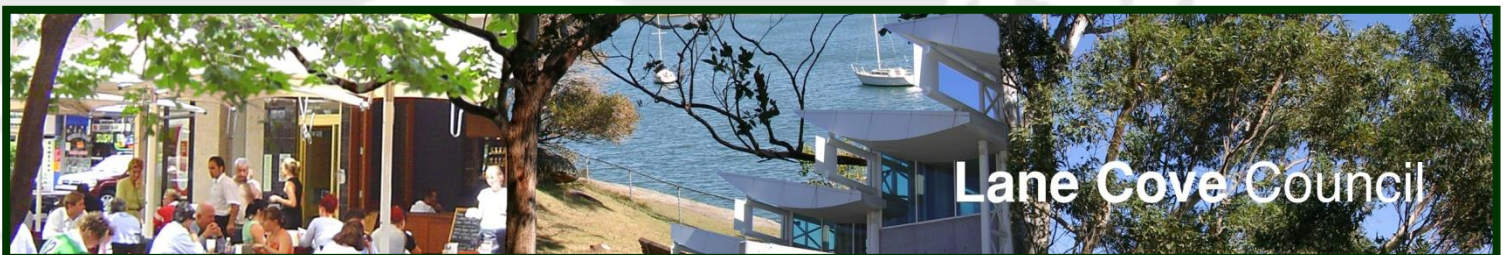


Agenda
Lane Cove Local Planning Panel Meeting
10 December 2024



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 10 December 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 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. 16 GAMMA ROAD, LANE COVE..... 4

Lane Cove Local Planning Panel 10 December 2024
16 GAMMA ROAD, LANE COVE

Item No: LPP11/24
Subject: 16 Gamma Road, Lane Cove
Record No: DA24/130-01 - 71630/24
Division: Planning and Sustainability Division
Author(s): Sam Wilson

EXECUTIVE SUMMARY

- The development application was lodged via the NSW Planning Portal on 28 October 2024 for the *alterations and additions including the addition of a two-storey dwelling house including the addition of an attached secondary dwelling, a basement garage, an in-ground swimming pool, and the extension of the ground-floor and first floor;*
- The development application involves a 23.9% variation the 9.5m maximum height development standard;
- The development application was notified in accordance with Council's policy from 28 October to 14 November and received no submissions;
- Council's planning officer submitted a request for further information through the NSW Planning Portal with the request to provide more detailed architectural sets;
- The applicant provided a response to Council's request for further information on 20 November 2024; and
- The development application was referred to the Lane Cove Local Planning Panel for its meeting scheduled for 10 December 2024 due to the height development standard variation.

Property:	16 Gamma Road, Lane Cove
DA No:	DA130/2024
Date Lodged:	05/11/2024
Cost of Work:	\$1,713,000.00
Owner:	T E Campbell and C L Campbell
Applicant:	D Moody

Description of the proposal to appear on determination	Alterations and additions including internal and external modifications to the dwelling house, the addition of an in-ground swimming pool, and general associated landscaping.
Zone	R2 Low Density Residential
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Does the property adjoin bushland	No
BCA Classification	Class 1a and 10a
Stop the Clock used	No

Lane Cove Local Planning Panel 10 December 2024
16 GAMMA ROAD, LANE COVE

Notification	Notified in accordance with Council's policy and no submissions were received.
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SITE

Property	Lot 80 DP4373
Area	1012m ²
Site location	The subject site is located on the eastern side of Gamma Road. The southern boundary of the site adjoins the RE1 Zone known as the Gamma Road Reserve and Lane Cove Golf Club.
Existing improvements	Existing improvements consist of a 1-2 storey dwelling house with a single internal garage.
Shape	Rectangular
Dimensions	North: 57.3m South: 57.3m East: 17.665m West: 17.665m
Adjoining properties	Adjoining properties consist of a two-storey dwelling house to the North of the subject site at 14 Gamma Road, and an RE1 Public Recreation Zone to the South referred to as the Lane Cove Gold Club.

SITE APPLICATION HISTORY

No previous development application history.

PROPOSAL

<p>The development application seeks approval for the following alterations and additions at 16 Gamma Road, Lane Cove;</p> <p>Lower Ground Floor (Demolition):</p> <ul style="list-style-type: none"> • Partial demolition of external brick walls; • Partial demolition of internal brick walls; and • Earthworks and excavation. <p>Ground Floor (Demolition):</p> <ul style="list-style-type: none"> • Fountain in front yard; • Front decked area; • Front external staircase; • Partial section of front external wall; • Full section of rear external wall; • Several internal walls; and • Internal staircase. <p>First Floor (Demolition):</p> <ul style="list-style-type: none"> • Demolition of northwest and northeast external walls and windows; • Demolition of several internal walls; and • Partial demolition of external balcony. <p>Roof (Demolition):</p> <ul style="list-style-type: none"> • Full roof <p>Lower Ground Floor (Additions):</p> <ul style="list-style-type: none"> • Double garage; • Driveway; • External feature stairs to service ground floor; 	
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- Several external brick walls;
- Concrete planter wall;
- 2 non-habitable storage rooms;
- Attached secondary dwelling including;
 - Kitchenette;
 - Bathroom; and
 - Studio room.

Ground Floor (Additions):

- Front entry feature with stairs;
- Front entry pathway;
- Levelled grass area;
- Front porch;
- Front planter box;
- Loungeroom;
- Study room;
- Bathroom;
- Dining room;
- Laundry;
- Kitchen with a walk-in-pantry;
- Dining room;
- Family room with a feature fireplace; and
- Balcony with a staircase to service access to rear yard.

