



**Lane Cove  
Council**

**Minutes  
Lane Cove Local Planning Panel Meeting  
27 May 2025**

**Lane Cove Local Planning Panel 27 May 2025  
MINUTES**

**PRESENT:** Ms Jan Murrell, Chair, Mr Jason Perica, Planning Expert, Ms Clare Swan, Planning Expert, Mr David Risbey, Community Representative

**ALSO PRESENT:** Mr Mark Brisby, Director Planning and Sustainability  
Mr Rajiv Shankar, Manager Development Assessment  
Mr Chris Shortt, Senior Town Planner  
Mr Andrew Bland, Senior Town Planner  
Mr Thomas Xi, Town Planner  
Ms Angela Panich, Panel Secretary

**DECLARATIONS OF INTEREST:** Nil

**APOLOGIES**

Nil

**LANE COVE LOCAL PLANNING PANEL REPORTS**

**UNIT B502 OF 35 LITTLE STREET LANE COVE**

**DETERMINATION**

The applicant has made a request pursuant to Clause 4.6 of the Lane Cove Local Environmental Plan 2009 for the proposed breach of the building height development standard. The Panel is satisfied that the Clause 4.6 requirements have been met and is satisfied the applicant's request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to support the variation.

Pursuant to Section 4.16(a) of the Environmental Planning and Assessment Act, 1979 the Lane Cove Local Planning Panel, at its meeting of 27 May 2025, exercising the functions of the Council as the Consent Authority, approves Development Application DA33/2025 for the new vergola to the top floor unit no. 502 balcony.

The development application is approved subject to the following conditions, including new Condition A.2 added by the Panel.

**PART A – GENERAL CONDITIONS**

1. **A.1 - Approved plans and supporting documentation**  
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
19674		1 of 6 Site Plan	JGW	28.03.2025
19674		2 of 6 Plan	JGW	28.03.2025
19674		3 of 6	JGW	28.03.2025

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		Section, Post Fixing Detail, Post Detail, Centre Beam Detail		
19674		4 of 6 Southern Elevation Bldg B	JGW	28.03.2025
19674		5 of 6 Eastern Elevation Bldg B	JGW	28.03.2025
19674		6 of 6 Northern Elevation Bldg B	JGW	28.03.2025

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

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

**2. A.2 – Restriction to enclose vergola**

The vergola shall not be enclosed with walls at any time.

**Reason: To ensure that the vergola does not change the use of the area as private open space.**

**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 all of the following payments to Council and provide written evidence of these payments to the Certifier:

Security deposit	Revision
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

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

**4. A.7.L Tree preservation and approved landscaping works**

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

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

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

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

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

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

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

**Reason: To manage impacts to Council's assets.**

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 Vergola (NSW) Pty Ltd, reference no. 19674 and dated 28.03.2025:

1. All new down pipes shall be connected to an appropriate pipe system
2. If the existing system is not in good condition and does not satisfy Council standards, the applicant is to reconstruct the existing system to meet the Council standards.

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.

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 Council's DCP.**

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.**

**PART C – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**8. 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:

- Structural work.

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

**Reason: To ensure structural adequacy.**

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

**9. D.3 - Signs on site**

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

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

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

**Reason: Prescribed condition under section 70 of the Environmental Planning & Assessment Regulation 2021.**

**10. D.4 - Compliance with 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 Environmental Planning and Assessment Regulation 2021.**

**11. 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 the council) has given the council written notice of the following information —

- d) 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,
- e) In the case of work to be done by an owner-builder—
  - i) the name of the owner-builder, and
- f) 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 the Council written notice of the updated information.

**Reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.**

## **PART E – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **12. 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.**

### **13. 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 Environmental Planning & Assessment Regulation 2021.**

### **14. E.7 - Construction noise**

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

**Reason: To protect the amenity of the neighbourhood.**

### **15. 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 PCA, an inspection is to be booked for each of the following relevant stages during the construction process:

g) structural work;

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

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

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

**Reason: To ensure public safety.**

17. **E.20.EH – Stockpiles**

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

No stockpiling of materials, building equipment or additional activities listed in section 4.2 of AS4970-2009 The Protection of trees on Development Sites is to occur within designated tree protection areas or on the Council Owned Nature Strip. All building materials must be delivered and stored within the subject site.

