	Yes

**PART S - ASSESSMENT**

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

<b>S.2 Achieving Net-Zero</b>			
<b>Provision</b>	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
2.1 All Electric Buildings	All new developments are to use electricity for all energy requirements associated with normal operations.	All electric dwelling proposed.  The BASIX has confirmed that there would be no gas provisions.	Yes
2.2 On-site solar	Residential development of three storeys or less will include the installation of a solar PV system of no less capacity than 25% of the roof area.	Solar panels have been provided for an area which equates to 26% of the total roof area.	Yes

<b>S.3 Resilience and Health</b>			
<b>Provision</b>	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
3.1 Natural Ventilation	a) For all residential accommodation not affected by SEPP 65:	All rooms include dual windows which promote natural cross ventilation.	

<b>S.3 Resilience and Health</b>			
<b>Provision</b>	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
	<p>i. The natural ventilation requirements of the NCC are to be met with the area of openings to be calculated following the Apartment Design Guide Glossary definition of Effective Open Area (EOA), including necessary allowance for insect screens.</p> <p>ii. Windows are to be located on multiple aspects to promote natural cross ventilation.</p>		Yes
3.2 Glazing	<p>a) Window-to-wall ratios of each major aspect are to be limited to a maximum of:</p> <p>i. For residential buildings, 30% when measured externally or 50% when measured on the internal façade, whichever is lower. Windows and walls facing onto private open spaces are excluded from the window-to-wall ratio calculation.</p> <p>b) External solar shading should be provided to glazing on the north, east and western facades where it is not significantly over-shadowed by neighbouring buildings or by the inclusion of balconies. The solar shading should be designed to maximise the protection of the glazing from the summer sun and maximise solar transmission in the winter sun.</p> <p>d) Glazing is to be selected with external solar heat and visible light reflectivity no greater than 20% measured at normal incidence.</p>	<p>Northern façade: 23%</p> <p>Southern façade: 28%</p> <p>Western façade: 14.25%</p> <p>Solar shading has been included on all windows not already over-shadowed by neighbouring dwellings or balconies.</p> <p>The glazing selected complies with the 20%</p>	Yes
3.3 Urban Heat and Shade	<p>a) For low density residential, at least 75% of the site area must comprise one or a combination of the following when assessed in plan view:</p>	85.7%	

<b>S.3 Resilience and Health</b>			
<b>Provision</b>	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
	i. Vegetation, ii. Green roofs, iii. Roofing materials, including shade structures, with a minimum solar reflectivity index (SRI) of 82 if a horizontal surface or a minimum SRI of 39 for sloped surfaces greater than 15 degrees, iv. Hardscaping elements shaded by overhanging vegetation or roof structures, v. Water bodies and/or watercourses.		Yes
3.4 Sustainable Materials	a) All newly sourced timber used in construction is to be FSC certified. b) Alternatives products are to be preferenced to replace materials that cause environmental harm or health risks in manufacture, including materials containing formaldehyde, chlorinated polymers, hydrochlorofluorocarbons and Halogenated flame retardants. c) Engineered stone products must be handled in accordance with the appropriate standards.	Confirmed in the statement.	Yes

<b>S.4 Integrated Urban Water Management</b>			
<b>Provision</b>	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
4.1 Water Efficiency	a) All development must demonstrate the prioritisation of water conservation measures to minimise water consumption.	Condition 7 requires that the rainwater reuse tank is connected to all toilets, one outside tap and one cold water washing machine tap.	Yes
4.2 Stormwater Management	a) Peak stormwater flows are to be reduced with a stormwater detention system. Other measures can include	The proposed development includes a 10,000L rainwater tank. Council's engineer has	Yes

<b>S.4 Integrated Urban Water Management</b>			
<b>Provision</b>	<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
	<p>green roofs, stormwater harvesting, rain gardens, bio-retention basins and passive filtration measures. Other water sensitive urban design measures are described in Part J – Landscaping and Tree Preservation.</p> <p>b) The use of porous surfaces is to be maximised.</p> <p>c) Where required, Gross Pollutant Traps and filtration are to meet Sydney Water Best Practice guidelines for reducing stormwater pollutants.</p>	conditioned its relocation to the rear.	

**B.4 View Sharing Section**

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.



### **View loss assessment**

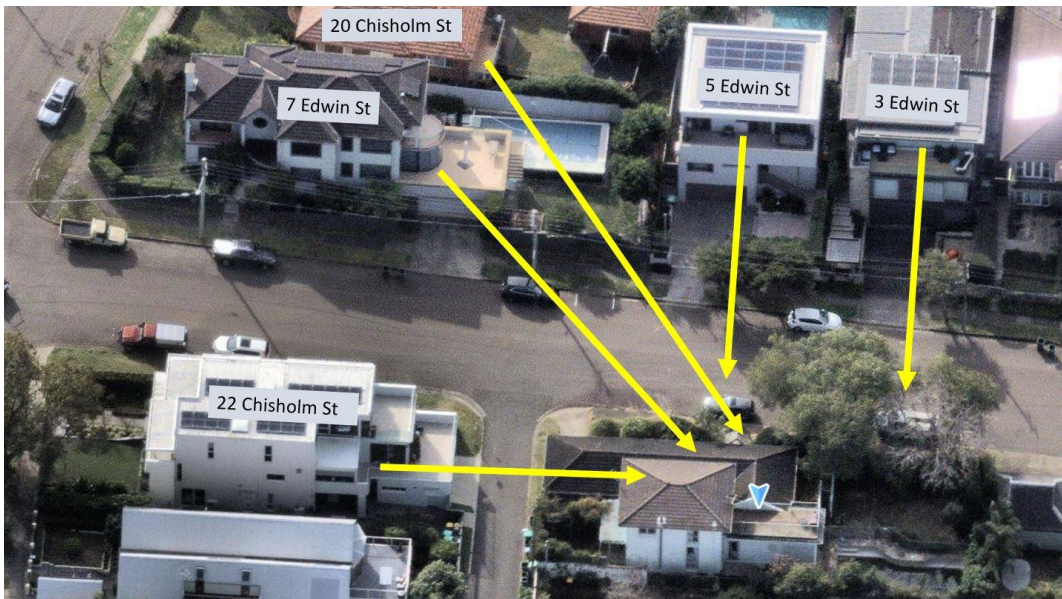
The proposed development would result in view impacts of neighbouring dwellings given its position between properties and views of the Harbour Bridge, City Skyline and water views. The development application was accompanied by a view loss analysis which assessed the view impacts of 7 Edwin Street. This included the erection of height poles and an overlaid 3D representation of the proposed development in respects of the impacted views.