First Floor (Additions):

- Extension of floor area to create;
 - Bedroom 1 with a walk-in-robe, an ensuite, and a balcony;
 - Bedroom 5;
 - Bedroom 2 with a walk-in-robe and ensuite;
 - Bedroom 3;
 - Bedroom 4 (with access to balcony);
 - Hallway;
 - Laundry;
 - Bathroom; and
 - Balcony.

Roof (Additions):

- Hip and gable roof;
- 47 solar PV panels; and
- Skillion awning over balcony.

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: R2 Low Density

Site Area: 1,012m²

LEP table			
	Development Standard	Proposal	Complies
Floor Space Ratio (max)	0.5:1	0.4989:1	Yes
Height of Buildings	9.5m	11.775m	No – See

**Lane Cove Local Planning Panel 10 December 2024
16 GAMMA ROAD, LANE COVE**

LEP table			
	Development Standard	Proposal	Complies
(max)			Clause 4.6 Variation Request.

Comprehensive Development Control Plan assessment

DCP table			
	Provision	Proposal	Complies
Front setback (min)	Consistent with area or 7.5m	10.3m	Yes
Side setback (min) North	1.2m single storey 1.5m two storey	LGF: No change. GF: No change. FF: 1.9m	N/A N/A Yes
Side setback (min) South	1.2m single storey 1.5m two storey	LGF: No change. GF: No change. FF: No change.	N/A N/A N/A
Rear setback (min)	<1000m ² : 8m or 25% >1000m ² : 10m or 35%	26.1m	Yes
Wall height (max)	7m + 600mm parapet for flat roof structures	7.9m	No – See variations assessment.
Ridge height (max)	9.5m	11.75m	No – See Clause 4.6 Variation Request.
Number of storeys (max)	2	2	Yes
Landscaped area (min) (Minimum dimension of 1m)	35%	38.9%	Yes
Cut and fill (max)	1m	1.8m	No – See variations assessment.
Solar access (min)	3 hours to north facing habitable windows	Complies.	Yes
Deck/balcony depth (max)	3m	4m	No – See variations assessment.
Private open space (min)	24m ² and 4m in depth	>24m ²	Yes
BASIX Certificate	Required	A1741357_02	Yes

Car parking

Car parking table			
	Provision	Proposal	Complies
Off-street spaces (min)	1	2	Yes
Driveway width	3m at the kerb	No change.	N/A

Carports within the front setback & garages facing the street

Lane Cove Local Planning Panel 10 December 2024
16 GAMMA ROAD, LANE COVE

Car parking structure table			
	Provision	Proposal	Complies
Setback of carport posts (min)	1m from street boundary	4.6m and not visible from the street front.	Yes
% of allotment width (garages & carports)	50% of lot width or 6m, whichever is the lesser	Yes	Yes
Non-trafficable roofs	1m from street alignment and a non-trafficable roof.	The proposed basement garage entails a trafficable roof.	No – See variations assessment.

Private swimming pools

Private swimming pool table			
	Provision	Proposal	Complies
Setback to neighbour's house (min)	3m to waterline	The proposed pool is not in line with any adjoining dwelling house.	N/A
Setback to boundary (min)	1m to waterline	2.1m	Yes
Height (max) (steeply sloping sites)	1m 1.8m	In-ground.	N/A
Setback from boundary if coping is above ground level (existing) (min)	Coping to be set back at a ratio of 1:1	In-ground.	N/A

Fences

Fences table			
	Provision	Proposal	Complies
Front fence height (max)	Solid: 900mm Lightweight: 1.2m + 600m	1.5m	Yes
Height of side and rear fences (max)	1.8m	1.8m	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.

S.2 Achieving Net-Zero			
	Provision	Proposal	Complies
2.1 All Electric Buildings	All new developments are to use electricity for all energy requirements associated with normal operations.	Gas boosted heating system provided for the outdoor spa.	No – See variations assessment.
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.	25%	Yes

S.3 Resilience and Health			
Provision	Provision	Proposal	Complies
3.1 Natural Ventilation	<p>a) For all residential accommodation not affected by SEPP 65:</p> <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>	The submitted architectural plans show adequate cross ventilation on all floor levels of the proposed development.	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>Northeast: N/A Southeast: 22.5% Northwest: 5% Southwest: 12.%</p>	<p>N/A Yes Yes Yes</p>

S.3 Resilience and Health			
Provision	Provision	Proposal	Complies
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> <p>i. Vegetation,</p> <p>ii. Green roofs,</p> <p>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,</p> <p>iv. Hardscaping elements shaded by overhanging vegetation or roof structures,</p> <p>v. Water bodies and/or watercourses.</p>	82.8%.	Yes
3.4 Sustainable Materials	<p>a) All newly sourced timber used in construction is to be FSC certified.</p> <p>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.</p> <p>c) Engineered stone products must be handled in accordance with the appropriate standards.</p>	The development provides sustainably sourced construction materials as confirmed in the provided SoEE.	Yes

S.4 Integrated Urban Water Management			
Provision	Provision	Proposal	Complies
4.1 Water Efficiency	a) All development must demonstrate the prioritisation of water conservation measures to minimise water consumption.	The development incorporates rainwater tanks to ensure water efficiency.	Yes
4.2 Stormwater	a) Peak stormwater flows are	The proposed	Yes

S.4 Integrated Urban Water Management			
Provision	Provision	Proposal	Complies
Management	<p>to be reduced with a stormwater detention system. Other measures can include 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>	landscaping schedule, existing topography of the subject site, and the submitted stormwater plan would ensure compliance with the objectives of the provision.	