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

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

18. **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:
  - The stormwater from new roof/impervious area has been connected to existing drainage system. In this case, a hydraulic engineer's or qualified plumber's certificate is required that the existing drainage system is in good working condition.
  - 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.**

**PART H – OCCUPATION AND ONGOING USE**

19. **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.**

The decision of the panel was unanimous

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**S4.55(1A) (MOD 4) AT 266 LONGUEVILLE ROAD LANE COVE**

**DETERMINATION**

That:-

- A. The Panel is satisfied that the proposed modification:
- is of minimal environmental impact;
  - is substantially the same development as the development for which consent was originally granted and before that consent was modified;
  - has been notified; and
  - has been assessed having regard to the relevant matters in s4.15(1) EP&A Act.

The Panel has taken into account the reasons of the consent authority that granted the consent that is sought to be modified.

- B. Pursuant to the provisions of Section 4.55 of the *Environmental Planning and Assessment Act, 1979*, the Lane Cove Local Planning Panel at its meeting of 27 May 2025, exercising the functions of Council as the consent authority, approve the modification to Development Consent DA 117/2017 for construction of a seniors housing development comprising 92 independent living units/self-contained dwellings, with basement car parking, new public park and facilities and landscaped through-site link, by replacing the table of plans in Condition 1 with the following table:

1. The development shall be strictly in accordance with the following drawings and documents:

<b>Drawing Number</b>	<b>Title</b>	<b>Date and Revision</b>	<b>Prepared By</b>
DA-050	Context	05.12.2023 Rev 1	3EM Architects
DA-100	Site Plan	11.12.2024 Rev 2	3EM Architects
DA-200	Level 00	11.12.2024 Rev 2	3EM Architects
DA-201	Level 01	11.12.2024 Rev 2	3EM Architects
DA-202	Level 02	11.12.2024 Rev 2	3EM Architects
DA-203	Level 03	11.12.2024 Rev 2	3EM Architects
DA-204	Level 04	11.12.2024 Rev 2	3EM Architects
DA-205	Level 05	11.12.2024 Rev 2	3EM Architects
DA-206	Level 06	11.12.2024 Rev 2	3EM Architects
DA-207	Level 07	11.12.2024 Rev 2	3EM Architects
DA-208	Level Roof	11.12.2024 Rev 2	3EM Architects
DA-300	Level 00	05.12.2023 Rev1	3EM Architects
DA-301	Level 01	05.12.2023 Rev1	3EM Architects
DA-302	Level 02	05.12.2023 Rev1	3EM Architects
DA-303	Level 03	05.12.2023 Rev1	3EM Architects
DA-304	Level 04	05.12.2023 Rev1	3EM Architects
DA-305	Level 05	05.12.2023 Rev1	3EM Architects
DA-306	Level 06	05.12.2023 Rev1	3EM Architects
DA-307	Level 07	05.12.2023 Rev1	3EM Architects
DA-401	Elevations – Sheet 1	11.12.2024 Rev 3	3EM Architects



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DA-402	Elevations – Sheet 2	11.12.2024 Rev 3	3EM Architects
DA-403	Elevations – Sheet 3	11.12.2024 Rev 2	3EM Architects
DA-404	Elevations - Sheet 4	11.12.2024 Rev 2	3EM Architects
DA-501	Sections – Sheet 1	11.12.2024 Rev 2	3EM Architects
DA-502	Sections – Sheet 2	11.12.2024 Rev 2	3EM Architects
DA-503	Sections – Sheet 3	11.12.2024 Rev 2	3EM Architects
DA-1000	GFA Plans	05.12.2023 Rev 1	3EM Architects
LA01	Tree Removal & Retention	06.01.2025 Rev IIIII	Taylor Brammer
LA02	Site Plan	06.01.2025 Rev IIIII	Taylor Brammer
LA03	Site Plan	06.01.2025 Rev IIIII	Taylor Brammer
LA04	Playground and Longueville Road streetscape	06.01.2025 Rev IIIII	Taylor Brammer
LA05	Longueville Road Porte-cochere	06.01.2025 Rev IIIII	Taylor Brammer
LA06	Level 3 Courtyard	06.01.2025 Rev IIIII	Taylor Brammer
LA07	L3 Courtyard Character	06.01.2025 Rev IIIII	Taylor Brammer
LA08	L3 Courtyard Sections & Elevations	06.01.2025 Rev IIIII	Taylor Brammer
LA09	L1 Courtyard	06.01.2025 Rev IIIII	Taylor Brammer
LA10	L1 Courtyard Sections	06.01.2025 Rev IIIII	Taylor Brammer
LA11	L3 Resident Terraces	06.01.2025 Rev IIIII	Taylor Brammer
LA12	L3 Resident Terraces Sections	07.06.2018 Rev IIIII	Taylor Brammer
LA13	BIO Retention Plan & Eastern Boundary Interface	06.01.2025 Rev IIIII	Taylor Brammer
LA14	Rooftop Plan	06.01.2025 Rev IIIII	Taylor Brammer
LA15	Tree Replenishment Plan	06.01.2025 Rev IIIII	Taylor Brammer
LA16	Planting Plan	06.01.2025 Rev IIIII	Taylor Brammer
LA17	Planting Schedule	N/A	Taylor Brammer

