



Agenda

Lane Cove Local Planning Panel Meeting

18 December 2025



Notice of Meeting

Dear Panel Members,

Notice is given of the Lane Cove Local Planning Panel Meeting, to be held in the Council Chambers on Thursday 18 December 2025 commencing at 5pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Louise Kerr
General Manager

Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting is chaired by Jan Murrell or alternate Chairs. The meetings and other procedures of the Panel will be undertaken in accordance with any guidelines issued by the General Manager.

The order of business is listed in the Agenda on the next page. That order will be followed unless the Panel resolves to modify the order at the meeting. This may occur for example where the members of the public in attendance are interested in specific items on the agenda.

Members of the public may address the Panel for a maximum of 3 minutes. All persons wishing to address the Panel must register prior to the meeting by contacting Council's Office Manager – Environmental Services on 9911 3611. Where there are a large number of objectors with a common interest, the Panel may, in its absolute discretion, hear a representative of those persons.

Minutes of LCLPP meetings are published on Council's website www.lanecove.nsw.gov.au as soon as possible following the meeting. If you have any enquiries or wish to obtain information in relation to LCLPP, please contact Council's Office Manager – Environmental Services on 9911 3611.

Please note meetings held in the Council Chambers are Webcast. Webcasting allows the community to view proceedings from a computer without the need to attend the meeting. The webcast will include audio of members of the public that speak during the meeting. Please ensure while speaking to the Panel that you are respectful to other people and use appropriate language. Lane Cove Council accepts no liability for any defamatory or offensive remarks made during the course of these meetings.

The audio from these meetings is also recorded for the purposes of verifying the accuracy of the minutes and the recordings are not disclosed to any third party under the Government Information (Public Access) Act 2009, except as allowed under section 18(1) or section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

Lane Cove Local Planning Panel 18 December 2025
TABLE OF CONTENTS

DECLARATIONS OF INTEREST

APOLOGIES

NOTICE OF WEBCASTING OF MEETING

LANE COVE LOCAL PLANNING PANEL REPORTS

- | | |
|---|----|
| 1. PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT,
LANE COVE, NSW 2066..... | 4 |
| 2. 23 SEAMAN STREET, GREENWICH | 21 |

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

Item No: LPP24/25

Subject: Planning Proposal 47 - Heritage Amendment - 3 Austin Crescent, LANE COVE, NSW 2066

Record No: SU10933 - 87398/25

Division: Planning and Sustainability Division

Author(s): Golrok Heydarian; Christopher Pelcz

Property:	3 Austin Crescent, LANE COVE, NSW 2066
PP No:	Planning Proposal 47
Legal Description	Lot 2 DP 343988
Date Lodged:	20/10/2025
Applicant:	Urbanism Pty Ltd
Site Area:	600 m ²
Description of Proposal:	Amend Schedule 5 of the Local Environmental Plan to remove 3 Austin Crescent as a heritage item.
Planning Proposal documents	Links to all the proponent's documents are provided in Attachments at the end of this report (AT-1 to AT-5).
Relevant Strategic Planning documents	<i>Greater Sydney Region Plan – dated March 2018</i> <i>North District Plan – dated March 2018</i> <i>Section 9.1 Ministerial Directions</i> <i>Local Environmental Plan 2009</i>
Recommendation	That Planning Proposal No. 47 be supported.

PURPOSE

The Lane Cove Local Planning Panel is required to review the proposal with a view to providing Council with advice in relation to the changes requested to the Lane Cove LEP.

REASON FOR REFERRAL

Article I. The Planning Proposal is referred to Council's Local Planning Panel under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. This Section requires referral of any Planning Proposal to the Local Planning Panel for advice with an assessment report which sets out recommendations in relation to the Proposal.

Article II. The Planning Proposal does not meet any of the criteria for an exemption from referral to the Local Planning Panel. This criterion is as follows;

- a) the correction of an obvious error in a local environmental plan.
- b) matters that are of a consequential, transitional, machinery or other minor nature; or
- c) matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.

Article III.

Therefore, the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

EXECUTIVE SUMMARY

The purpose of this report is to consider the planning merits and seek the Panel's advice on the proposal to remove the property located at 3 Austin Crescent, Lane Cove as a heritage item from Schedule 5 of the Local Environmental Plan (LEP).

Planning Proposal 47 is accompanied by:

- [Heritage assessment \(AT-2\)](#);
- [Merged Maps \(AT-3\)](#);
- [Independent Heritage review \(AT-4\)](#); and
- [Assessing Heritage Significance – NSW Heritage criteria \(AT-5\)](#).