Upon completion of the initial site inspection, it was concluded that other properties would also be subject to view impacts as identified in **Figure 3** and **Figure 4** below. Council requested that height poles be erected in accordance with an alternate design solution. This solution sought to address the concerns raised in the RFI and to enable a complete assessment of view impacts for all the impacted properties.

This included the exploration of a view corridor between the proposed dwelling and existing vegetation to benefit 20 Chisholm Street and 7 Edwin Street. The height poles were erected for a design which varied Council's DCP front setback control (moved the development closer to Vista Lane).



**Figure 3: Dwelling houses subject to view impacts (Source: Council Planner)**



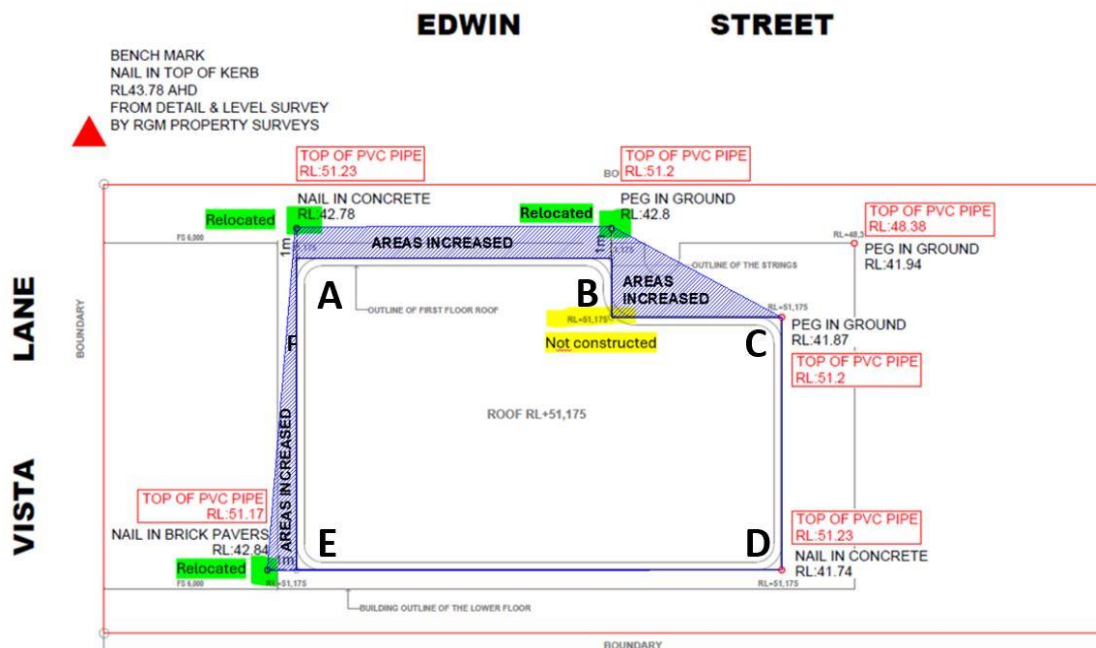
**Figure 4: 3D render establishing height seniority regarding the properties subject to view impacts (Source: Council Planner / Nearmaps)**

**Second View Assessment by Applicant**

Additional height poles were erected on 30 October 2024 and certified by Matthew Plowman from SDG Pty Ltd. Due to high winds the string lines were not attached, and the heights varied slightly from the proposal. The certified heights and a clarification on the location of the poles is provided in **Figure 5** below. Some of the height poles were erected up to 550mm higher than the original design which marginally accentuated the view loss impacts.

The height discrepancies are identified as:

A - 550mm higher, B - 250mm higher, C - 250mm higher, D - 550mm higher, and E - 50mm lower.



**Figure 5: Height poles with minor discrepancies (Source: Council Planner.)**



**View Loss Site Visits / Assessment Council**

The following table provides an assessment of the view impacts against the Tenacity Principle requirements.

<b>View analysis</b>	
<b>Property</b>	<b>View Analysis</b>
<b>20 Chisholm St</b>	



**Figure 6: View obtained from deck attached to the living room at 20 Chisholm Street**  
(Source: Council Planner)



**Figure 7: Subject view loss with an approximate 3D representation of the alternate design**  
(Source: Council Planner)

**View analysis**

**Property**

**View Analysis**

**Step 1:** The subject view includes the City skyline and Sydney Harbor water views as seen in Figure 6 and Figure 7 above.

**Step 2:** This view is obtained from a standing position in both the living room and from the attached balcony. Whilst the view is obtained from an oblique angle over the side boundary, it is given higher regard being the only view available.

**Step 3:** There would be a devastating impact on the water views and a moderate impact on the City skyline.

**Step 4:** The proposed dwelling house is fully compliant with the relevant DCP wall height control, DCP setback controls and both the LEP Height and FSR development standards. The proposed development is therefore considered a reasonable bulk and scale. The amended design includes a 580mm reduction to the proposed height which results in a maximum overall height of 8.92m. This is considered to be tactful regarding view sharing.

**Tenacity assessment conclusion:**

**Satisfactory** – Whilst the impact on views would be significant, the proposed development is well within the permissible bulk and scale for the subject site. These views are obtained over the side boundary and rear yard of the adjoining dwelling. This view corridor is also achieved through overlooking the developable zone of the subject site. The amended proposal achieves a tactful design through the reduction in height to 8.92m and the applicant has reasonably explored alternate designs in order to mitigate view loss. As such, the tenacity principle requirements have been satisfied regarding 20 Chisholm Street.