REFERRALS

Development Engineer – Part O – Stormwater Management

The development application was referred to Council’s stormwater engineer and the following comments were provided;

The proposed site is in Gore Creek sub catchment and not in OSD exemption area. The site is sloping away from Street from west to east diagonally by approximately 4.0m fall.

As per Council records, this site is not in flood affected area.

The developer seeks approval for above-mentioned proposal. In support of this application, the following documents are submitted for assessing engineering issues.

Document Submitted:

Stormwater Management Plan

Prepared by NITMA Consulting, reference No: 6342H, issue: B and dated in 14/11/24.

Survey plan.

Prepared by Axiom Spatial Surveyors, reference No: 21313001, revision: 02 and dated on 16/11/24.

BASIX Certificate

No: A1741357-02 and dated on 16/09/24 (4987.5 lit of rainwater tank by 48.5 Sqm of roof).

Architectural plan

Prepared by Nitma Consulting, reference No: 6342H, issue: A and dated on 12/03/24.

Statement of Environmental Effects report

*Prepared by Northern Development Assessment, reference No: N/A and not dated.
No objections subject to recommended draft conditions.*

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.

OTHER PLANNING INSTRUMENTS

Clause 4.6 – Variation Request - Height of Buildings

Building height is defined in the LCLEP2009 as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues, and the like. Clause 4.3(2) of LCLEP 2009 states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. In this instance, the Height of Buildings Map identifies a maximum height of 9.5m for any building on the subject site at 16 Gamma Road, Lane Cove. The maximum height of the development is 11.775m which equates an exceedance of 2.275m or a variation of 23.9%. The height exceedance occurs at the central section of the proposed hip and gable roof. The proposed variation is assessed with respect to Clause 4.6 as follows:

Clause 4.6 – Exceptions to Development Standards

The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) The consent authority must keep a record of its assessment carried out under subclause (3).*

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

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

Comment: It is considered that supporting the Clause 4.6 – Exception to Development Standard in relation to Clause 4.3 Height of Building is reasonable and appropriately justified in accordance with the provisions within this subsection and planning considerations given the minimal material impact cause by the extent of the variation.

- The proposed roof measures at RL67.145, a 985mm difference from the existing hip and gable roof structure. The angle of the proposed roof would be the same as the existing structure, however, due to the enlargement of the floor area below, would require additional height when matching the roof pitch; and
- The existing roof structure currently varies the development standard by approximately 1290mm or 13.5%. This is attributed to the existing nature of the subject site and the non-habitable basement space beneath the primary floor area. The 13.5% variation is a contravention of the development standard. An additional 985mm of total height to the existing variation would not be unreasonable given the minimal impact discussed later in this section.

The design approach adopted by the applicant and the justification/s provided are supported. The increase of internal floor area at this section of the ground floor and first floor is considered an improvement upon the previous design and would ultimately result in increased amenity that would not adversely impact on neighbouring properties.

Strict numerical compliance is considered to be unnecessary and unreasonable given that the proposed variation would be consistent with the objectives of the control despite the numerical variance of which have been reasonably satisfied under the provisions of Clause 4.6.

As previously stated, the proposed variation to height of building is considered to be reasonable, the impact is neutral and the proposed design is consistent with the objectives of Clause 4.3 Height of Building, notwithstanding the numerical departure and therefore is considered worthy of support on planning merit.

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

Comment: The applicant addressed circumstances of the variation in the submitted statement of environmental effects. The reasonability of the variation to the maximum height standard is substantiated by the following;

- *“The proposed development is consistent with the relevant objectives of the Height of Buildings development standard expressed by clauses 4.3 LEP 2009.*
- *The proposed development achieves the relevant Objectives of the R2 Low Density Residential zone.*

- *The proposed development will not result in any unreasonable environmental impacts upon the amenity of neighbouring properties in terms of visual bulk, privacy, overshadowing and view sharing.*
- *The proposed development satisfies the relevant tests established in Wehbe v Pittwater Council (2007) 156 LGERA 446.*
- *The proposed development will be consistent with the surrounding residential character of the area and will contribute to the variety of housing and help meet demand for housing in the locality.*
- *The overall bulk, scale and streetscape elements of the proposed development are compatible with the existing and desired future character of the locality.*
- *The underlying objective would be thwarted if strict compliance with the Height of Buildings development standard was applied as the development satisfies the objectives or purpose of the standard, despite the non-compliance. The development allows a more efficient use of land and provides additional occupancy capacity within the existing dwelling, contributing to the variety and availability of housing types in the area.”*

The proposed variation satisfies the R2 Low Density Residential objectives of the zone, underlying intent of Clause 4.6 and Clause 4.3 Height of Building therefore the merits of the proposed variation are considered to be supportable.

The prescribed height would not result in any unreasonable or unduly impact in terms of privacy, bulk and scale, view loss, or amenity of the subject site/adjoining properties. The proposed extent of the variation is not considered to result in any material, natural or environmental impacts given the central location of the height variation.

A reasonable built form for a residential dwelling house would be achieved and the form itself would be architecturally responsive to the scale, vernacular and form of the surrounding area. The addition of floor area would be located to the rear of the subject site and would thus not be perceivable from the streetscape. Additionally, the proposed ridge height of the subject development and the existing neighbouring property would be cohesive to the topographical decline present at the streetscape.



Figure 1: Existing Streetscape Perspective (Source: Maps)

By virtue of the design, the proposal would present an architectural design that achieves positive contribution to the streetscape character of Gamma Road, respects the surrounding neighbourhood context and the contributes to the design excellence in scale, materiality, form.

