



**Lane Cove
Council**

Minutes
Lane Cove Local Planning Panel Meeting
25 November 2025

Lane Cove Local Planning Panel 25 November 2025
MINUTES

PRESENT:

Ms Jan Murrell, Chair
Ms Sandra Robinson, Planning Expert
Mr Jason Perica, Planning Expert
Ms Melanie Naidoo, Community Representative

ALSO PRESENT:

Mr Mark Brisby, Director Planning and Sustainability
Mr Rajiv Shankar, Manager Development Assessment
Mr Christopher Pelcz, Co-ordinator, Strategic Planning
Ms Angela Panich, Panel Secretary

DECLARATIONS OF INTEREST: **Nil**

APOLOGIES

Nil

LANE COVE LOCAL PLANNING PANEL REPORTS

104 BURNS BAY ROAD, LANE COVE

DETERMINATION

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel, acting for Council as the consent authority, at its meeting of 25 November 2025, determined to grant development consent to:

- Development Application DA 113/2025,
- for the demolition of an existing boundary retaining wall and the construction of a new reinforced concrete block boundary retaining wall,
- at 104 Burns Bay 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	Rev	Plan Title	Drawn By	Dated
SY240080 Sheets S-00-00 S-10-01 S-10-02 S-30-01	2	Architectural / Engineering Plans.	Leo & Associates	26/03/2025
SW25011 Sheets SW001 SW010	1	Stormwater Management Plan	Leo & Associates and Capital	10/03/2025

ER001			Engineering Consultants	
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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

The proposed retaining wall is to be rendered and painted externally in a muted colour and this is to be confirmed on the plans issued with the construction certificate.

Reason: To ensure the colour of the retaining wall is of a natural tone to blend in with the environment.

3. A.3 - Payment of security deposits

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

Security deposit	Amount
Infrastructure damage bond	\$5000
Council-owned trees	\$2000

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

The mode of payment shall be Non-cash payments only (Credit card, Bank cheques, EFT) or Bank Guarantee.

The payments will be used for the cost of:

- making good any damage caused to any Council property (including street trees) as a consequence of carrying out the works to which the consent relates; and
- making good any damage caused to any Council-owned street trees including remedial pruning, tree removal and tree replacement as a consequence of carrying out the works to which the consent relates.

The deposit shall be lodged with Council to cover the satisfactory construction of the above requirements.

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

The protection of trees in Lane Cove is regulated under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP) parts 2.2 and 2.3 which prohibits the clearing of vegetation without the authority conferred by a permit granted by Council. Clearing under the SEPP is defined as:

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- 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.

The clearing 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 per individual and \$5,500,000 per corporation.

The following trees shall be retained:

Tree No.	Species	Location	Dimensions
1	<i>Pittosporum tenuifolium</i>	Neighbouring Property	8m x 6m
2	<i>Murraya paniculata</i>	Neighbouring Property	4m x 4m
5	<i>Murraya paniculata</i>	Neighbouring Property	5m x 4m
6	<i>Cupressus</i> sp.	Neighbouring Property	11m x 7m
12	<i>Camellia sasanqua</i>	Neighbouring Property	3m x1m

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

Tree No.	Species	Location	Dimensions
3	<i>Camellia japonica</i>	Subject Site	3m x 2m
4	<i>Camellia japonica</i>	Subject Site	3m x 2m
7	<i>Murraya paniculata</i>	Subject Site	2m x 2m
8	<i>Callistemon citrinus</i>	Subject Site	3m x 3m
9	<i>Murraya paniculata</i>	Subject Site	5 mx 4m
10	<i>Camellia japonica</i>	Subject Site	5m x 5m
11	<i>Murraya paniculata</i>	Subject Site	4m x 4m

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

Tree No.	Species	Location	Permitted works in TPZ
1	<i>Pittosporum tenuifolium</i>	Neighbouring Property	Tree sensitive demolition, excavation, and construction under project arborist supervision
2	<i>Murraya paniculata</i>	Neighbouring Property	Tree sensitive demolition, excavation, and construction under project arborist supervision
5	<i>Murraya paniculata</i>	Neighbouring Property	Tree sensitive demolition, excavation, and construction under project arborist supervision
6	<i>Cupressus</i> sp.	Neighbouring Property	Tree sensitive demolition, excavation, and construction under project arborist supervision
12	<i>Camellia sasanqua</i>	Neighbouring Property	Tree sensitive demolition, excavation, and construction under project arborist supervision

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

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

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

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 principal certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the submitted stormwater drainage plans being Drg no. SW001 & SW010, Rev1, prepared by Capital Engineering Consultants and Leo & Associates, under reference no. SW25011, dated 10/03/25. The amended plans shall satisfy *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009 (the DCP).