**7 Edwin Street**



**Figure 8: Rear balcony of 7 Edwin Street (Source: Council Planner)**



View analysis

Property

View Analysis



Figure 9: Living room of 7 Edwin Street (Source: Council Planner)



Figure 10: Dining room of 7 Edwin Street (Source: Council Planner)



View analysis

Property

View Analysis




Figure 11: Bedroom 1 first floor of 7 Edwin Street (Source: Council Planner)



Figure 12: Bedroom 2 first floor of 7 Edwin Street (Source: Council Planner)

**Step 1:** The subject views include the City skyline and Sydney Harbor water views as seen in Figure 8 to 12 above.



<b>View analysis</b>	
<b>Property</b>	<b>View Analysis</b>
<p><b>Step 2:</b> The views are obtained from standing positions throughout the development including the living and dining rooms, the rear balcony and 2 bedrooms located on the upper floor. The views are obtained over the front boundary.</p> <p><b>Step 3:</b> There would be significant impacts on all views obtained from the ground floor living areas and balcony. There would be negligible impacts on the views obtained from the first floor bedrooms and attached balconies.</p> <p><b>Step 4:</b> The proposed dwelling house is fully compliant with the relevant DCP wall height control, DCP setback controls and both the LEP Height and FSR development standards. The proposed development is therefore considered a reasonable bulk and scale. The amended design includes a 580mm reduction to the proposed height which results in a maximum overall height of 8.92m. This is considered to be tactful regarding view sharing.</p> <p><b><u>Tenacity assessment conclusion:</u></b></p> <p><b>Satisfactory</b> – Whilst the view impacts on the ground floor living areas are significant, the proposed development is well within the permissible bulk and scale for the subject site. These views are obtained directly overlooking the developable zone of the subject site. The amended proposal achieves a tactful design through the reduction in height to 8.92m and the applicant has reasonably explored alternate designs in order to mitigate view loss. The Tenacity Principle requires that views across the whole development be considered and there would be no impacts on the views obtained from the first floor, albeit from bedrooms. As such, the tenacity principle requirements have been satisfied regarding 7 Edwin Street.</p>	
<p><b>22 Chisholm Street</b> <b>5 Edwin Street</b> <b>3 Edwin Street</b></p>	<p><b>Note:</b> The following properties have been assessed together given the negligible impacts.</p>
	
<p><b>Figure 13: Ground floor balcony at 22 Chisholm Street</b> (Source: Council Planner)</p>	

**View analysis**

**Property**

**View Analysis**



**Figure 14: First floor balcony at 3 Edwin Street, the subject site is located behind the black utility vehicle (Source: Council Planner)**



**Figure 15: First floor balcony at 5 Edwin Street, the subject site is on the right hand side and the upper floor has a green wall with 3 windows (Source: Council Planner)**

**Step 1:** The subject views include the Harbor Bridge, City skyline views and some district and water views as seen in Figure 13 to Figure 15 above.

**Step 2:** These views are obtained throughout the properties but primarily obtained from standing positions in the kitchen, living and dining rooms, plus their attached balconies. These views are obtained over the front and rear boundaries.

**Step 3:** There would be negligible impacts on the Harbour Bridge and City Skyline views. There would be a loss of district views of North Sydney for 22 Chisholm and district views of the Inner West for 3 Edwin Street and 5 Edwin Street. These views are not considered significant in terms of the Tenacity Principle.

<b>View analysis</b>	
<b>Property</b>	<b>View Analysis</b>
	<p><b>Step 4:</b> The proposed dwelling house is fully compliant with the relevant DCP wall height control, DCP setback controls and both the LEP Height and FSR development standards. Given the negligible impact on views no design consideration is required to satisfy the Tenacity Principle requirements.</p> <p><b><u>Tenacity assessment conclusion:</u></b></p> <p><b>Satisfactory</b> – There would be negligible view impacts for these three properties and as such, the tenacity principle requirements have been satisfied regarding 3 Edwin Street, 5 Edwin Street and 22 Chisholm Street.</p>

## REFERRALS

### Development Engineer – Part O – Stormwater Management

Council's development engineer did not support the proposed pump system in the original stormwater management plans. The Applicant was requested to connect via gravity to Council's stormwater system located off the northeast corner of the site.

The amended drainage plans connect the proposed system to the required Council Services and are largely supported by Council's engineer subject to conditions. These conditions include the relocation of the rainwater tank to the rear and this tanks connection to all toilets, one outside tap and one cold water washing machine tap.

### Tree Assessment Officer – Part J – Landscaping and Tree Preservation

No objections subject to recommended draft conditions.

### Traffic Assessment Officer – Part R – Traffic, Transport and Parking

No objections subject to recommended draft conditions. The following comments where provided:

The number of houses which have vehicular access from Vista Lane are 15. Increasing this to 16 would not have a significant impact on the weekday average peak hour vehicle trips.

See below traffic generation from TfNSW Guide to Traffic Generating Developments (2013 update)

Current Vista Lane weekday average evening peak hour vehicle trips =  $0.99 \times 15 = 14.85$  New Vista Lane weekday average evening peak hour vehicle =  $0.99 \times 16 = 15.84$

Current Vista Lane weekday average morning peak hour vehicle trips =  $0.95 \times 15 = 14.25$  New Vista Lane weekday average morning peak hour vehicle =  $0.95 \times 16 = 15.2$

This increase to the peak hour vehicle trip would not exceed the 30 movements per hour guideline which is recommended for an upgrade to two directional access (Clause 3.2.2 of AS2890.1:2004)

Therefore, it is considered that the relocation of driveway would not cause significant impacts to the existing function of Vista Lane.

## **ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

The proposal is permissible and does not raise any issues in regard to the Lane Cove Local Environmental Plan 2009.