BACKGROUND

In addition to the above, one of the Section 9.1 Ministerial Directions is relevant to this Planning Proposal.

Direction 3.2 Heritage Conservation applies because the Planning Proposal is seeking to remove 3 Austin Crescent, Lane Cove as a heritage item. The applicant's heritage assessment (**AT-2**) attempts to demonstrate that the property and its surrounds have been altered significantly and retain no further heritage value, either individually or part of a group. Therefore, any inconsistency would be of minor significance.

SITE

The subject site is located on the eastern side of Austin Crescent, in an angle formed by the junction between Austin Crescent and Austin Street. The lot is roughly rectangular in shape with a skewed edge to the northeast, and generally oriented west to east. The site slopes upward from the street. The site contains one single-storey residential dwelling.

The site is a listed heritage item (I152) located on the eastern side of Austin Crescent, in an angle formed by the junction between Austin Crescent and Austin Street.

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE, NSW 2066

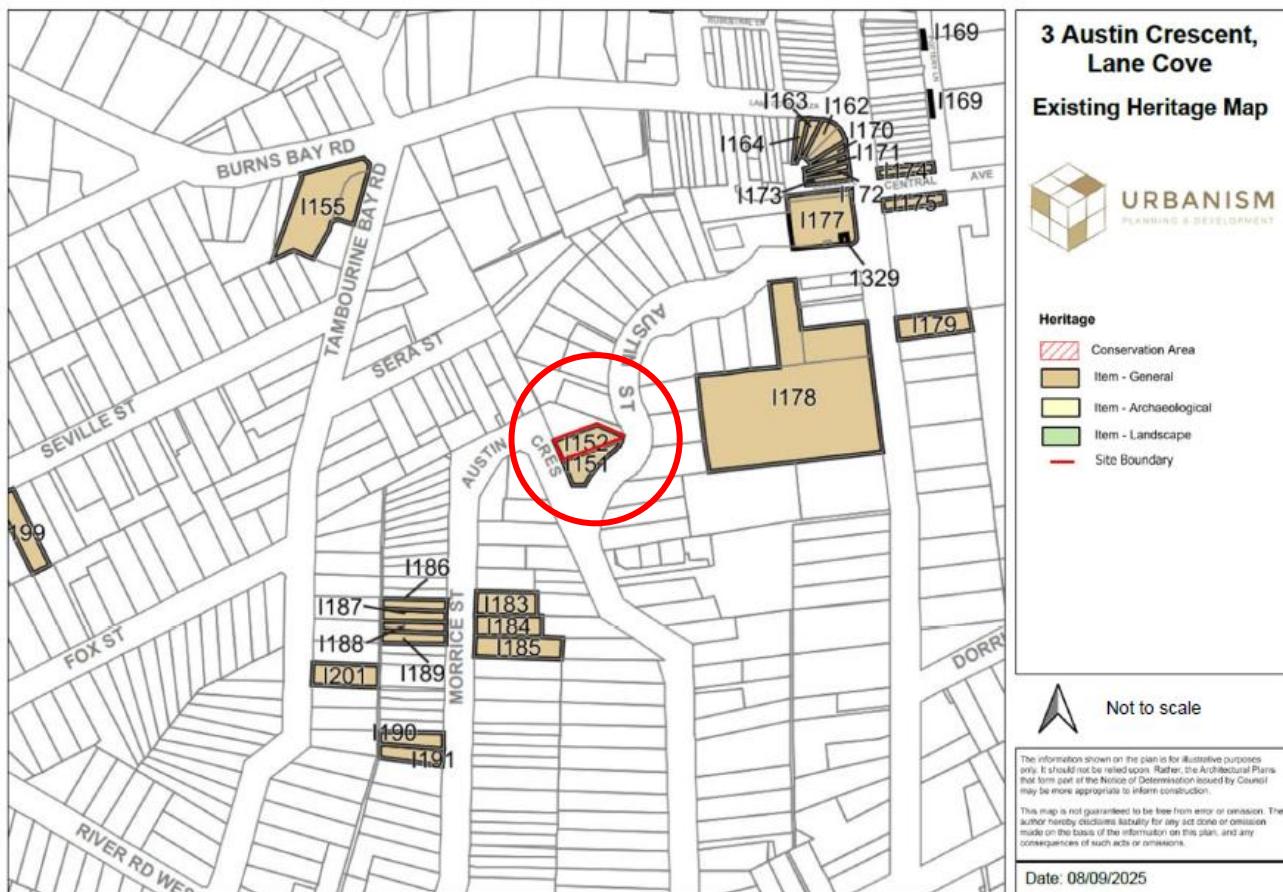


Figure 1: Heritage Map - Existing

The property adjoins the neighbouring residential development along its northern and southern boundaries, with the property's western boundary (principal) fronting Austin Crescent.