Deletion of Condition 155 and add new Condition 155A

**155A Easement on Pocket Park and Roadway:**

An easement over the publicly accessible pocket park and pathway adjacent to the northern boundary, is to be created at the cost of the applicant and registered on the Title, prior to the issue of an Occupation Certificate.

**Reason: To ensure Public Access to pocket park and pathway.**

The decision of the Panel was unanimous

**SUPPLEMENTARY PLANNING REPORT, 36-38 DUNOIS STREET, LONGUEVILLE**

**DETERMINATION**

At the meeting of 19 February 2025 the Panel deferred determination of the application for additional information to be provided as identified in the Supplementary Report. In particular:

*."A view analysis from an experienced specialist consultant to demonstrate the impact of the proposal on views, in particular water views from the living areas, of the heritage listed home at 101 William Edward Street, Longueville..."*

A further assessment report was provided to the Panel by Council staff with the conclusion that "...the information does not alter Council's (Officer's) position and recommendation for refusal".

The Panel has carefully considered the additional information submitted and has the benefit of a further site inspection to understand the view analysis submitted by both the applicant and that carried out on behalf of the owners of No. 101 William Edward Street (101), and other contextual and compliance considerations. The Panel also heard from submitters prior to its determination at two public meetings.

The Panel notes the further information submitted and this allows a determination to be made. For the reasons outlined below the Panel grants a 'Deferred Commencement' consent that requires design changes by way of amended plans to be approved, to further mitigate amenity impacts for the heritage dwelling at No.101.

Given the application is both for subdivision and the construction of two dwellings it is appropriate first to consider the subdivision. It is noted the Council Officer's report is to refuse the reorientation of the two lots given they will continue to be below the lot size of 550 sqm. One lot being 473.8 m (13.85% variation) and the other 483.1 m (12.16).

Council Officers also consider a contravention request under Clause 4.6 of Lane Cove Local Environmental Plan 2009 was necessary and the Applicant has now submitted this. While the Panel does not consider a cl 4.6 request is necessary, however, if it is wrong, for abundant caution it has considered this and is satisfied, the variation achieves the objectives of the standard and demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient planning grounds to support the variation. Accordingly the cl 4.6 request is approved

The method of calculation for the landscaped area differed between the Council Officer, who excluded areas less 3 X 3m, and the Applicant that identified recent approvals in the vicinity of the site that were calculated on a different basis and also did not meet the 35% control in Council's Development Control Plan ('DCP'). Given there is no reference in the DCP to excluding areas under 3m x 3m from landscaped area calculations, the Panel was not persuaded by Council officer's position and in any event the Panel was satisfied the proposal met the objectives of landscaped area control in Part 1.5 of the DCP.

The Panel considers the re-orientation of the lots to Dettmann Ave, from Dunois St results in the rear boundary of the lots adjoining the rear boundary of the heritage dwelling at 101 to have an increased building separation of over 8 m on average, as opposed to a narrow side boundary setback.

Furthermore, a break/gap between the proposed dwellings provides a view corridor from No. 101 that is unlikely to occur with the existing subdivision pattern, nor a consolidated lot. It is noted the two lots were previously part of the curtilage of the land holding for the

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heritage dwelling until they were divided from No.101 resulting in a setback that now varies from 2 to 4m along this rear boundary. It is noted the front garden of No. 101 now provides the main open space for the heritage dwelling. As such an 8 m rear setback with the existing lots if facing Dunois St, on balance, would not likely provide for the same level of separation, improved amenity and district views.