The proposal complies with the Floor Space Ratio development standard. The proposal also complies with the Height development standard.

### **OTHER PLANNING INSTRUMENTS**

#### **SEPP (Biodiversity and Conservation) 2021**

##### **Chapter 6 Sydney Harbour Catchment**

##### **Part 6.3 Foreshores and Waterways Area**

##### **Division 3 Development in Foreshores and Waterways Area Section 6.28 General (1) - (2)**

The subject site is identified as land subject to Chapter 6 of SEPP Biodiversity and Conservation 2021 and is mapped within the Foreshores and Waterways Area. The subject site is not distinctly visible from the any waterway area, however the site is located 100m from Gore Creeks outlet with the Lane Cove River.

Part 6.3 of this chapter aims to manage development within the Foreshores and Waterway Areas of Sydney Harbour. This is to protect the natural and built environment of Sydney Harbour and ensure reasonable development. An assessment in response to the relevant Section 6.28 (1) – (2) is provided below.

The proposed development would not impact upon the public or private use of Sydney Harbour. The development would not impact passive recreation crafts, commercial uses or recreational uses of the Foreshores and Waterways Area. The proposed development would not impact water-dependent land uses or be at risk from rising sea levels or changing flood patterns. The proposed development would not impact intertidal foreshore areas, natural landforms and native vegetation.

All vegetation removal has been assessed and supported by Council's Tree Preservation team and conditioned accordingly. There would be no impacts on ecological communities or shading of aquatic vegetation. Council's Development Engineer has reviewed the development and confirmed that stormwater management system can be connected (gravity fed) directly to Council's system located off the northeast corner of the site. This would ensure protection of the watercourses and riparian areas which run into Gore Creek.

The proposed development would not impact the current or future demand, character, or function of a working harbour. The proposed development is compatible with the use of adjoining sites and would not impact public access along or to the foreshore. The impact on views and vistas from the Foreshores and Waterways Area would be reasonable as discussed in the B.4 View Sharing Section provided earlier in this report.

The proposed development therefore meets the requirements of Chapter 6 Water Catchments in the **SEPP (Biodiversity and Conservation) 2021**.

**SEPP (Resilience and Hazards) 2021**

**Chapter 2 Coastal management**

**Part 2.2 Development controls for coastal management areas**

**Division 3 Coastal environment area and Division 4 Coastal use area**

The subject site is identified as land subject to Chapter 2 of SEPP Resilience and Hazards 2021 and is mapped as development on a Coastal environment area and a coastal use area. Division 3 and 4 of this chapter aim to manage development within the coastal zones and protect the environmental assets of the coast.

An assessment against these divisions is not required in accordance with 2.10 (3) and 2.11 (2) *“This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.”* The Foreshore and Waterways Areas assessment has been considered earlier in this report and the development has been deemed satisfactory regarding the relevant requirements.

The proposed development therefore satisfies the requirements of Chapter 2 Coastal Management in the **SEPP (Resilience and Hazards) 2021**.

**Chapter 4 – Remediation of land**

The subject site is identified as land subject to Chapter 4 of SEPP Resilience and Hazards 2021. This chapter aims to ensure that contaminated land is mitigated or appropriately managed if required. The subject site and adjoining sites are zoned for low density residential purposes. It is unlikely that the site would be contaminated given the types of uses permissible within this zone. There are no records of contaminated soils located on the site or in proximity to the site. Conditions 15, 16, 17, 22, 43 and 57 have been recommended to ensure that the demolition process is carried out in accordance with the Australian Standards and any contamination is appropriately managed.

The proposed development therefore satisfies the requirements of Chapter 4 Remediation of Land in the **SEPP (Resilience and Hazards) 2021**.

**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 following section of the report addresses the proposed variations to the prescriptive DCP measures sought to be varied and the objectives of the prescriptive measure sought to be varied:

**i. Pool Setback from neighbouring dwelling**

Control	Comment	Council support
2.6m	<p>Part C1.10.1 (d) stipulates the waterline of the pool should be no closer than 3m to any dwelling and no closer than 1m from a side or rear boundary, where the proposed pool would be setback 2.4m from the dwelling at 27 Vista Street.</p> <p>A variation is reasonable in this instance for the following:</p>	Yes



	<ul style="list-style-type: none"> <li>• the neighbouring pool and house are located in similar positions with similar setbacks due to the lot orientations,</li> <li>• the pool has been strategically located to ensure the retention of existing vegetation and provide areas for vegetation to grow within the setbacks from the pool and boundaries,</li> <li>• the waterline is setback 1.6m from the boundary which exceeds the 1m requirement, and</li> <li>• increasing the pool setback 600mm would have negligible benefit regarding acoustic amenity and visual privacy.</li> </ul>	
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**IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))**

Whilst the development would impact neighbouring dwellings and the public domain, these impacts are considered reasonable regarding view impacts, overshadowing, visual privacy, acoustic privacy, traffic and parking. This 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 as amended 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 following table discusses the concerns of the 6 written submissions and the concerns raised in the submission by way of site inspection at 29 Vista Street.

Concern	Comment
<b>Vehicular access</b> - Concern regarding relocation of the vehicular access to Vista Lane.	The development application was referred to Council's traffic assessment officer who has no concerns with the proposed relocation of vehicular access to Vista Lane. Refer to the traffic referral section.
<b>Height</b> - Concern relating to the height of the development albeit compliant with Council's LEP height development standard.  One submission stated that the height should not exceed the existing height, as this was their understanding of the height control.	The proposed development has been reduced to a maximum overall height of 8.92m which complies with maximum LEP height standard and reasonably addresses view impacts.  There is no control which limits height based on the existing building, the proposed development meets the numerical height development standard of 9.5m.
<b>Solar access</b> – Concerns that the proposed development would result in unreasonable overshadowing.	The proposed development would cast additional shadows over 29 Vista Street. The proposed development satisfies the solar access requirements as detailed in the compliance table above.
<b>View impacts</b> – Concerns that the proposed development	The proposed development would have impacts on significant views due to the topography of the area. These impacts have



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would have adverse impacts on significant views of the city.	been mitigated through a 505mm reduction in the maximum overall height. Refer to B.4 View Sharing Section of this report.
<b>Property value</b> – Concerns that the proposed development would adversely impact the value of neighbouring properties.	Property value is not a planning principle or matter for consideration under the Environmental Planning and Assessment Act 1979.
<b>Privacy impacts</b> – Concerns that the proposed development would result in unreasonable privacy impacts. From rear neighbours, front neighbours and side neighbours.	Privacy has been adequately addressed as detailed in the Request for Further Information Table above. Existing foliage has been maintained as request by the neighbour, opaque glazing has been applied to windows WHG-01, WHG-04, WF-04, WF-05, WF-06 and WF-07, and Condition 2 has been included to ensure the balconies include fix structures to prevent direct overlooking.