The subject site is located adjacent to "House", 1 Austin Crescent, Lane Cove (listed on the LEP as a local heritage item no. I151), and in close proximity to "Lane Cove Public School", 145–153 Longueville Road (item no. I178).

The site is not located within or in proximity to a local Heritage Conservation Area (HCA).

Lane Cove Local Planning Panel Meeting 18 December 2025
**PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066**

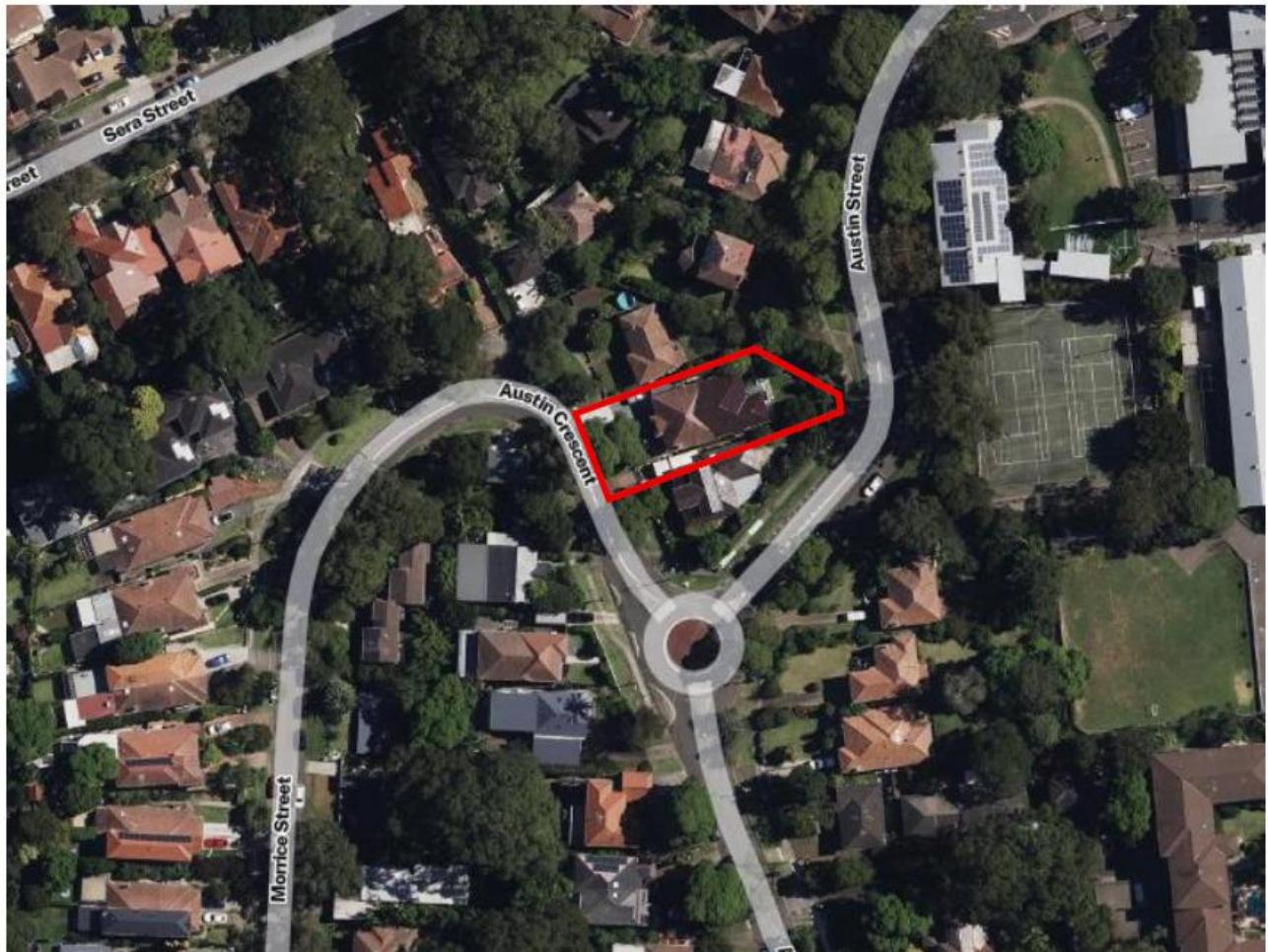


Figure 2: Aerial image of the local area with subject site outlined in red (Source: NSW Spatial Explorer, 2025).