With respect to the information furnished by the Applicant for additional survey details with more spot levels. It is noted the Applicant provided such information and also amended the plans to reduce the upper level by 500mm and the development complies with the 9.5 maximum height, confirmed by the surveyor. While wall height controls in Part 17 of the DCP are exceeded, the Panel is satisfied the proposal meets the objectives of that part of the DCP.

The merit assessment of view impact is assisted by the Planning Principle established by the L&E Court, in particular Tenacity. The photomontages of both the applicant and submitter of 101 all show the district view and the site inspections by the Panel verified the location of where the photographs were taken from to allow a comparison for a merits assessment in accordance with standard practice.

On balance, while the Panel considers it is now regrettable that these lots no longer form the rear yard of No.101, at the same time, it must be recognized it is a reasonable expectation they would be developed in the future.

The Panel must also consider the nature of the view from No. 101, including if it is the whole of an iconic landmark, such as the Harbour Bridge, and generally water views are valued more. The total view impact from the dwelling as a whole is assessed by the Panel as more than moderate, but not severe, and represents reasonable view sharing having regard to the circumstances.

The view from No. 101 is a pleasant well vegetated, district valley view, with water glimpses between trees. It does not fall into the category of iconic or significant water views, and indeed even these situations would need to be balanced by the circumstances and planning controls. The question of a more skillful design is also relevant to consider and in this regard the Panel is satisfied the subdivision layout and the break in the middle of the building mass satisfies the question of a more skillful design. The proposed development has been designed to allow the verdant district view to be appreciated from the dwelling.

While the Panel considers the more skillful design of the Tenacity test is satisfied, it is noted this does not require “the most” skillful design. The Panel discussed further refinements to the upper level at the public meeting where the second master bedroom is located and in its decision the Panel imposes further design changes to provide an increased width between the buildings, and other elements, as well as a reduction in the leading edge, and a footprint of the upper levels of the dwellings to further mitigate view impacts.

To give effect to increasing the view corridor for No.101, and other matters, a ‘Deferred Commencement’ consent is imposed that requires the submission of amended plans to be submitted for approval.

The decision of the Panel is a ‘Deferred Commencement’ consent is granted to the application with conditions as shown in Part A that must be satisfied with the approval of amended plans by the Director of Planning and Sustainability. Following the written approval from Council the consent becomes operational subject to the conditions in Part B, with consequential amendments to include the Deferred Commencement requirements.

## **Part A – Deferred Commencement Consent**

That pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Lane Cove Planning Panel at its meeting of 27 May 2025 grants a Deferred Development Consent to Development Application 157/2024 for the subdivision of two lots and the construction of two 3-storey detached dwelling houses including new driveway crossovers, internal garages, and in-ground swimming pools, at 36-38 Dunois Street, Longueville.

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matter:

1. The design changes in Part A include a redesign of the upper levels for both dwellings to accommodate the following:
  - the upper level of both dwellings shall be reduced in size by 1 metre along the common side boundary, including balconies;
  - the upper level balconies of the dwellings shall be reduced to a maximum depth of 2.5m;
  - a further setback of 1 metre of the leading edge is to be provided to Dettmann Ave of the bedroom at No 16;
  - delete the lift area to the upper level of both dwellings (a lift to the upper levels could be relocated provided it does not increase the required amended envelopes);
  - the built form elements/intrusions into the gap between the dwellings are to be minimized/simplified as far as possible;
  - for the dwelling at No.18, the bulk and void areas in the vicinity of the stairs on the living/dining level to the upper level is to be reduced; and
  - consequential amendments to the plans as required to give affect to the above changes.

**Reason: to increase the width and extent of the break between dwellings to improve the vegetated district views and filtered water views from No.101.**

2. An amended landscape plan in Part A to include:
  - reorientation of the swimming pools to provide increased landscaped area;
  - street tree planting is to be provided including 1 *Angophora Costata* on Dunois Street and 2 *Angophora Costatas* on Dettmann Avenue, which are to be 100L at the time of planting.
  - the trees located in the rear yard are to be small trees selected from *Appendix 4 Indicative Canopy Spread of Replacement Trees PART J– LANDSCAPING AND TREE PRESERVATION* to protect the view corridor and at the same time provide a vegetative filter of the proposed built form when viewed from the property known as No.101.

**Reason: to ensure the amended landscape plan includes suitable species and locations for plantings to provide a landscaped setting for the dwellings that includes canopy trees consistent with the character of the area.**

3. Amended Operational Conditions in Part B to include:
  - an amendment to the condition regarding geotechnical advice/ground water investigations and report to be undertaken prior to the issuing of the CC; and
  - changes to reference the approved amended architectural and landscape plans and other consequential matters in accordance with the requirements to satisfy

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the Part A conditions.