1. All new downpipes shall be connected to an appropriate pipe system.
2. The proposed drainage system should show pipe sizes and invert levels up to the connection point and confirm the pipe system satisfies *Part O - Stormwater Management* of the DCP.
3. Clean out pits are required at all low points of a charged drainage line.
4. A minimum height difference of 1.8m is required between the start and the end of the charged pipe system as per section 5.1 in Council's DCP if a charged system is used. The details of the difference in the design level must be shown in plan.
5. Subsoil seepage agg-line drainage system shall satisfy the relevant Australian standard.
6. The pump out system shall satisfy section 5.4 of Part O of Council's DCP. The full details of the hydraulic calculation for the pump out system shall be included in the stormwater management plan.

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 construction certificate:

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

Where a variation is sought, written approval is to be obtained from Council's Open Space and Infrastructure 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.

PART B – PRIOR TO DEMOLITION WORKS

8. 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.

9. 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 Environment Planning and Assessment Regulation 2021 (the Regulations).

10. B.13.L - Project Arborist

Prior to the commencement of any works including demolition, a Project Arborist of minimum Australian Qualification Framework (AQF) Level 5 Arboriculture qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. A letter of engagement from the Project Arborist must be provided to Council **prior to issue of a construction certificate** for certification. 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:

- certify all tree protection measures listed within this consent prior to demolition works;
- clearly identify and tag trees (where appropriate) which are to be removed, and which trees are to be retained as part of this consent;
- oversee the excavation for piers/footings and stormwater services within NRZ/SRZ of retained trees and any subsequent root pruning of roots up to 40mm in diameter; and
- provide a statement upon completion for the development that provides details relating to the health and condition of retained trees. The statement must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

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

11. B.14 Tree Protection Measures Fencing/Trunk Protection

Tree protection measures must be in place prior to demolition works as determined necessary by the Project Arborist.

- Where tree protection fencing is specified, the fencing must consist of a 1.8m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 4 on page 18 of the Australian Standard 4970-2025 *Protection of trees on development sites*.
- 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.
- Where trunk protection is specified, the trunks of the trees must be protected during the construction period by a trunk guard that consists of the following:
 - timber planks (50mm x 100mm, or similar) shall be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m; and
 - 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.

An example of suitable trunk protection can be found under Figure 5 on page 20 within the Australian Standard 4970-2025 *Protection of trees on development sites*.

- 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.
- 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.
- Any movement of the *Tree Protection Fencing* must be overseen and approved by the Project Arborist.

Please note: Where tree protection measures deemed necessary by the Project Arborist for trees located on the neighbouring property, the tree owner's consent is required prior to entering the property and installing any tree protection.

Reason: To protect the natural environment.

PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

12. C.1 - Construction site management plan

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

- a copy of access agreements with the adjoining Strata Plans at 102 Burns Bay Road and 2-4 Grace Street Lane Cove; if no access agreements exist, then evidence of any Court Order for access under the Access to Neighbouring Land Act 2000 must be provided;
- before the commencement of any works, a safety barrier or temporary fencing is to be provided covering the work area; this fence is for the safety of people around the site;
- the location and materials for protective fencing to the perimeter of 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;
- the 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; and
- the location of temporary toilets.

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

Council approval

Any construction plant on the public road reservation requires an approved “Application for standing plant *permit*”.

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

13. C.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:

- a) the Lane Cove Development Control Plan 2009,
- b) the guidelines set out in the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book), and
- c) 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.

14. C.23.B - Sydney Water requirements

The approved plans must be submitted to Sydney Water’s online approval portal

“Sydney Water Tap In” for approval.

Reason: To comply with the requirements of Sydney Water.

15. 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;
- any structural steelwork.

Reason: To ensure structural adequacy.

PART D - BEFORE THE COMMENCEMENT OF BUILDING WORK

16. 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 the site).

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

17. 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.

Reason: Prescribed condition under section 70 of the Regulations.

18. D.4 - Compliance with the Home Building Act 1989

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 Regulations.

19. D.5 - Home Building Act 1989 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 -
the name and licence number of the principal contractor, and
i) 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 Council) has given Council written notice of the updated information.

Reason: Prescribed condition under section 71 of the Regulations.

PART E - WHILE BUILDING WORK IS BEING CARRIED OUT

20. E.1.B - Hours of Work - Residential Flat Buildings

All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:-

Monday to Friday (inclusive) 7am to 5.30pm

High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday

Saturday 8am to 12 noon

with NO high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.

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

21. 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*.

Deleted

Reason: Prescribed condition under section 69 of the Regulations.

22. 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.

23. 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 are 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.

24. 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; and
- 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

25. E.7 - Construction noise

While building work is being carried out 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.

26. 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 relevant conditions of this consent;
- the relevant requirements of AS 4970-2025 *Protection of trees on development sites*; and
- any arborist's report approved under this consent (where applicable).