Subsequently, the aforementioned justifications support the reasoning for the variation to the development standard.

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

The applicant provides the below to support the notion that there are sufficient environmental planning grounds to justify the variation to the height control:

I note the following environmental grounds or, in other words, the Positive Outcomes arising from the proposed development and the breach of the Height of Buildings Standard:

i. The proposed development is permissible within the R2 Low Density Residential Zone and is consistent with the relevant zone objectives. It retains the existing residential use of the site and provides an improved dwelling that is consistent with the density objective for the zone.

ii. The building height of the proposed development is generally below or considerably below the height of buildings development standard under LEP 2009 and will maintain a two-storey presentation to the streetscape and adjoining residential development.

iii. The proposed development is contextually appropriate to the area and is considered to result in a positive contribution to the streetscape and character of the area in terms of massing and architectural expression.

iv. The proposed development maintains the existing views over the subject site.

v. The proposed development results in an improvement in passive surveillance of Gamma Road by way of the proposed alterations and additions.

vi. There will be no increase in carparking demand as a result of the proposed development.

vii. The proposed development is of a high standard of architectural design, incorporating attractive colours and materials.

viii. The proposed alterations and additions maintains a compliant FSR and Landscaped Area and generally provides greater than required setbacks than that required under Council's DCP.

ix. The proposed alterations and additions do not result in any unreasonable amenity impacts to adjoining properties or the public domain.

It is considered that the environmental planning grounds listed above to be reasonable and adequate.

Conclusion

the proposed development would comply with the zoning objectives and height development standard objectives. The proposed variation of the height standard seeks to improve the amenity of the dwelling house, in turn, creating a better architectural outcome. Given the context, it is considered that the extent of the variation would not result in any view loss impacts. A negligible overshadowing impact would occur to the adjoining properties - the impact would be insignificant given orientation of the site. The visual impact generated by the additional height is not considered to be readily perceivable when viewed from the streetscape. The extent of the variation is not considered to result in detracting from the residential character or landscape quality of the area. The alterations to the first floor and roof would not result in any adverse impacts to the northern neighbouring properties. The proposed design employs a traditional form that is of a suitable bulk and scale, utilises high quality finishes which are complimentary to the surrounding character, and generally improves upon the amenity of the existing dwelling house. Council considers the Clause 4.6 variation exception to be well founded.

LCLEP 6.1A Earthworks

The development application proposes to partially demolish existing components of the dwelling house and redevelop an improved 2-storey single residential dwelling. In order to improve the accessibility standards and general amenity, the proposal seeks approval for earthworks, particularly excavation within the front setback to accommodate for a basement garage.

As established in the compliance table, the maximum cut measures approximately 1.8m; 800mm in exceedance of the 1m provision stipulated by Council's DCP. As a result, the variation is assessed against Clause 6.1A of the LCLEP regarding earthworks.

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

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

The assessment is as follows;

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

Comment: The existing drainage patterns present on the subject site fall from the northwestern corner towards the rear southeastern corner of the site that adjoins the RE1 Public Recreation Zone (Lane Cove Golf Club and Gamma Road Reserve). The total topographical difference measures from AHD57.50 to AHD55.00 – an approximate 2.5m decline.

The most notable section of earthworks pertains to the basement garage and front yard. The proposed design features a basement garage that is fully encompassed by earth and vegetation. Given the subterranean position, the proposed garage would present a moderately sloped mound of earth that consists of small vegetation species (shrubs and grasses). The resultant 1m level difference would maintain a moderately sloped grassed area the front of the site – and be topographically synonymous to the existing.

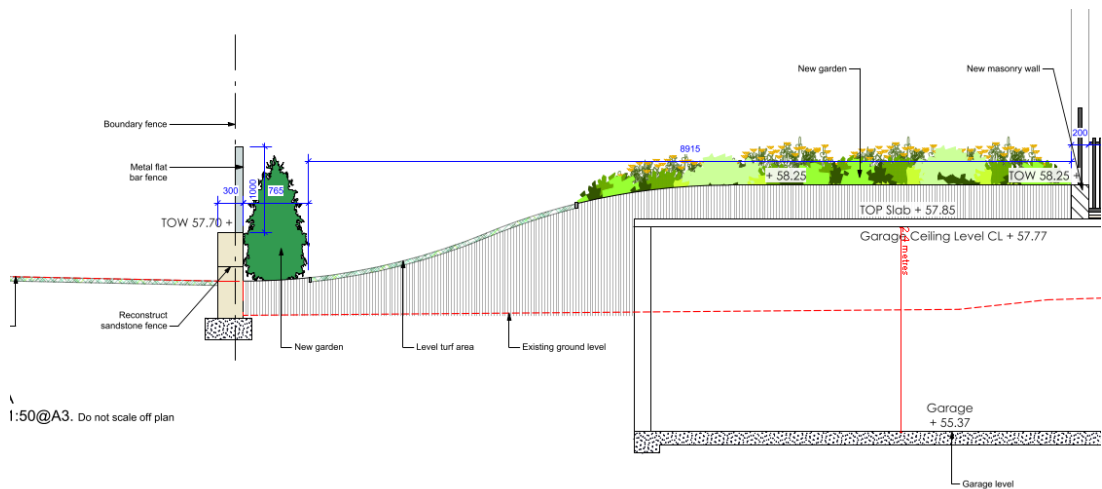


Figure 2: Proposed Front Yard and Basement Garage Section (Source: Applicant)

The existing side setbacks are envisaged to direct stormwater/rainwater in the same direction and at a similar rate as what currently exists on site. The significant section of the rear of the site would remain unchanged by any development. The area is seen as the primary drainage catchment area and would not alter the existing drainage patterns towards the adjoining RE1 Public Recreation Zone. The soil stability would be ensured by the recommended conditions of consent (Condition C.5 and Condition F.3). There would be no adverse impact or change in the existing drainage patterns.