**This information is to be submitted to the Council's Director of Planning and Sustainability within 12 months of the granting of this Deferred Commencement consent. Commencement of the approval cannot commence until Council has confirmed in writing that all matters under Part A above have been provided and are confirmed to be satisfactory by Council in writing.**

**Pursuant to Clause 95(5) of the Regulations under the Act, Council will notify you in writing if Part A of this consent has been satisfied and the date from which this consent operates.**

**Part B – Conditions Pending Approval of Deferred Commencement (these conditions are subject to amendment and are to be finalised at the issue of the Operable Consent)**

**PART A - GENERAL CONDITIONS**

**1. A.1 - Approved plans**

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

<b>Plan No</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Dated</b>
A000	B	Cover Sheet	YL - Tesserarch	08.04.25
A001	B	Drawing Convention	YL - Tesserarch	08.04.25
A010	B	BASIX Commitment	YL - Tesserarch	08.04.25
A100	B	Site Plan	YL - Tesserarch	08.04.25
A105	B	Proposed Boundary Realignment	YL - Tesserarch	08.04.25
A200	B	Basement Level	YL - Tesserarch	08.04.25
A201	B	Lower Ground Level	YL - Tesserarch	08.04.25
A202	B	Ground Level	YL - Tesserarch	08.04.25
A203	B	First Floor	YL - Tesserarch	08.04.25
A204	B	Roof Plan	YL - Tesserarch	08.04.25
A300	B	Front Elevation	YL - Tesserarch	08.04.25
A301	B	Rear Elevation	YL - Tesserarch	08.04.25
A302	B	Elevation	YL - Tesserarch	08.04.25
A303	B	Elevation	YL - Tesserarch	08.04.25
A304	B	Elevation	YL - Tesserarch	08.04.25
A305	B	Elevation	YL - Tesserarch	08.04.25
A310	B	Dunois Street Elevation	YL - Tesserarch	08.04.25
A400	B	18 Dettmann Ave. Section	YL - Tesserarch	08.04.25
A401	B	18 Dettmann Ave. Section	YL - Tesserarch	08.04.25
A402	B	16 Dettmann Ave. Section	YL - Tesserarch	08.04.25
A403	B	16 Dettmann Ave. Section	YL - Tesserarch	08.04.25
A500	B	Cut & Fill Plan	YL - Tesserarch	08.04.25
A600	B	Window and Door Schedule	YL - Tesserarch	08.04.25
A601	B	Window and Door Schedule	YL - Tesserarch	08.04.25

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A602	B	Window and Door Schedule	YL - Tesserarch	08.04.25
A603	B	Window and Door Schedule	YL - Tesserarch	08.04.25
A604	B	Window and Door Schedule	YL - Tesserarch	08.04.25
A605	B	Window and Door Schedule	YL - Tesserarch	08.04.25
L000	C	Cover Sheet	CB – Enclave Studio	02/04/25
L001	C	General Note	CB – Enclave Studio	02/04/25
L002	C	Specification	CB – Enclave Studio	02/04/25
L003	C	18 Dettmann Ave Landscape Plan	CB – Enclave Studio	02/04/25
L004	C	16 Dettmann Ave Landscape Plan	CB – Enclave Studio	02/04/25
L005	C	18 Dettmann Ave Basement Landscape Plan	CB – Enclave Studio	02/04/25
L006	C	18 Dettmann Ave Lower Ground Floor Landscape Plan	CB – Enclave Studio	02/04/25
L007	C	18 Dettmann Ave Lower Ground Floor Landscape Plan	CB – Enclave Studio	02/04/25
L008	C	18 Dettmann Ave Ground Floor Landscape Plan	CB – Enclave Studio	02/04/25
L009	C	18 Dettmann Ave Ground Floor Landscape Plan	CB – Enclave Studio	02/04/25
L010	C	18 Dettmann Ave First Floor Landscape Plan	CB – Enclave Studio	02/04/25
L011	C	16 Dettmann Ave Basement Landscape Plan	CB – Enclave Studio	02/04/25
L012	C	16 Dettmann Ave Lower Ground Landscape Plan	CB – Enclave Studio	02/04/25
L013	C	16 Dettmann Ave Ground Landscape Plan	CB – Enclave Studio	02/04/25
L014	C	16 Dettmann Ave Ground Landscape Plan	CB – Enclave Studio	02/04/25
L015	C	16 Dettmann Ave First Floor Landscape Plan	CB – Enclave Studio	02/04/25