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

27. 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.

28. E.15.B - Critical stage inspections

Critical stage inspections are to be carried out in accordance with Section 6.5 of the *Environmental Planning and Assessment Act 1979* and sections 61, 63 and 65 of the *Environmental Planning and Assessment 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:

- underpinning;
- retaining walls;
- footings;
- reinforced concrete work;
- structural steelwork.

Reason: A requirement of the Environmental Planning and Assessment Act 1979.

29. E.18.B - No obstruction of public way

The public way and Council's 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.

30. E.19.B – Encroachments

No portion of the proposed structure shall encroach onto adjoining properties.

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 on the 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. The applicant must lodge a 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. The applicant is not permitted to carry out any works on existing Council and private stormwater pipelines without Council's approval.

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

31. 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 *AS4970-2025 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.

32. E.21.- Installation of retaining walls within the TPZ of retained trees

The installation of any retaining walls within any of the Tree Protection Zones of retained trees:

- Must be done so using an isolated pier and beam method or using existing footings under the supervision of the project arborist
- 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;
- roots >40mm diameter must be incorporated into the wall;
- roots >40mm diameter must be bridged using a lintel.;
- 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;
- exposed roots shall be protected in accordance with section 4.5.4 of *AS4970-2025 Protection of trees on development sites*; and
- the excavated area adjoining the wall must be backfilled using a coarse (>20mm) aggregate and site soil; an Ag line must be installed at the base of the wall to ensure adequate drainage.

Reason: To mitigate damage to retained trees.

33. E.22. - Excavation for stormwater services

The excavation and installation of stormwater services within the Tree Protection Zone/Structural Root Zone of retained trees must be overseen by the project arborist.

- Excavation is to be undertaken using non-destructive methods (Hand tools, Hydrovac, Directional Drilling).
- No roots greater than 40mm diameter are to be damaged/severed as part of works.
- Roots less than 40mm diameter than conflict with services must be documented by the project arborist within a compliance certificate and pruned using a sharp implement.
- Service location must be flexible, with a 200mm diameter buffer allowed to roots greater than 40mm diameter to allowed for future growth.
- Exposed roots must be treated and protected in accordance with provisions outlined within section 4.5.4 of AS4970-2025 *Protection of trees on development sites*.

Reason: To minimise damage to the root system of protected trees.

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

34. 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; and
- (b) the following matters that Council requires to be documented:
 - compliance with *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009; where a variation is sought, written approval shall be obtained from Council's Open Space and Infrastructure Division;
 - compliance with AS-3500;
 - certification from a suitably qualified hydraulic engineer that the approved stormwater pipe system and pump out system have been constructed in accordance with the approved plans;
 - certification from suitable licenced contractor that all works have been constructed satisfying relevant Australian standards; and
 - certification from a qualified structural engineer that the proposed construction has been completed according to the approved plans and is structurally satisfactory.

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 the approved plans.

35. 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.

36. 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.

37. 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.

38. Where vehicular and/or pedestrian access of the residents of 102 Burns Bay Road is required to be obstructed, a minimum of 48 hours notice shall be given in writing to the body corporate and the occupants of all apartments.

Reason: To allow reasonable vehicular and pedestrian access during construction.

The decision of the panel was unanimous

PLANNING PROPOSAL 46 - HERITAGE AMENDMENT - 94 NORTHWOOD ROAD, NORTHWOOD

RECOMMENDATION

Pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel at its meeting of 25 November 2025 provides the following advice to Council:

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1. Prior to a final decision regarding progress of the Planning Proposal, Council should engage a further independent heritage review of the Proposal that seeks to delist 94 Northwood Road, Northwood. The review appended to the Report to the Panel, in the form of a memorandum, was prepared by a well regarded heritage consultant Lisa Trueman, who provides heritage consulting advice for the Council. However, Ms Trueman was an expert on the Local Planning Panel which previously advised Council that the proposed delisting should not proceed. So, it could be reasonably perceived that her recent review for Council represents an apprehension of bias and conflict of duties, in undertaking a review of a matter for which she had prior involvement and knowledge as a member of a previous panel's deliberations.
2. From a review of the Applicant's heritage assessment, the Panel noted that primary weight was given to the percentage of remaining original fabric in supporting delisting. It is common for heritage items to be adapted over time, and for various elements of heritage items to have differing levels of significance. From site observations, previous additions to the dwelling appear to be sympathetic and the dwelling positively contributes to a relatively cohesive group of dwellings between numbers 88 - 98 Northwood Road. If Council ultimately decides to delist the property as a heritage item, consideration should be given to other potential mechanisms to recognise the significance of the group, such as a conservation area designation for the specific group or part of a wider area prior to such delisting.

The decision of the Panel was unanimous

The meeting closed at 6.05pm

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