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

Comment: The proposed development would not have any adverse impact on the future use or redevelopment of the land. The revised access format from the street front boundary would benefit any form of residential development.

(c) the quality of the fill or the soil to be excavated, or both,

Comment: The quality of the excavation would be monitored prior to, during and after construction of the development. The respective conditions would ensure that any adverse impacts would not occur during or after the proposed excavation.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

Comment: The proposed development would not have any adverse impact on the access to sunlight or privacy of the adjoining properties, nor would it incur any major impacts on their general amenity.

(e) the source of any fill material and the destination of any excavated material,

Comment: As previously mentioned, the quality/source of any excavation and fill would be monitored prior to, during, and after construction of the development. The relevant conditions would ensure that no adverse impacts would occur.

(f) the likelihood of disturbing relics,

Comment: The subject site is not identified as being within the proximity of any Aboriginal heritage sites or having the potential to contain any historical relics.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Comment: The area is not identified as being environmentally sensitive. The existing watercourses and drainage patterns would be retained in the proposed development.

SEPP (Resilience and Hazards) 2021

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

APPLICABLE REGULATION

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

VARIATIONS TO COUNCIL'S CODES/POLICIES

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

Control	Proposed	Comment	Council support
Maximum Building Height – 9.5m	11.775m	The Clause 4.6 section addresses the validity and reasonableness of the maximum building height variation. Council concurs that the reasoning is sufficient.	Yes – See Clause 4.6 Assessment.
Maximum Wall Height – 7m + 600mm parapet	7.9m	As a consequence of the topography, the development proposes a 900mm variation to the maximum 7m wall height provision. The variation is	Yes

		supported.	
Cut and Fill – 1m	1.8m of excavation.	The development proposes approximately 1.8m of excavation in the front setback to accommodate for the basement garage. The 800mm exceedance is supported as no significant impacts to the streetscape or structural quality of the subject site would result.	Yes
Maximum balcony depth – 3m	4m	The proposed balcony would exceed the 3m maximum depth by 1m. The variation is acceptable on merit given compliance with the recommended condition in Condition A.2(a).	Yes – subject to Condition A.2(a)
Garage Roof – Non-trafficable	Trafficable roof that features grassed area and vegetation.	The development proposes a turfed roof atop the basement garage. The garage roof would include turfed area and small vegetation species. Council supports the variation.	Yes
All Electric Buildings – No gas.	Gas boosted heating system for spa.	The development proposes a gas boosted heating system for the outdoor spa. The variation is conditioned accordingly.	No – See Condition A.22.

The development application seeks approval for the variation of 4 provisions within the LDCP 2009 (excluding maximum building height), particularly Part C Clause 1.7(a) Maximum Wall Height, Part C Clause 1.6 Cut and Fill, Part C Clause 1.8.2(c) Depth of Balcony, Part C Clause 1.9(g) Garage Roof, and Part S Clause 2.2 Electric Services. This section identifies the controls in which the development would not comply with. The following measures ensure the mitigation of any potential impacts of the departures;

Part C Clause 1.6 Cut and Fill

Part C 1.6 stipulates a maximum cut and fill 1m across the subject site. The development however presents a total excavation of approximately 1.8m at the highest point, thus exceeding the provision by 0.8m. This would occur at the front of the site and is specifically related to the proposed parking garage structure. The extent of excavation is considered reasonable to allow for the descending vehicular access and the variation is considered acceptable on merit as substantiated by the following reasons;

- The existing differentiation in levels at the front of the subject site entails an uneven and unsuitable area to accommodate for a modern double garage with a unified access to the front entryway;
- The levelling and subsequent excavation would create well-proportioned and accessible open space that would improve both pedestrian and vehicular ingress and egress;
- The proposed excavation would not be along the subject’s sites boundaries therefore ensuring the protection of neighbouring properties and retention of the existing water drainage patterns on site;

- Although the proposed basement would require excavation of the front of the site, the design would provide a semi-private, grassed front yard that is replicative of the existing nature of the site. When approaching from either angle of Gamma Road, the structure would present as if it were seamlessly integrated into the existing topography. This is considered to be a better architectural and planning outcome as opposed to the provision of a concrete hardstand and attachment of a large carport to the main dwelling house; and
- The input of vegetation atop of the entirety of the basement garage area would reinstate the character of the existing green space and mitigate any visual 'dead space' that a concrete non-trafficable roof would have.

Part C Clause 1.7.1(a) - Maximum Wall Height – 7m

Part C1.7.1(a) stipulates that proposed residential developments are limited to a maximum wall height of 7m from the existing ground level. The development proposes a wall height of 7.9m at the central section of the dwelling house as shown on the South elevation. This breaches the control by 900mm; however, the following reasons ensure acceptability based on merit;

- The overshadowing generated by first floor addition would incur negligible impacts as the adjoining properties achieve a minimum of 3 hours of direct sunlight at the Winter solstice;
- The existing walls, at this junction of the dwelling house, measure at approximately 7.8m. The proposed exceedance is particularly attributed to the eave. The section is not envisaged to be a part of the building envelope that would contribute to any overshadowing or general amenity impacts to the neighbouring properties; and
- As mentioned previously, the design achieves a scale and appearance which is in keeping with the predominant existing and emerging street and neighbourhood character of Gamma Road and Lane Cove.