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

Whilst the proposed development would impact the neighbouring dwellings and the public domain, this impact is considered reasonable with regard to the Lane Cove LEP 2009, Lane Cove DCP 2009 and the other 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 amended application complies with the Floor Space Ratio development standard of the Lane Cove LEP 2009. The proposal also complies with the Height development standard of the Lane Cove LEP 2009.

The amended application generally meets with the Part C Residential Development Objectives of the Lane Cove Development Control Plan 2009.

On balance as the proposed development would be reasonable it is recommended that the Lane Cove Planning Panel approve the development application subject to the recommended conditions.

**RECOMMENDATION**

That pursuant to Section 4.16(a) of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel, at its meeting of 19 November 2024, exercising the functions of Council as the consent authority, grants development consent to:

- Development Application DA90/2024
- For the demolition of existing structures and construction of a two storey dwelling house.
- On (property address) 2 Edwin 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.

<b>Plan No</b>	<b>Issue</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Dated</b>
A001	A	Titlepage - Titlepage	YM - BJ Architects International	06.11.2024
A101	A	Plans – Roof/Site Plan	YM - BJ Architects International	06.11.2024
A102	A	Plans – Lower Ground Plan	YM - BJ Architects International	06.11.2024
A103	A	Plans – Ground Floor Plan	YM - BJ Architects International	06.11.2024
A104	A	Plans – Upper Ground Plan	YM - BJ Architects International	06.11.2024
A105	A	Plans – First Floor Plan	YM - BJ Architects International	06.11.2024
A201	A	Elevations – N&S Elevations	YM - BJ Architects International	06.11.2024
A202	A	Elevations – E&W Elevations	YM - BJ Architects International	06.11.2024
A203	A	Elevations – Front Fence	YM - BJ Architects International	06.11.2024
A204	A	Elevations – Secondary Road Fence	YM - BJ Architects International	06.11.2024
A301	A	Sections - Sections	YM - BJ Architects International	06.11.2024
A405	A	Additional Info – W & D & Skylight Schedule	YM - BJ Architects International	06.11.2024
A416	A	Additional Info – Details of Proposed Swimming Pool	YM - BJ Architects International	06.11.2024
DA1-2	C	Landscape Concept Plan	Vision dynamics Pty Ltd	-

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 - Design amendments**

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

- a) The planter boxes proposed on the first floor balcony are to be raised to a minimum height of 1.2m, extended to return around the full length of the southern and northern sides of the balcony and the depth is to be increased to 1m. The planter boxes proposed on the upper ground floor are also to be raised to a height of 1.2m.

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

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

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

<b>Security deposit</b>	<b>Amount</b>
<b>Infrastructure damage bond</b>	\$5,000.00
<b>Council owned trees</b>	\$5,000.00

The payments will be used for the cost of:

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

**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 **\$2,500.00** 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 principal certifier.

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

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

All landscape works shall be undertaken in accordance with the approved landscape plan(s), Arborist Report, tree management plan and transplant method statement as applicable, as modified by any conditions of consent.

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**The following trees shall be retained:**

Tree No.	Species	Location	Dimension (meters)
1	<i>Callistemon viminalis</i>	Nature strip of Council Road Reserve	9 x 6m
2	<i>Agonis flexuosa</i>	Nature strip of Council Road Reserve	8 x 6m
3	<i>Agonis flexuosa</i>	Nature strip of Council Road Reserve	10 x 14m
4	<i>Leptospermum spp</i>	Nature strip of Council Road Reserve	9 x 7m
11	<i>Hibiscus spp</i>	Neighbouring property	5 x 8m
13	<i>Camellia spp</i>	Eastern boundary of subject site	5 x 4m
14	<i>Juniperus chinensis</i>	Eastern boundary of subject site	9 x 5m

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

Tree No.	Species	Location	Dimension (meters)
5	<i>Rhaphiolepis indica</i> - Exempt	Front setback of subject site	4 x 3m
6	<i>Rhaphiolepis indica</i> - Exempt	Front setback of subject site	3 x 2m
7	<i>Magnolia spp.</i>	Northern boundary of subject site	4 x 3m
8	<i>Pittosporum spp.</i>	Northern boundary of subject site	5 x 3m
9	<i>Camellia spp</i> - Exempt	Northern boundary of subject site	3 x 2.5m
10	<i>Camellia japonica</i>	Southern boundary of subject site	5 x 3m
12	<i>Murraya spp.</i>	Southern boundary of subject site	5 x 4m
15	<i>Camellia sasanqua</i> - Exempt	Eastern boundary of subject site	3 x 3m
16	<i>Acer negundo</i> - Exempt.	Northern boundary of subject site	14 x 12m
17	<i>Celtis sinensis</i> - Exempt	Northern boundary of subject site	8 x 6m
18	<i>Olea spp.</i> - Exempt	Northern boundary of subject site	7 x 4m
19	<i>Camellia</i>	Northern boundary	3 x 3m

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	<i>spp. - Exempt</i>	of subject site	
20	<i>Eriobotrya japonica - Exempt</i>	Northern boundary of subject site	4 x 3m

