



**Lane Cove
Council**

Minutes
Lane Cove Local Planning Panel Meeting
10 December 2024

**Lane Cove Local Planning Panel 10 December 2024
MINUTES**

PRESENT: Ms Jan Murrell, Chair
Ms Linda Kelly, Planning Expert
Mr Michael File, Planning Expert
Mr Ian Longbottom, Community Representative

ALSO PRESENT: Mr Mark Brisby, Director Planning and Sustainability
Mr Rajiv Shankar, Manager, Development Assessment
Mr Sam Wilson, Town Planner
Ms Angela Panich, Panel Secretary

DECLARATIONS OF INTEREST: Nil

APOLOGIES

Nil

LANE COVE LOCAL PLANNING PANEL REPORTS

16 GAMMA ROAD, LANE COVE

DETERMINATION

General Conditions

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel at its meeting of 10 December 2024 exercising the functions of Council as the consent authority, 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

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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 Studio	26/08/2024
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.

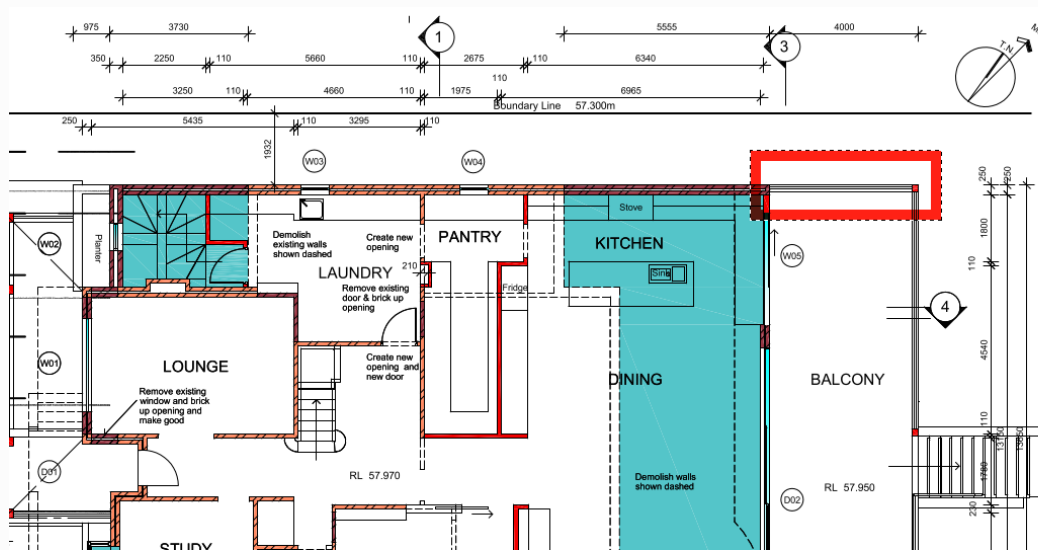
2. A.2 - Design amendments

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.

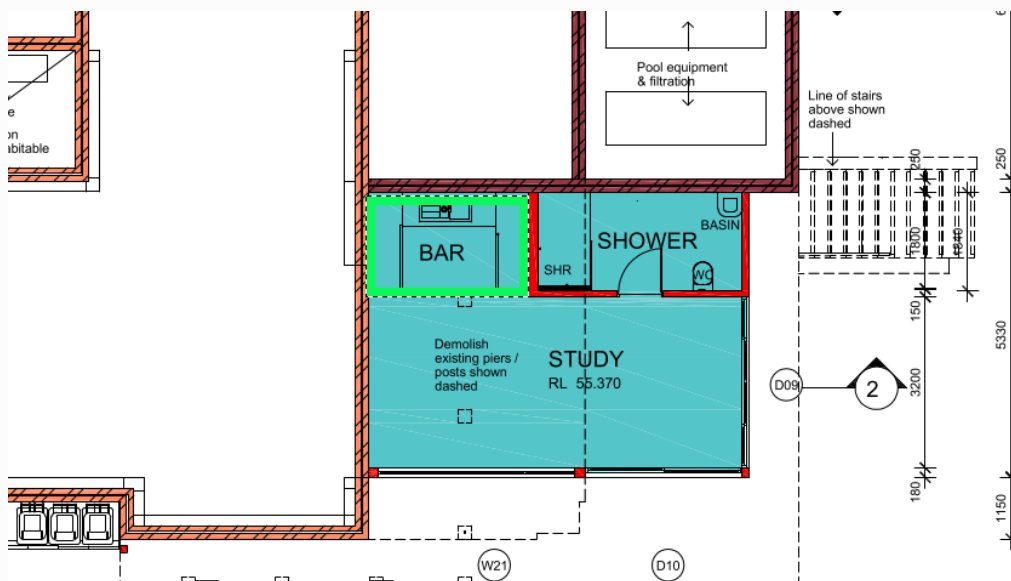
- a) The first-floor balcony depicted on drawing A202, revision C, dated 26/08/2024, is to incorporate a 1.8m privacy screen at the northwestern

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extent of the balcony. The area is heightened in red in the below diagram;



- 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.



- c) The applicant is to revise the proposed landscaping plans titled '16 Gamma Road, Lane Cove', by Jamie King Landscape Architect, dated 04/09/2024.

The proposed plans are to include the following;

- A minimum of (1) tristaniopsis laurina within the Council verge area shown in the below;



- A minimum of (2) locally indigenous species within the rear setback area shown in the below;



The (2) locally indigenous species for the rear yard are to be selected from Appendix 1 (Trees, Single Trunk, Growing >4m) of Part J of the Lane Cove Development Control Plan.

The amended landscape plans are to be submitted to and approved by the Director of Planning and Sustainability **prior to the issue of the Construction Certificate.**

Reason: To ensure the proposed development contributes to the canopy cover of the area.

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:

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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

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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 of 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 center 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:

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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.

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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.

The decision of the Panel to uphold the Clause 4.6 written request to contravene the height standard and grant approval to the Development Application subject to conditions was unanimous

The meeting closed at 5.15 pm.

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