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066



Figure 3: From left to right: no. 5, no. 3, and no.1 Austin Crescent in 1987, Lane Cove Council. (Source: NSW State Heritage Inventory form for listing 1920009, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1920009>, retrieved 16/04/2025)



Figure 4: No. 3 (left) and no. 1 (right) Austin Crescent in October 2024. (Source: Google Street View)

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

HISTORY

According to the applicant's study (**AT-2**), the subject site appears to have been constructed prior to 1941 in a simple, austere style, typical of its era with brick constructed and hipped terracotta roof profiles.

The site also is bounded to the north by No. 5 Austin Crescent and to the south by No. 1 Austin Crescent. It is noted that No. 1 Austin Crescent is also identified as a local heritage item under Schedule 5 of the Lane Cove Local Environmental Plan 2009 (LCLEP 2009), whereas No. 5 Austin Crescent is not heritage-listed.

The immediate context is therefore characterised by a mix of heritage and non-heritage residential properties within a low-density suburban setting. Historical imagery suggests that these three (3) dwellings were constructed at a similar time (c. 1941) and at one stage reflected the same architectural features, being single-storey, late Interwar era dwellings, constructed in a simple, austere style, typical of its era with brick construction and hipped terracotta roof profiles.



Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066



2005

2025

Figure 5: Historical aerial imagery of no. 1, 3, and 5 Austin Crescent from 1930-2025 (Source: 1943-2005, NSW Historical Imagery Viewer; 2025, NSW Spatial Explorer)

According to the applicant's argument (Heritage Assessment Report. **AT-2**), the site at 5 Austin Crescent, is not listed as a heritage item. However, the dwelling was constructed in the same period as the neighbouring dwellings of 1 and 3 Austin Crescent (between 1930-1942). The dwelling presents as an example of development in the late Interwar period with a face brick finish, simple tile clads hipped roof, and minimal decorative detailing. The site appears relatively intact from its principal elevation on Austin Crescent.

Dwelling Exterior

The subject dwelling is a single-storey, late Interwar era dwelling, constructed in a simple, austere style, typical of its era of construction but with a modified appearance. The dwelling is slightly elevated above ground level.

The building is of brick construction to which a modern, cement render has been applied. Its medium-pitched hipped roof is clad with terracotta tile.

A central covered porch projects from the façade in front of the entrance, its roof is supported by square masonry piers and topped with a small decorative street-facing gable. The façade on either side of the porch is punctuated by timber sash windows.

A garage is attached to the northern side of the building. The site does not feature a front garden, but the yard is instead paved extensively in concrete, accommodating a driveway and external car spot. The same design is continued at the rear, with a hipped roof and cement-rendered perimeter walls, part of a later rear addition.

The rear of the property features an ample yard with numerous plantings.

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066



Figure 6: Number 3 Austin Crescent in 2013. (Source: State Heritage Inventory Database, "House", 3 Austin Crescent, Lane Cove, Heritage Item ID No. 5052822, accessed via <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1920294>)

The exterior has been modified with the following:



- Modern, cement-rendered brick finish to principal façade
- Projecting porch entryway with masonry piers
- Tile-clad hipped roof of medium pitch
- Street-facing gablet
- Sash windows
- Concrete-paved yard

Figure 7: Street-facing façade of 3 Austin Crescent, Lane Cove (Source: Three + One Heritage, 11/04/2025)

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066



- Cement-rendered external walls
- Tile-clad hipped roof of medium pitch
- Ample yard with numerous plantings

Figure 8: Rear of 3 Austin Crescent, Lane Cove (Source: Three + One Heritage, 11/04/2025)

Dwelling Interior

Inside the dwelling there are five bedrooms, two bathrooms and one small kitchen and dining space that gives way to a larger open plan dining and kitchen space at the rear of the property.

This rear portion, which covers approximately half of the entire floor-space of the dwelling, is a later addition and has been designed in a sympathetic manner, echoing original features of the dwelling.

The original kitchen and dining area, once separate rooms, have been unified through the removal of the partition wall, as evidenced by the retained bulkhead.

Bedroom floors are covered in low-pile grey carpet, while the corridors, living and kitchen areas feature timber floorboards throughout. The main bedroom contains a painted brick-faced fireplace.