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

Tree No.	Species	Location	Permitted works in TPZ
1	<i>Callistemon viminalis</i>	Nature strip of Council Road Reserve	Excavation, installation of stormwater services
2	<i>Agonis flexuosa</i>	Nature strip of Council Road Reserve	Excavation, installation of stormwater services
3	<i>Agonis flexuosa</i>	Nature strip of Council Road Reserve	Excavation, installation of stormwater services and construction of Dwelling
4	<i>Leptospermum spp</i>	Nature strip of Council Road Reserve	Excavation, installation of stormwater services and construction of Dwelling
11	<i>Hibiscus spp</i>	Neighbouring property	Excavation, installation of stormwater services and construction of Dwelling
13	<i>Camellia spp</i>	Eastern boundary of subject site	Excavation, installation of stormwater services and construction of new pool
14	<i>Juniperus chinensis</i>	Eastern boundary of subject site	Excavation, installation of stormwater services and construction of new pool

No tree pruning is permitted as part of this consent unless otherwise conditioned. Any tree pruning requires a formal Tree Works Authority Application to be made to Council.

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

Lane Cove local government area in accordance with State Environmental Planning policy (Biodiversity and Conservation) 2021. Chapter 2, Part 2.2, section 2.6 of this Sepp states:

*“A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part “Clearing of vegetation includes “a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or b) lop or otherwise remove a substantial part of the vegetation.”* Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW).

The maximum penalty that may be imposed in respect to any such offence is \$1,100,000.

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

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

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.**

7. **A.10.E – Drainage plan amendments**

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by MBC Engineering, reference No: 2024211, issue: 4 and dated in 06/11/24:

1. The rainwater reuse tanks are to be connected to all toilets, one outside tap and one cold water washing machine tap.
2. All new down pipes shall be connected to appropriate pipe system.
3. All inlet pits are to be 450mm\*450mm size in minimum.
4. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system complies with *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009.
5. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
6. The stormwater requirements shown in Basix certificate shall be included in stormwater management plan and satisfied.
7. Sediment control fence shall be placed around the construction site and shown in plan.
8. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, basement or as it is necessary and connected to proposed drainage system.
9. The proposed development is required to provide a 10,000 litre Rainwater tank, the detailed design for this proposed system is required.
10. The proposed rainwater reuse system with a minimum effective capacity of 10,000 litres and to be installed in accordance with Section 7.3 in Council's Stormwater DCP and relevant Australian standards. This tank shall have 100mm air gap on top and 100mm sludge zone at the bottom and installed satisfying Australian standards.
11. The proposed rainwater tank shall be relocated to a suitable place in the rear yard to avoid oil leakage and the charged system.
12. The entire roof area to be connected to Rainwater tank as per section 7.3 in Council DCP and roof water shall be connected to rainwater tank.
13. The rainwater tank shall show top water level, overflow path detail and pump system.
14. A pollution control pit (as shown in section 3.4.1 in *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009) with mesh (RH3030) and sump (300mm minimum) is required within the site, at start of the connection pipe to the Council kerb system. These details shall be shown in plan.



15. The stormwater runoff from driveway shall be collected by grated driveway pit and connected to pipe system connected to the pollution control pit.
16. Driveway grated strip pit shall have minimum 200mm of depth and minimum 1% fall inside.
17. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009, if charged system is used. The details of design level difference shall be shown in plan.
18. The kerb connection pipe from fence line to kerb shall be designed for gravity discharge only.
19. The kerb discharge shall be 300mm away from edge of driveway wing and complied with section 4.1 in *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009.
20. Any proposed pipe beneath of trafficable area shall be replaced by a suitable RHS.
21. Council does not support pipe system lines underneath of any part of the buildings.
22. The drainage system associated with the proposed pool satisfy relevant Australian standards.
23. The proposed basement shall be constructed with water-proof walls around the basement.

Certification from a suitably qualified engineer as to the matters below is to be provided to the Principal Certifier, prior to the issue of any CC:

- a) Compliance with the amendments detailed in this condition.
- b) Compliance with *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009.

Where a variation is sought, written approval is to be obtained from Council's Urban Services Division.

**Reason: To ensure adequate stormwater management in accordance with *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009.**

8. **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.**

9. **A.13 – Swimming pool fence**

A swimming pool fence is to comply with the following:

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

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

**Reason: Statutory requirement.**

10. **A.15 – Pool filter and pump**

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

**Reason: Statutory requirement.**

11. **A.16 – Pool warning notice**

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

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

**Reason: Statutory requirement.**

12. **A.17 – Swimming Pool Amendment Act 2012**

The swimming pool is required to be registered on the NSW Government State wide Swimming Pool Register **prior to the issue of an occupation certificate.**

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

**Reason: To ensure compliance with the Swimming Pools Amendment Act 2012.**

13. **A.22 – Electricity Service**

The development is to only use electricity for all energy requirements. The use of gas systems is not permitted, unless it can be demonstrated, to the satisfaction the Manager Development Assessment, that the development is unable to be served by electricity.

**Reason: To reduce the indoor pollutants associated with the combustion of gas and improve the health of the occupants of the development through improved air quality.**

**PART B – PRIOR TO DEMOLITION WORKS**

14. **B.1.T - Demolition Traffic Management Plan**

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

The DTMP must:-

- a) Make provision for all construction materials to be stored on site, at all times.
- b) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- c) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless a Works Zone is approved by Council.
- d) Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- e) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.

- f) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council Street trees.
- g) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- h) Be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites”.

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

15. **B.2.E - Asbestos removal, handling and disposal**

The removal, handling and disposal of asbestos from building sites shall be carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal in accordance with this condition is to be submitted to the Principal Certifier and Council’s Environmental Health Section, **prior to commencing any demolition works.**

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

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

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

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

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

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

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

18. **B.13.L - Project Arborist**

Prior to the commencement of any works, including demolition, a Project Arborist of minimum Australian qualitative framework (AQF) Level 5 qualification, is to be appointed to oversee/monitor trees/condition compliance during the construction process. A letter of engagement must be provided to Council prior to issue of a construction certificate. Compliance certificates must be available upon request, submitted to the Principal Certifier within five days of site attendance and must be available to council immediately upon request **prior to the issue of an occupation certificate**; failure to produce the latest

certificate will be considered a breach of conditions. Each compliance certificate must contain photographic evidence to confirm site attendance. A compliance certificate is required for each of the following phases.