Part C 1.8.2(c) Elevated Deck Depth

Part C 1.8.2(c) stipulates that elevated decks, terraces, or balconies greater than 1m above ground level (existing) to living areas are not to exceed a maximum depth of 3.0m. Deeper decks may be considered if privacy to adjoining properties is addressed. The proposed deck would achieve a total depth of 4.3m, which is approximately 1.3m in exceedance of the allowable 3m depth. The variation is not supported due to the following;

- The proposed first floor balcony would be in an elevated position in direct view line of the adjoining properties, and would it be situated directly opposite of the northern properties primary private open space; and
- The proposed design fails to address potential privacy impacts resultant of the location, measurements and outlooks. Subsequently, Council recommends the provisions of a privacy screen to obscure direct overlooking and any potential acoustic impacts.

Part C Clause 1.9(c) Garages with Trafficable Roofs

Clause 1.9(c) states that; On sloping sites, garages may be permitted in front of the building line if at least two thirds of the garage is below ground level (existing). The garage shall have a minimum setback of 1m from the street alignment and not have a trafficable roof. The proposed design would entail a turfed roof over the basement garage structure that features a variety of small shrub species. Council supports the provision of a trafficable garage roof as substantiated by the following aspects;

- It would be unreasonable to prohibit activated green space that would enable pedestrian access to the dwelling house;

- The trafficable roof would ultimately provide a parking schedule that minimises unnecessary carport structures within the front setbacks and further reduces the dwellings bulk and scale; and
- The planting schedule would create an attractive greenscape that would blend the alterations and additions into the existing landscape, and positively contribute to the character Gamma Road and the surrounding sites such as the Gamma Road Reserve and Lane Cove Golf Club.

Part S – Clause 2.1 - All Electric Buildings

Clause 2.1 of the Part S LDCP states that all new developments are to use only electricity for all energy requirements associated with normal operations. The objectives for all-electric buildings are to:

- 1. Minimise the installation of plant and equipment in new buildings that rely upon on-site fuel combustion.*
- 2. Reduce indoor and outdoor air pollutants associated with the combustion of gas or wood and improve air quality.*
- 3. Reduce the cost to occupants by avoiding ongoing gas connection standing charges.*
- 4. Reduce the contribution of gas combustion to the anthropogenic heat contribution flux in the urban area.*

The development application proposes a gas hot water system booster for the outdoor spa. The provision of any gas services is in direct contravention of the 4 objectives within Clause 2.1 and is not supported.

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

The proposal would not adversely impact neighbouring properties or the public domain in terms of overshadowing, visual privacy, acoustic privacy, or traffic and parking (subject to compliance with the recommended conditions of consent). The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls. Condition A.22 is recommended.

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

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

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

The development application was notified in accordance with Council's policies and no submissions were received.

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

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

CONCLUSION

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

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The application complies with the Floor Space Ratio development standard of the Lane Cove LEP 2009. The proposed variation to the Height development standard of the Lane Cove LEP 2009 is recommended for the Panels support.

The 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 therefore recommended for approval.

RECOMMENDATION

General Conditions

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

- Development Application DA130/2024
- For the alterations and additions including internal and external modifications to the dwelling house, the addition of an in-ground swimming pool, and general associated landscaping
- At 16 Gamma Road, Lane Cove

subject to the following conditions:

PART A – GENERAL CONDITIONS

1. A.1 - Approved plans

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

Plan No	Revision	Plan Title	Drawn By	Dated
A000	C	Cover Page, Location map, Drawing List, Image, BASIX	McConnell Design Studio	26/08/2024
A200	C	New Site Plan	McConnell Design Studio	26/08/2024
A201	C	New Basement Plan	McConnell Design Studio	26/08/2024
A202	C	New Ground Floor Plan	McConnell Design Studio	26/08/2024
A203	C	New First Floor Plan	McConnell Design Studio	26/08/2024
A401	C	New Roof Plan	McConnell Design Studio	26/08/2024
A500	C	Section 1	McConnell Design Studio	26/08/2024
A501	C	Section 2	McConnell Design Studio	26/08/2024
A502	C	Section 3	McConnell Design Studio	26/08/2024
A503	C	Section 4	McConnell Design	26/08/2024

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			Studio	
A601	C	New South East Elevations	McConnell Design Studio	26/08/2024
A603	C	New North East Elevations	McConnell Design Studio	26/08/2024
A605	C	New North West Elevations	McConnell Design Studio	26/08/2024
A607	C	New South West Elevations	McConnell Design Studio	26/08/2024
A903	C	Pool Section	McConnell Design Studio	26/08/2024
Sht-102	G	Planting Plan	Jamie King Landscape Architect	15/11/2024
Sht-103	G	Front Yard Detail Plan	Jamie King Landscape Architect	15/11/2024
Sht-104	G	Lower Ground Floor Detail Plan	Jamie King Landscape Architect	15/11/2024
Sht-105	G	Backyard Details Plan	Jamie King Landscape Architect	15/11/2024
Sht-106	G	Sections	Jamie King Landscape Architect	15/11/2024
Sht-107	G	Sections	Jamie King Landscape Architect	15/11/2024
Sht-108	G	Sections	Jamie King Landscape Architect	15/11/2024