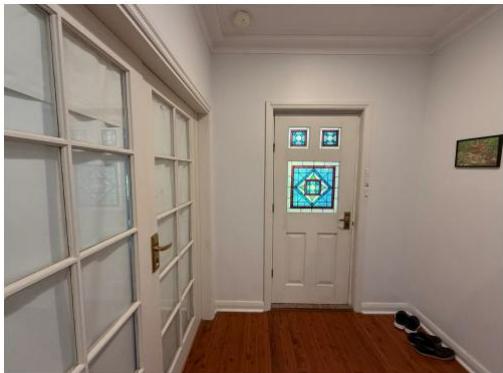
The interior has been modified with the following:



- Street-facing sash windows
- Painted brick fireplace and rendered chimney breast (behind furniture, at left of image)
- Simple decorative plaster cornice mouldings

Figure 9: Main bedroom (Source: Three + One Heritage, 11/04/2025)

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066



- Timber flooring
- Simple skirting and architraves
- Non-original front door
- Non-original multi-pane doors
- Simple decorative plaster cornices

Figure 10: Front hallway (Source: Three + One Heritage, 04/07/2025)



- Non-original tile wall and floor finishes
- Modern fixtures
- Frosted glass awning window with simple architrave
- Plaster cornices with corner

Figure 11: Front bathroom (Source: Three + One Heritage, 04/07/2025)



- Retained bulkhead of removed partition wall
- Bulkhead and plaster moulded ceiling cornices delineating boundaries of individual rooms
- Timber floorboards
- View into modern extension

Figure 12: Original kitchen and dining rooms unified into combined open space (Source: Three + One Heritage, 11/04/2025)



- Timber flooring
- Painted render walls
- Modern kitchen fixtures
- Double timber framed sash windows
- Plaster cornices with corner ventilators

Figure 13: Kitchen (Source: Three + One Heritage, 04/07/2025)

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066



- Contemporary rear extension

Figure 14: Contemporary rear extension (Source: Three + One Heritage, 11/04/2025)

STRATEGIC MERITS

This section will review and outline the strategic planning documents relevant to this Planning Proposal in order to provide an overall response at the end of the section.

Greater Sydney Region Plan

In relation to this Planning Proposal, the relevant objective and strategy is as follows:

- **Objective 13:** *Environmental heritage is identified, conserved and enhanced.*
- **Objective 39:** *A collaborative approach to city planning.*

North District Plan

In relation to this Planning Proposal, the relevant priority and action from the Plan is as follows:

- **Planning Priority N2:** *Working through collaboration*
 - **Objective 5:** *Benefits of growth realised by collaboration of governments, community and business.*
- **Planning Priority N6:** *Creating and renewing great places and local centres, and respecting the district's heritage*
 - **Objective 12:** *Great places that bring people together.*
 - **Objective 13:** *Environmental heritage is identified, conserved and enhanced.*

Local Strategic Planning Statement

In relation to this Planning Proposal, the relevant priority is as follows:

- **Planning Priority 6:** *Create and renew public spaces and facilities to improve our community's quality of life.*

The above policy contains a section dedicated to "Embracing Heritage", noting:

"A variety of local heritage items and heritage streetscapes form part of the character of centres throughout the North District and Lane Cove."

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

Therein, it further states:

“Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.”

The term *“interpretation”* is considered to be directly applicable to this Planning Proposal. In this context, the interpretation of heritage items relates not only to their understanding and presentation but also to the process of their designation.

Accordingly, a Heritage Statement has been prepared for the subject property and is enclosed with this proposal. This report provides an assessment of the property and offers an interpretation of its heritage value.

The cumulative effects of additions and alterations to the subject property over the past few decades have rendered its original heritage value to be considerably diminished.

Local Housing Strategy

Section 6 of the strategy relates to Housing Priorities within the LGA. Therein, section 6.2.7 refers specifically to “Preserving and enhancing character and heritage”. This strategy recognises that character and heritage should be evolving, interpretive concepts that support innovation and contemporary community needs. Specifically, the strategy states that:

“Incorporating character and heritage can be interpretive, rather than strict repetition, encouraging new housing to build upon existing values and adapt new trends into building design and structure.”

In this context, retaining the heritage listing of 3 Austin Crescent, despite its lack of remaining heritage significance, risks constraining thoughtful and innovative development that could better reflect current and future housing needs. The proposed removal of the listing allows for the opportunity to create a new built form that is respectful of local character, while embracing the strategy’s call for adaptation to *“the trends of the day.”*

Moreover, the Strategy also recommends *“routine heritage reviews are undertaken”*, where deemed necessary. We consider this especially relevant in this instance, with this planning proposal intended to begin the process of requesting Council to reconsider the subject local heritage item.