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.3 - Payment of security deposits**

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

Security deposit	Amount
Inspection Fee (\$220.00 per visit and not refundable)	\$660.00
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.**

3. **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 **\$6,804.00** as calculated at the date of

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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.**

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

The total contribution payable to Council under this condition is **\$12,834.02** as calculated at the date of this consent, in accordance with s 7.11 Contributions Rates 2024/25.

**Payment method:** Payment must be in the form of a bank cheque. Personal cheques or bank transfers will not be accepted.

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

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

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

**The following trees shall be retained:**

Tree No.	Species	Location	Dimension (meters)
1	<i>Nerium oleander</i>	Council reserve	3 x 4m
2	<i>Nerium oleander</i>	Council reserve	3 x 4m
3	<i>Murraya paniculata</i>	Neighbouring property	3.5 x 3m
4	<i>Murraya paniculata</i>	Neighbouring property	3.5 x 3m
5	<i>Camellia sasanqua</i>	Neighbouring property	3 x 3m
6	<i>Murraya paniculata</i>	Neighbouring property	3.5 x 3m
7	<i>Callistemon salignus</i>	Neighbouring property	6 x 3m
8	<i>Jacaranda mimosifolia</i>	Neighbouring property	9 x 4m
9	<i>Phoenix canariensis</i>	Subject site	6 x 6m

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

Tree No.	Species	Location	Dimension (meters)
10	<i>Eucalyptus botryoides</i>	Subject site	9 x 4m
11	<i>Corymbia maculata</i>	Subject site	20 x 6m



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

Tree No.	Species	Location	Permitted works in TPZ
9	Phoenix canariensis	Subject site	Excavation and Construction sensitive driveway methodologies under AQF level 5 Arborist supervision

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

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

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

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

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

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

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

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

**Reason: To manage impacts to Council's assets.**

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

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by alw design, reference No: SW24090, issue: C and dated in 16/12/24. This amended plan shall satisfy Part O of the Council's stormwater DCP.

1. All new down pipes shall be connected to appropriate pipe system.
2. All inlet pits are to be 450mm\*450mm size in minimum.
3. 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.
4. Sediment control fence shall be placed around the construction site and shown in plan.

5. The stormwater requirements shown in Basix certificate shall be included in stormwater management plan and satisfied.
6. Subsoil seepage agg-line drainage is required around proposed garage, retaining wall, dwelling or as it is necessary and connected to proposed drainage system.
7. A rainwater tank shall be included into storm water management plan as per Basix certificate.
8. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
9. The stormwater runoff from driveway shall be collected by grated driveway pit and connected to pipe system to pollution control pit.
10. Driveway grated strip pit shall have minimum 200mm of depth and minimum 1% fall inside.
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 if charged system is used. The details of design level difference shall be shown in plan.
12. The kerb discharge point shall be minimum 300mm away from edge of driveway wing and complied with section 4.1 in Council DCP.
13. Only roof water shall be connected to rainwater tank.

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

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

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

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

8. **A.12 – Construction Certificate**

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

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

9. **A.13 – Swimming pool fences**

A swimming pool fences are to comply with the following:

- a) That forms a barrier between the swimming pools; 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 POOLS.**

**Reason: Statutory requirement.**

10. **A.15 – Pool filters and pumps**

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

**Reason: Statutory requirement.**

11. **A.16 – Pool warning notices**

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 pools at all times.

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

**Reason: Statutory requirement.**

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

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

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

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

13. **A.22 – Electricity Service**

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

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

**PART B – PRIOR TO DEMOLITION WORKS**

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

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

The DTMP must:-

- a) Make provision for all construction materials to be stored on site, at all times.
- b) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- c) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/

domain in the vicinity of the site is not permitted unless a Works Zone is approved by Council.

- d) Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- e) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- f) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council Street trees.
- g) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- h) Be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites”.

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

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

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

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

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

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

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

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

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

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

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

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

The project Arborist shall:

1. Certify all tree protection measures listed within this consent prior to demolition works.
2. Clearly identify and tag trees (where appropriate) which are to be removed and which trees are to be retained as part of this consent.
3. Oversee the excavation and construction of the driveway within the TPZ of tree 9.
4. Provide a report upon completion for the development on all retained trees regarding their health, condition and confirm replacement planting has been undertaken. The report must also recommend any remedial advice for trees post construction to mitigate and long-term construction impacts.