The project Arborist shall:

1. Clearly identify and tag trees (where appropriate) which are to be removed and which trees are to be retained as part of this consent.
2. Certify all tree protection measures listed within the tree protection plan provided in Map B Tree Protection Plan of the Arboricultural Impact Assessment report by McArdle Arboricultural Consultancy dated 18 April 2024 have been installed prior to demolition works.
3. Prepare a pre-construction arboricultural report on the health of the trees to be retained and protected. The report shall include photographs of each tree and any existing damage, defects or areas of concern well represented.
4. Oversee the demolition works, excavation works within the TPZ/SRZ of retained trees.
5. Oversee any stormwater works within the TPZ/SRZ of retained trees.
6. Oversee the any retaining wall works within the TPZ/SRZ of retained trees.
7. Prepare a post construction Arboricultural report regarding the health, viability, and condition of the retained trees. The report must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

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

**Reason: To ensure trees are protected and retained on the site.**

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

### **19. 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:

- 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
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic

management plan shall comply with the requirements of Part R of the Lane Cove Development Control Plan 2009 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.

- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's Interim *Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.
- prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.
- protection measures of existing Council pipe system, trees and street assets.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and the Lane Cove Development Control Plan 2009, if applicable) and trees in adjoining public domain
- The appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor trees condition during the construction process.

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

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

20. **C.2 - Erosion and sediment control plan**

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

- The Lane Cove Development Control Plan 2009,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

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

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

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

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

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

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

22. **C.15.EH - Evidence of disposal of all waste, spoil and excavation material**  
As soon as practicable after demolition is completed, documentary evidence detailing the destination of waste materials is to be submitted to the Principal Certifier.

**Reason: To ensure waste is managed appropriately.**

23. **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.**

24. **C.24.E - Structural engineer's details**  
The Construction Certificate plans and specifications must include detailed professional structural engineering plans and/or specifications for the following:
- underpinning;
  - retaining walls;
  - footings;
  - reinforced concrete work;
  - structural steelwork;
  - upper level floor framing;

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

**Reason: To ensure structural adequacy.**

25. **C.27.E - Proposed vehicular crossing**  
The vehicular crossing servicing the property shall be constructed prior to the issue of the Occupation Certificate. The existing driveways shall be completely demolished and apart from the area of the new driveway shall be reinstated by standard kerb and gutter satisfying Council's standard. The new driveway shall be designed and complied with Council's standard drawing No: CIV.4.2 and 3.1. The full section of vehicular crossing and driveway shall be certified by qualified Traffic Engineer, assessed and approved by Traffic section of Council.

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The applicant has to lodge Vehicular Crossing Application form and pay application fee as shown in this form to get these levels. This shall be done prior to Construction Certificate.
- b) The driveway opening width along at the face of kerb is to be no wider than 4.0m.

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

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

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

26. **C.31 – Design of Pool Structure**

The proposed pool is to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifier **prior to the issue of the Construction Certificate.**

**Reason: To ensure structural stability and the proposed design is in accordance and comply with Australian Standard.**

27. **C.32 – Overland Flow, Pool Damage**

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

**Reason: To ensure liability for stormwater management around the pool is approved by Council.**

28. **C.33 – Pool Construction**

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

**Reason: To ensure liability for stormwater management around the pool is approved**

**by Council**

29. **C.34 – Pool Construction, Stormwater**

The stormwater runoff from the new impervious areas surrounding the pool shall be connected to the proposed drainage system in accordance with the requirements of *Part O - Stormwater Management* in the Lane Cove Development Control Plan 2009.

The certification is to be carried out by a suitably qualified engineer **prior to the issue of the Construction Certificate.**

Where a proposed system does not comply with current standards the subject element is to be redesigned and improved.

**Reason: To ensure liability for stormwater management around the pool is approved by Council.**

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

30. **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 is achieved over any bare ground on site).

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

31. **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.**

32. **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.**

33. **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**

### **34. E.1 - Hours of work**

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

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

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.**

### **35. E.2 - Compliance with the Building Code of Australia**

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

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

### **36. E.3 - Procedure for critical stage inspections**

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

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

### **37. E.4 - Implementation of the site management plans**

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

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

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

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

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate submitted under this application.

**Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under section 75 of the EP&A Regulation 2021.**

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

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

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

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

40. **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.**

41. **E.8 - Tree protection**

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

1. The relevant conditions of this consent.
2. The Tree Protection Plan provided in Map B Tree Protection Plan of the Arboricultural Impact Assessment report by McArdle Arboricultural Consultancy dated 18.
3. The relevant requirements of *AS 4970-2009 Protection Of Trees on Development Sites*.
4. This includes maintaining adequate soil grades and ensuring all machinery, builder's refuse, spoil and materials remain outside tree protection zones.

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

42. **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.**

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

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

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

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

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

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

45. **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.**

46. **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.**

47. **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.

No stockpiling of materials, building equipment or additional activities listed in section 4.2 of AS4970-2009 Protection of trees on development sites is to occur within designated tree protection areas or on the Council owned nature strip. All building materials must be delivered and stored within the subject site.

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

48. **E.21.L – Demolition of structures within the Tree Protection Zone / Structural Root Zone of protected trees**

1. The demolition of the existing structures within the Tree Protection Zone / Structural Root Zone of trees 1 – 4, 11, 13 and 14 must be overseen by the project arborist.
2. Demolition of above ground components must be undertaken from within the footprint of the existing structure. Machinery use is permitted. Unauthorized damage to the branch structure of a protected tree is a breach of consent.
3. The demolition of below ground elements within this area must be undertaken via the use of handheld pneumatic breaker tools (ie Jackhammer) and removed by hand under the supervision of the project arborist. No machinery within this area is to be used below existing grade.
4. Roots <40mm diameter that conflict with approved cut lines must be documented by the Project arborist and pruned with a sharp implement.
5. Exposed roots shall be protected in accordance with section 4.5.4 of *AS4970-2009 The protection of trees on Development Sites*.