The intent of the Strategy is to maintain and strengthen Lane Cove’s valued character—not to impose heritage listings that no longer serve their original purpose. As the Strategy makes clear:

“Future character and heritage controls [should] seek to preserve and enhance character while also encouraging innovation and adaptation of the trends of the day.”

The removal of the subject property from Part 1 of Schedule 5 of the LCLEP 2009 will facilitate future innovation and adaption of the site. It is considered that that a local heritage designation on the subject property is unduly restrictive in the context of the above guidance, particularly given that the site is no longer an exemplar of an Interwar Californian Bungalow.

SITE-SPECIFIC MERITS

The criteria for assessing heritage significance is broken up into seven (7) different aspects, as follows:

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

- Criterion A – Historical Significance;
- Criterion B – Historical Associations;
- Criterion C – Aesthetic Values;
- Criterion D – Cultural Associations;
- Criterion E – Cultural or Natural Research Value;
- Criterion F – Rarity;
- Criterion G – Representativeness;

The applicant has already provided an assessment against each of the seven criteria in **AT-5**. These will be reviewed with additional comments where relevant.

Criterion A

The applicant provides the following in terms of criterion A:

"The subject dwelling, constructed c.1941, is associated with the pattern of residential subdivision and generally modest housing development in Lane Cove during the late Interwar and early Postwar period. Its original construction reflects the economic austerity of the era, evidenced by its modest scale, restrained detailing, and readily available materials. However, the dwelling has undergone a number of external alterations, including changes to its original materials and detailing, which have diminished its ability to effectively demonstrate this historical phase in a legible or representative way. Due to the extent of these modifications, the dwelling is not considered to retain sufficient integrity to meet Criterion (A) – Historic Significance at a local level."

This item is not considered to be of Historic Significance at a State or Local level."

In response, Council can confirm these comments through the development applications it has received for the various external alteration, including changes to its original materials and detailing.

Criterion B

The applicant provides the following in terms of criterion B:

"The subject dwelling is not known to be associated with any person or group of note. This item is not considered to be of Associative Significance at a State or Local level."

In response, Council can confirm the above comment.

Criterion C

The applicant provides the following in terms of criterion C:

"The subject dwelling presents as a modified example of a late Interwar dwelling evidenced by its overall form, opening patterns, and simple austere design utilising materials common in the period. The building is not considered to demonstrate any particular aesthetic, creative, or technical achievement, and is more an example of a building approach common at the time of construction. Recent modifications to the building have impacted the building's ability to fully demonstrate this aspect of the building as a type, particularly the rendering of the exterior which has obscured its original brick materiality, and minor decorative components including verandah pier detailing."

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

This item is not considered to be of Aesthetic Significance at a State or Local level."

In response, Council can confirm the building is now not considered to demonstrate any particular aesthetic, creative, or technical achievement, and is more an example of a building approach common at the time of construction. Notwithstanding, modifications to the building have impacted the building's ability to fully demonstrate this aspect.

Criterion D

The applicant provides the following in terms of criterion D:

"The subject dwelling has not been identified as having strong or special association with a particular community or cultural group in the Lane Cove area for social, cultural or spiritual reasons."

This item is not considered to be of Social Significance at a State or Local level."

In response, Council can confirm the subject dwelling has not been identified as having strong or special association with a particular community or cultural group in the Lane Cove area for social, cultural or spiritual reasons.

Criterion E

The applicant provides the following in terms of criterion E:

"The subject site provides limited potential for further research."

This item is not considered to be of Technical / Research Significance at a State or Local level."

In response, Council can confirm the subject site now provides limited potential for further research.

Criterion F

The applicant provides the following in terms of criterion F:

"Most of the development of Lane Cove occurred during the Interwar and Post-WWII eras, with many intact examples from these periods still evident throughout the streetscapes of the suburb and the wider LGA. The subject dwelling, while constructed during this broader period of growth, is not considered rare or uncommon within this context. It does not demonstrate any defunct customs, rare design features, or construction techniques that are at risk of being lost."

This item is not considered to meet the threshold for Rarity at the State or Local level."

In response, council can confirm this dwelling type is not considered rare in nature, with similar building types present throughout the Land Cove LGA.

Criterion G

The applicant provides the following in terms of criterion G:

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

"The subject dwelling was originally a good example of the austere late Interwar housing style, representative of the type of modest residential development that characterised much of Lane Cove's growth during this period. However, subsequent alterations particularly the application of modern cement render to the exterior and later additions have compromised the dwelling's integrity and reduced its ability to clearly demonstrate the characteristic features of its type. Internally, while some elements of simple Interwar/Postwar decorative detailing remain, changes to configuration and finishes have further diminished its representative value."