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

19. **B.14.L – Tree Protection Measures Fencing / Trunk Protection Condition**

The following tree protection measures must be in place prior to demolition works and certified by the project arborist

1. Tree Protection Fencing must be installed in accordance with the tree protection plan illustrated in Figure 5 of the Arboricultural Impact Assessment report by Horticultural Management services Version 3 dated 19th December 2024.
2. Where fencing has been specified, the fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 3 on page 16 of the Australian Standard 4970-2009 The Protection of Trees on Development.
3. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed.
4. Where Trunk protection has been specified the trunks of the trees must be protected during the construction period by a trunk guard that consists of the following:
  - i. Timber Planks (50mmx100mm or similar) shall be placed at 100mm

intervals and must be fixed by wire ties or strapping to a height of 2m.

- ii. Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way.
5. An example of suitable trunk protection can be found on page 17 within the Australian Standard 4970-2009 The Protection of Trees on Development Sites.
6. A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.
7. Tree Protection fencing/trunk protection and signage must be erected **Prior to Demolition** including site preparation and remain in place for the duration of the construction work.
8. Movement of Tree Protection Fencing must be overseen and approved by the Project Arborist.

**Reason: To protect the natural environment.**

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

### **20. C.1 - Construction site management plan**

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

- safety barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath and shall be erected before the commencement of any works.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, '*Part 3 - Traffic control devices for works on roads*'.
- pedestrian and vehicular site access points and construction activity zones
- details of any bulk earthworks to be carried out.
- 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.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and the Lane Cove Development Control Plan 2009, if applicable) and trees in adjoining

public domain (if applicable)

- For major works, appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor tree(s) condition during the construction process.

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

**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.**

21. **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**

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

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

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

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

23. **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.**

24. **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.**

25. **C.16.EH - Construction waste management plan**

Prior to the commencement of any works on the subject site, a construction waste management plan (CWMP) must be prepared for the development by a suitably qualified person in consultation with the Council and be submitted for approval.

The CWMP must address, but not be limited to, the following matters:

- Recycling of demolition materials including concrete.
- Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- Details of methods to be used to prevent spill, escape of any dust, waste or spoil from the vehicles or trailers used to transport waste or excavation spoil from the site.
- Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste (if present), particularly the method of containment and control of emission of fibres to the air, must be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- Provide details of truck routes and make appropriate notifications as required to comply with current regulations. The Applicant must submit a copy of the CWMP for review to Council prior to the commencement of work.

**Reason: To promote resource recovery and environmental protection.**

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

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

**Reason: To comply Sydney Water requirements.**

27. **C.24.E - Structural engineer's details**

The Construction Certificate plans and specifications must include detailed professional structural engineering plans and/or specifications for the following:

- underpinning;



- retaining walls;
- footings;
- reinforced concrete work;
- structural steelwork;
- upper level floor framing;

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

**Reason: To ensure structural adequacy.**

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

The vehicular crossings servicing the property shall be constructed prior to the issue of the Occupation Certificate. 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.
- b) The driveway opening width along at the face of kerb is to be no wider than 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 engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- e) 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.**

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

The proposed pools are 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.**

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

Council accepts no liability for any damage to the pools 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.**

31. **C.33 – Pool Construction**

The pool designs 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**

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

The stormwater runoff from the new impervious areas surrounding the pools 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**

33. **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.**

34. **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.**

35. **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.**

36. **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.**

37. **D.6 - Notice regarding dilapidation report**

Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owners are provided with a copy of the dilapidation report for their properties no less than 7 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

**Reason: To advise neighbours and Council of any dilapidation report.**

**PART E - WHILE BUILDING WORK IS BEING CARRIED OUT**

38. **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.**

39. **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.**

40. **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.**

41. **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.**

42. **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.**

43. **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**

44. **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.**

45. **E.8 - Tree protection**

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

1. The relevant conditions of this consent
2. The relevant requirements of *AS 4970-2009 Protection of trees on development sites*
3. Any arborist's report approved under this consent (where applicable)
4. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
5. Specific conditions within this consent supersede any conflicting recommendations within an applicable CSMP or Arborist report.