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

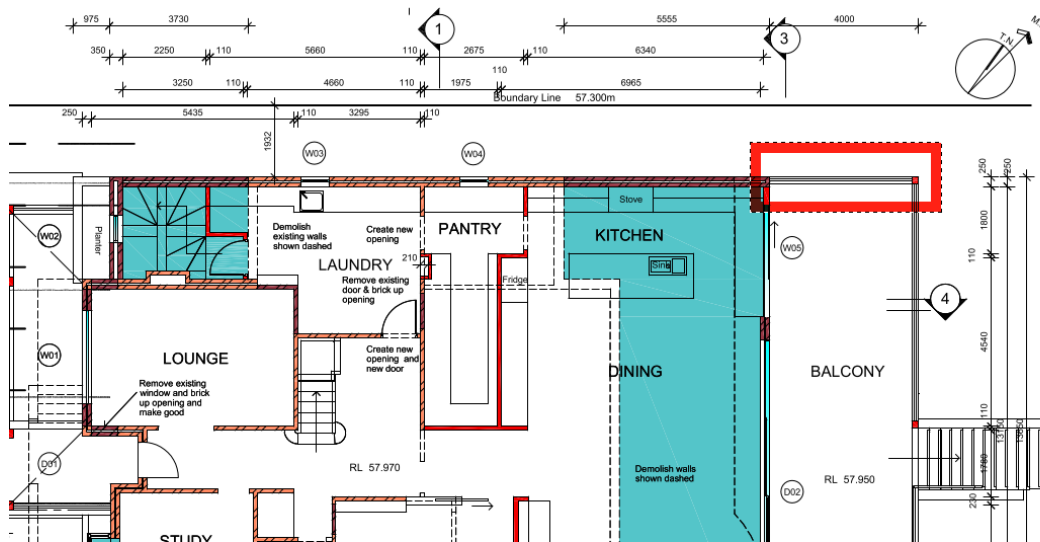
Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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

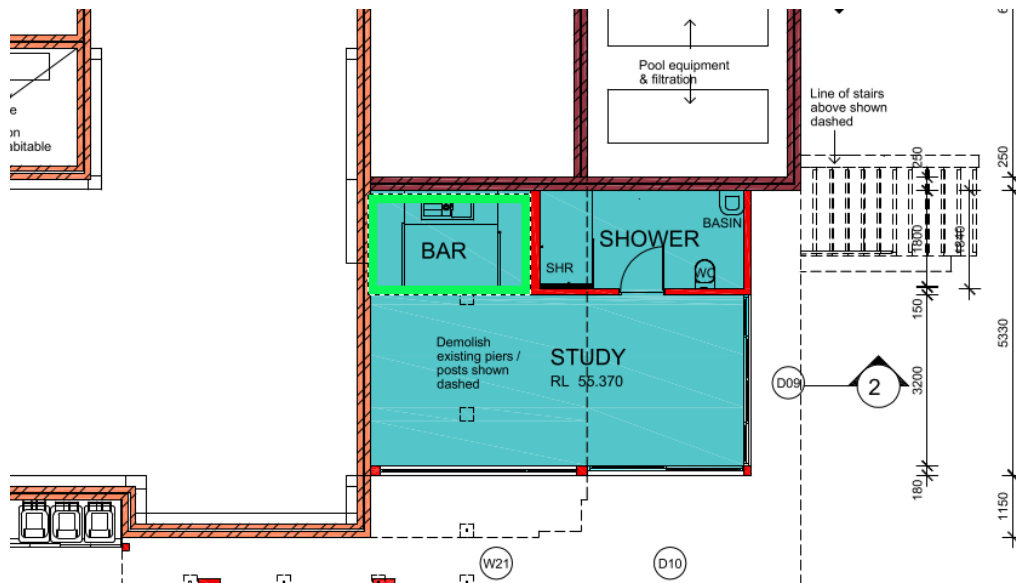
Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

- a) The first-floor balcony depicted on drawing A202, revision C, dated 26/08/2024, is to incorporate a 1.8m privacy screen at the northwestern extent of the balcony. The area is heightened in red in the below diagram;

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b) The proposed studio shown on drawing A201, revision C, dated 26/08/2024, is to remove the 'bar' from the architectural plans. The studio is not to include any cooking infrastructure. The area is highlighted in green in the below diagram.



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 payment to Council and provide written evidence of these payments to the Certifier:

Security deposit	Amount
Infrastructure damage bond	\$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,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
 - any inspection carried out by Council in connection with the completion of public work or the making good any damage to Council property.

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

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

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

The following items are to be inspected:

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

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

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 \$4,283.00 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.9.T - Works on Council land**

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

Where the applicant requires the use of construction plant on the public road reservation, an "Application for Standing Plant Permit" shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works**. Note: allow 2 working days for approval.

Reason: To manage impacts to Council's assets.

6. **A.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 NITMA Consulting, reference No: 6342H, issue: B and dated in 14/11/24. This amended plan shall satisfy Part O of the Council's stormwater DCP. A copy of the amended plan shall be submitted to Council.