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

49. **E.22.L – Excavation and Construction within Tree Protection/Structural root Zones**

Any excavation within the Tree Protection Zone / Structural Root Zone of Trees 1 – 4,11,13 and 14 must be done under the supervision of the project arborist.

1. Any pier locations within the Tree Protection Zone/Structural Root Zones of retained trees must be flexible, with no roots greater than 40mm diameter are to be pruned. A 200mm buffer must be allowed for roots greater than 40mm diameter to allow for future growth.
2. Tree roots less than 40mm that conflict with pier locations must be severed cleanly with a sharp implement and documented within a compliance certificate by the Project Arborist.
3. Exposed roots must be treated and protected in accordance with provisions outlined in section 4.5.4 of AS4970-2009.
4. Where pier/post holes or concrete footings are within a Tree Protection Zones must be lined with a heavy-duty polyethylene film (builders Plastic) prior to pouring to prevent leaching.

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

50. **E.23.L – Excavation / Construction for pools**

Excavation for the construction of the pool:

1. Be overseen by the project arborist.
2. Be undertaken from inside the footprint of the pool (where applicable)
3. Ground protection is required for excavation machinery where located within the TPZ of adjoining trees.
4. Roots discovered within the excavated area must be documented and cleanly pruned with a sharp implement.
5. Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2009 The protection of trees on Development Site.
6. Pool wastewater must be connected to existing systems. The connection point to existing systems must not bisect the Structural Root Zone of protected trees.
7. Installation of wastewater services must be overseen by the Project Arborist where lines bisect the Tree protection Zone of Retained trees.
8. Excavation for wastewater connection is to be undertaken using non-destructive methods (Hand tools, Hydrovac, Directional Drilling). No roots greater than 40mm diameter are to be damaged / severed as part of works.
9. Roots less than 40mm diameter than conflict with services must be documented by the project arborist within a compliance certificate and pruned using a sharp implement.
10. Service location must be flexible, with a 200mm diameter buffer allowed to roots greater than 40mm diameter to allowed for future growth

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

51. **E.24.L – Excavation for stormwater services**

Any excavation within the Tree Protection Zone / Structural Root Zone of Trees 1 – 4,11,13 and 14 must be done under the supervision of the project arborist.

1. Excavation is to be undertaken using non-destructive methods (Hand tools, Hydrovac, Directional Drilling).
2. No roots greater than 40mm diameter are to be damaged / severed as part of works.
3. Roots less than 40mm diameter than conflict with services must be documented by the project arborist within a compliance certificate and pruned using a sharp implement.
4. Service location must be flexible, with a 200mm diameter buffer allowed to roots greater than 40mm diameter to allowed for future growth.
5. Exposed roots must be treated and protected in accordance with provisions outlined within section 4.5.4 of AS4970-2009 *The protection of trees on Development Sites*.

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

52. **E.21.L – Construction of retaining walls within the Tree Protection Zone of protected trees**

The demolition of the existing structures within the Tree Protection Zone / Structural Root Zone of trees 1 – 4, 11, 13 and 14:

1. Must be done so using an isolated pier and beam method or use existing footings under the supervision of the project arborist.
2. No roots greater than 40mm diameter are to be severed to facilitate the installation of the piers. A 200mm buffer must be given to roots greater than 40mm diameter.
3. Roots >40mm diameter must be incorporated into the wall.
4. Roots >40mm diameter must be bridged using a lenticle.
5. Roots less than 40mm diameter that conflict with the location of piers must be documented by the Project arborist, pruned with a sharp implement and recorded for compliance.
6. Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2009 The protection of trees on Development Sites.
7. The excavated area adjoining the wall must be backfilled using a coarse (>20mm) aggregate and site soil. An Ag line must be installed at the base of the wall to ensure adequate drainage.

**Reason: To mitigate damage to retained trees.**

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

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

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

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented:
  - Compliance with *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
  - Compliance with AS-3500.
  - Certification from a suitably qualified hydraulic engineer that the approved stormwater pipe system, pollution control pit and 10000 litre of rainwater tank system have been constructed in accordance with the approved plans.
  - Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
  - Evidence of removal of all redundant gutter and footpath crossings and reinstatement of all kerb, gutter and footpaths to the satisfaction of Council's Urban Services Division.
  - Certification from suitable engineer that the swimming pool has been

constructed satisfying relevant Australian standards.

- Certification from suitable licenced contractor that all works have been constructed satisfying relevant Australian standards.
- Certification from qualified structural engineer that the proposed construction has been completed according to approved plan and structurally satisfied.

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.**

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

Before the issue of the relevant occupation certificate, the principal certifier must ensure The principal certifier is to provide a copy of the post construction Arboricultural report 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.**

**55. 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.**

**56. 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.**

**57. 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.**

58. **F.20.L - Post Construction Dilapidation Report for the Trees to be Retained**

Before the issue of an occupation certificate, the principal certifier must review the post construction Arboricultural report prepared by the appointed Project Arborist and be satisfied that all retained trees have been maintained in a healthy, viable condition and any replacement planting has been undertaken.

to Council (where Council is not the principal certifier) and to the relevant adjoining property owners.

**Reason: To ensure retained trees have been protected during construction**

**PART H - OCCUPATION AND ONGOING USE**

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

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

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

60. **H.4 - Maintenance of stormwater system**

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems and pollution control pit) are regularly maintained to remain effective. This is to be done in accordance with any positive covenant, if applicable.

**Reason: To satisfy Council's Engineering requirements and ensure the protection of sewerage and stormwater systems.**

**ATTACHMENTS:**

There are no supporting documents for this report.