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

46. **E.8a - Installation of retaining walls within the TPZ of retained trees**

Where any installation of retaining walls is required within the Tree Protection Zone of retained trees the following applies:

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

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

**47. E.8b - Construction of the driveway crossover**

Where any installation of retaining walls is required within the Tree Protection Zone of retained trees the following applies:

1. Excavation along the proposed line of the new driveway must be undertaken via the use of hand tools only, supervised by the project arborist.
2. Roots <40mm diameter may be cleanly severed with a sharp implement and documented by the project arborist.
3. The driveway crossover is to be constructed entirely above grade.
4. Exposed roots must be treated in accordance with provisions outlined within section 4.5.4 of AS4970-2009 The Protection of trees on Development Sites.
5. Construction of the new driveway must be overseen by the project arborist to ensure no unnecessary spillage or soil leaching of concrete occurs on the Council nature strip.

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

**48. 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.**

**49. E.10 - Shoring and adequacy of adjoining property**

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

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

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

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

**50. 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.**

51. **E.13 - Waste management**

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

**Note:** If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

**Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.**

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

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

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

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

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

53. **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.**

**54. E.19.B – Encroachments**

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

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

**55. E.20.EH – Stockpiles**

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

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

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

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

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

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

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



- Certification from suitable licenced contractor that all works have been constructed satisfying relevant Australian standards.
- Certification from qualified structural engineer that the proposed construction has been completed according to approved plan and structurally satisfied.
- The proposed easement along the new pipe location shall be registered in Land Title Office. The documents related to this registration shall be submitted to Council.

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.**

**57. 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.**

**58. 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.**

**59. 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.**

**60. 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.**

**61. 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.**

**62. F.7 - Post-Construction Dilapidation report: Trees to be Retained**

Before the issue of an occupation certificate, the project Arborist must prepare a post-construction arboricultural assessment report on the health and condition of the trees retained and protected. The report shall include photographs of each tree and any existing damage, defects or areas of concern well represented.

1. After comparing the pre-construction report to the post- construction report required under this condition, the post construction report will document any damage to protected trees.
2. Where there has been damage to protected trees that it is a result of the building work approved under this development consent, remedial options / advice on how to best rectify any damage sustained to protected trees will be provided too and approved by Council's Principal Arborist. This may include the on-going Tree Management Plan required to be adopted in perpetuity and should certify that tree planting approved within the landscape plan has been completed and that the tree stock used meets the requirements of AS 2303: 2018 Tree Stock for landscape use.
3. Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction report together with certification from the project arborist that any approved rectification works have been completed to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

**Reason: To identify damage to existing trees retained resulting from building work on the development site.**

**63. F.8 - Completion of landscape and tree works**

Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-

2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

**Reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).**

64. **F.9 - Replacement Planting Species**

As the current proposed tree planting outlined on the Landscape Plan Drawing No. L016 dated 02/04/25 by Enclave Studio fails to achieve canopy targets as outlined within LCCDCP Part J section 3.5 & 3.6 and meet the objectives and provisions outlined under Part S - Environmental Sustainability Section 3.3, the *Corymbia ficifolia* be replaced with **100Ltr Large** tree species as indicated in Lane Cove Development Control Plan Part J – Landscaping and Tree Preservation - Appendix 4 - Indicative Canopy Spread of Replacement Trees and that the *Leptospermum madidum* is replaced with **75Ltr Medium** tree species from within the species listed in Appendix 4 LCCDCP part J Amendment 2023

The selected trees must also meet the following:

1. Tree selected must be from a registered nursery and comply with provisions outlined within AS2303:2018 *Tree Stock for Landscape Use*.
2. Trees must be installed and signed off by the project arborist **Prior to the issue of an Occupation Certificate.**

**Reason: To achieve canopy targets as outlined within LCCDCP Part J section 3.5 & 3.6 and objectives and provisions outlined under Part S Section 3.3.**

**PART H - OCCUPATION AND ONGOING USE**

65. **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.**

66. **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.**

67. **H.17 – Metal roofs**

All metal deck roofs being of a ribbed metal profile or corrugated galvanised or zincalume iron, in a mid-range colour and having an anti-glare finish.

**Reason: Maintain amenity of neighbouring residents by reducing reflectivity and sun-glare from metal roof.**

**Lane Cove Local Planning Panel 27 May 2025  
MINUTES**

The decision of the Panel was unanimous

The meeting closed at 6.45pm

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