1. As per submitted plan, the kerb outlet is on the middle of Gamma Road and not possible. This must be checked and relocated to kerb.
2. As per survey plan, there is a Council Tree on right of the driveway. This must be shown in plan. As shown in the plan, the kerb connection pipe is through this tree. All new down pipes shall be connected to appropriate pipe system up to kerb outlet satisfying Council's Tree Protection Officer.
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 the connection point; confirming pipe system satisfies Part O of Council' storm water DCP.
5. Sediment control fence shall be placed around the construction site and shown in plan.
6. The stormwater requirements shown in Basix certificate shall be included in stormwater management plan and satisfied. A rainwater tank shall be included into storm water management plan as per Basix certificate.
7. As per proposed impervious area calculations shown in plan, the driveway area and some impervious area are not considered. This calculation shall be revised and updated.
8. As per above calculation shown in point No:6, this DA may require OSD or 10000 litre of rainwater tank satisfying Section O.7 of Council DCP. If the applicant prefers to go for 10000 litre of rainwater tank, this rainwater reuse system shall have 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.
9. Since there are walkway and golf club at rear, the level spreader is not allowed. As shown in sheet No:BL1, 500 wide level spreader must be replaced by an absorption trench.
10. Council recommends piping all roof water to street kerb. For this pipe system, a charged pipe system could be used from roof to fence line.
11. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Council DCP. The details of design level difference shall be shown in plan.
12. Clean out pits are required at all low points of charged drainage line.
13. A pollution control pit (as shown in section 3.4.1 in Part O of Council's stormwater DCP) with mesh (RH3030) and sump (300mm minimum) is required within the site, at start of the connection pipe to the Council kerb. These details shall be shown in plan.
14. This pollution control pit should have overflow path towards street in order to stop back flow to site. These details shall be shown in stormwater management plan.
15. The stormwater runoff from driveway shall be collected by grated driveway pit and connected to absorption trench.
16. Driveway grated strip pit shall have minimum 200mm of depth and minimum 1% fall inside.
17. The kerb connection pipe from fence line to kerb shall be designed for gravity discharge only and no charged pipeline allowed.
18. The kerb discharge point shall be minimum 300mm away from edge of driveway wing and complied with section 4.1 in Council DCP. The driveway location shall be included in the plan.
19. Council does not support more than one kerb outlet pipe for single house. As shown

- in plan, there is existing kerb pipe. This pipe must be removed, and the new pipe shall be connected to pollution control pit.
20. Only roof water shall be connected to rainwater tank.
 21. The installation of the proposed absorption trench shall be parallel to existing contour lines.
 22. The location of proposed absorption trench shall be investigated. A geotechnical engineer's report is required to confirm this site is suitable for absorption trench.
 23. Absorption trench design shall comply with section 5.2 of Council DCP.
 24. The calculation of the absorption trench shall be done as per appendix 9 in Part O of Council stormwater DCP and submitted to Council.
 25. A longitudinal section of absorption trench with access pits on both ends is required with levels and dimensions.
 26. The location of proposed absorption trench shall be marked in stormwater plan as per section 5.2 of Council DCP with distances from fence line and building, designed levels and sizes.
 27. Installation of pipe system near the Council's and protected trees must be assessed and approved by Council Tree Protection Officer
 28. No pipe system is directed towards downstream properties if there is no easement/pipe system available.
 29. One inlet pit is required at front grass area between garage and front fence and connected to proposed system.
 30. The proposed concrete 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 Certifying Authority **prior to the issue of the Construction Certificate**
 31. Construction of drainage system associated with the proposed pool satisfy relevant Australian standards.
 32. 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 to Council.**
- Certification from a suitably qualified engineer as to the matters below is to be provided to the Principal Certifying Authority, prior to the issue of any CC:
- a) Compliance with the amendments detailed in this condition.
 - b) Compliance with Part O: Stormwater Management of Council's DCP.

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

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

7. **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.

8. **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.

9. **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.

10. **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.

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

The swimming pool **or spa** 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.

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

12. **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

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

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

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

PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

14. C.1 - Construction site management plan

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

- Before commencement of any works, safety barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, *'Part 3 - Traffic control devices for works on roads'*.
- pedestrian and vehicular site access points and construction activity zones
- location of site storage areas and sheds
- equipment used to carry out all work.
- a garbage container with a tight-fitting lid
- 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.

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

Council Approvals

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

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

15. 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

16. **C.5 - Dilapidation report**

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

Reason: To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.

17. **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.

18. **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 work; and
- upper-level floor framing;

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

Reason: To ensure structural adequacy.

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

The vehicular crossing servicing the property shall be reconstructed prior to the issue of the Occupation Certificate as it does not meet Council's current standards. The existing driveway 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 designed and certified by qualified Traffic Engineer 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 or 4m

- 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.

20. **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.

21. **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.

22. **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

23. **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

24. **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.

25. **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.

26. **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.

27. **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

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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

34. 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.

35. E.8 - Tree protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection Of Trees on Development Sites* and any Arborist's report approved under this consent. 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.

36. 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.

37. 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.

38. **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 work; and,
- e) upper level floor and roof framing;

Reason: EP&A Act requirement.

39. **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.

40. **E.19.B – Encroachments**

No portion of the proposed structure shall encroach onto the adjoining properties and/or road reserve.

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 pipelines without Council's approval.

No encroachment is to occur into public open space.

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

41. **E.20.EH – Stockpiles**

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

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

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented:
 - Compliance with *Part O - Stormwater Management* of Lane Cove DCP 2010. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
 - Compliance with AS-3500.
 - Certification from a suitably qualified hydraulic engineer that the approved stormwater pipe system, rainwater tank system, pollution control pit and absorption trench 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.
 - 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 a suitably qualified engineer that the proposed stormwater connection to the existing private inlet pit is hydraulically satisfied with Part O – Stormwater management of Lane Cove DCP.
 - Certification from a Traffic Engineer for a swept paths for proposed car parking space and garage in forward in/out directions.
 - 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.

43. F.2 - Completion of public utility services

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

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

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

44. F.3 - Post-construction dilapidation report

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

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

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

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

45. **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.

46. **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.

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

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

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

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

PART H - OCCUPATION AND ONGOING USE

48. **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 (2)**.

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.

49. **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.

Mark Brisby
Director - Planning and Sustainability
Planning and Sustainability Division

ATTACHMENTS:

There are no supporting documents for this report.