This item is not considered to be Representative at the State or Local level."

According to the document provided by the applicant, Butler (1992) notes that a defining characteristic of Interwar Californian Bungalows in Australia was their regional adaptation, often reflected in the use of local materials—such as red brick in Melbourne, liver-coloured brick in Sydney, and limestone in South Australia.

In response, council can confirm the subject dwelling no longer retains this characteristic feature and is therefore no longer representative of the late interwar housing style.

INDEPENDENT HERITAGE CONSULTANT ADVICE

Council provided all material supplied with this proposal to its independent heritage consultant for review. In response to the heritage assessment and proposal, they provide the following comments (see **AT-4**):

In response to the heritage assessment by the applicant, the consultant comments are:

"The Heritage Assessment is comprehensive and provides detailed historic information, information about the changes to the dwelling and its pair, a comprehensive comparative analysis and assessment against the NSW Standard Criteria for the assessment of heritage significance".

The consultant is of the opinion that the proposed de-listing of 3 Austin Crescent has been adequately justified for the following reasons:

"The house was listed in 1987 as part of a pair of intact, simple, austere cottages that reflected suburban development in the post- WWII period, with simple brick detailing. At some time between 2013 and 2025, the house was rendered and painted, and the front garden area paved with concrete for carparking. Due to these changes, the house is no longer intact and does not present as a simple, austere, post -WWII suburban dwelling.

Furthermore, its pair at No.1 Austin Crescent has undergone substantial changes that have completely altered the presentation of the dwelling, including the addition of a second storey, new concrete roof tiles, and, like No. 3 Austin Crescent, the original face brickwork has been rendered and painted. As a result, the houses no longer read as a pair, and neither house is considered to be intact. Accordingly, the significance of the houses as a pair of intact, simple, austere cottages from the post-war era has been lost".

Overall, the advisor is of the opinion that the **"proposal to remove the heritage listing from No.3 Austin Crescent is supported, and it is recommended that the item, and the adjacent house at No.1 Austin Crescent, be removed from Schedule 5"**.

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

Based on the comments above, and considering the cumulative impacts of development that have occurred on site, there appears to be sufficient justification for de-listing of this heritage item and the potential impacts of the proposed de-listing have been adequately addressed.

RESPONSE TO NOTIFICATION

This Proposal was (informally) publicly exhibited from Monday 24 November to Friday 5 December 2025. Two submissions were received. These submissions are summarized below.

Comment	Response
Both submissions supported the planning proposal and also requested the delisting of No. 1 Austin Crescent due to extensive alterations and external modifications for both properties.	Noted.

CONCLUSION

According to the heritage assessment provided by the applicant and independent heritage consultant's review, the property 3 Austin Crescent and its adjoining pair at no. 1 have been significantly modified due to substantial alterations undertaken over time.

Both dwellings have lost the intact, austere post-war character for which they were originally listed, and no longer read as a pair of heritage significance.

Council considers the applicant's heritage assessment to be thorough and supports the proposal to remove No. 3 Austin Crescent from the heritage schedule. However, while the independent heritage advice notes that No. 1 be de-listed for the same reasons – this aspect is not supported at this time.

Even though the owners of 1 Austin Crescent support their property being de-listed as well, the Planning Proposal only contains a thorough assessment for 3 Austin Crescent not No.1 Austin Crescent. It is inappropriate to consider a heritage de-listing for a separate property which has yet to be properly assessed.

RECOMMENDATION

That pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel at its meeting on 18 December 2025, support the planning proposal, as it satisfies both the strategic and site-specific merit tests.

It is also recommended that 1 Austin Crescent not be considered for delisting at this time.

Mark Brisby
Director - Planning and Sustainability
Planning and Sustainability Division

ATTACHMENTS:

AT-1 [View](#) Planning Proposal - 3 Austin Crescent

21
Pages

Available
Electronically

Lane Cove Local Planning Panel Meeting 18 December 2025
PLANNING PROPOSAL 47 - HERITAGE AMENDMENT - 3 AUSTIN CRESCENT, LANE COVE,
NSW 2066

AT-2 View	Heritage Assessment	45 Pages	Available Electronically
AT-3 View	Merged Maps	2 Pages	Available Electronically
AT-4 View	Independent Heritage review	5 Pages	Available Electronically
AT-5 View	Assessing heritage significance - NSW Heritage Criteria	55 Pages	Available Electronically

Lane Cove Local Planning Panel Meeting 18 December 2025
23 SEAMAN STREET, GREENWICH

Item No: LPP25/25
Subject: 23 Seaman Street, Greenwich
Record No: DA25/124-01 - 90210/25
Division: Planning and Sustainability Division
Author(s): Brett Zhu

Property:	23 Seaman Street, Greenwich
DA No:	DA 124/2025
Date Lodged:	24/09/2025
Cost of Work:	\$1,888,920
Owner:	E Liu
Applicant:	C Finlay

Description of the proposal to appear on determination	Demolition of existing swimming pool and construction of alterations and additions to existing dwelling house
Zone	R2 Low Density Residential
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Does the property adjoin bushland	No
BCA Classification	Class 1a and 10b
Stop the Clock used	Yes
Notification	Application was notified to surrounding neighbours as per Council's policy. Fifteen (15) submissions received.

REASON FOR REFERRAL

The proposal is referred to the Lane Cove Local Planning Panel as more than 10 unique submissions were received as a result of the notification period. The proposal is therefore considered to be a contentious development application.

EXECUTIVE SUMMARY

The proposed development application was lodged on 24 September 2025 for the consideration of the Demolition of an Existing Swimming Pool and Construction of Alterations and Additions to an Existing Dwelling House.

The applicant has lodged a Deemed Refusal Appeal in the Land and Environment Court.

The application was notified to the surrounding neighbouring properties on 20 October 2025, which has received fifteen (15) different submissions to date.

An inspection of the subject site was conducted on the 20 November 2025. Additional visits to the surrounding properties were conducted as follows:

- 21 Seaman Street – Inspected on 27 November 2025
- 17 Bent Street – Inspected on 01 December 2025
- 16 Seaman Street – Inspected on 05 December 2025

The application is recommended for Approval subject to draft conditions.

SITE

Property	Lot 8, Section 6, DP 3101 and Lot 1, DP 949545
Area	1024.36m ² + 687.44m ² = 1711.8m ²
Site location	The subject site is located on the corner of Seaman Street and Bent Street. The site is a foreshore property and backs onto the Lane Cove River, however it does not directly adjoin the river as it is separated by Bushland.
Existing improvements	There is an existing two storey dwelling house and swimming located on the subject property as well as a detached street facing garage. It is also provided with an external staircase which navigates down the existing cliff-face to reach the rear property boundary.
Shape	Irregular rectangle
Dimensions	Width is approx. 18m when measured at the building line. Lot depth is approx. 56.76m when measured from either side property boundary.
Adjoining properties	<p>The subject property is adjoined by two split level dwelling houses to the north and south which are also located on sloping sites and is backed by the Lane Cove River. The street is well vegetated, and the structures have minimal visual impacts.</p> <p>The site shares an existing brick boundary fence with the north-adjoining neighbour (21 Seaman Street) which was built to be almost 4 metres tall from the neighbour's perspective (Please refer to Figure 9 and 11 for visual reference). 21 Seaman Street also displays two and three storey elements as it is a split-level dwelling house on a sloping block and is also provided with an elevated pool over the existing rock face that 23 Seaman Street has.</p> <p>The adjoining neighbouring property to the South (17 Bent Street) also features a split-level dwelling house on a sloping block, similar in nature to 23 Seaman Street. Bent street however does not appear to have as steep of a slope as the property has more usable land.</p> <p>Other properties along the Seaman Street and Bent Street frontage also feature 2 and 3 storey dwelling houses when viewed from the Lane Cove River (as seen in Figure 15). There is a subdivided dual occupancy battleaxe lot being 19 and 19A Bent Street in the vicinity.</p>



Figure 1: Front façade of 23 Seaman Street



Figure 2: Side setback of existing detached garage for 23 Seaman Street.



Figure 3: View of Lane Cove River from rear yard including pool.



Figure 4: Side setback of existing dwelling house to 17 Bent Street



Figure 5: Rear rock face on site – located under foundations of existing swimming pool.



Figure 6: Rear view of existing dwelling house at rear property boundary – located before bushland.



Figure 7: Side setback of existing dwelling house to 21 Seaman Street.

SITE APPLICATION HISTORY

All recent and relevant applications are addressed below:

DA 117/2024: For the demolition of a swimming pool and construction of alterations and additions to the existing dwelling house – application as withdrawn.

PROPOSAL

The application proposes the removal of the existing swimming pool and partial demolition and alterations and additions to the existing split level dwelling house including a replacement garage, addition of a new upper floor, landscaping, internal and external doors and windows.

- Demolition of Existing Swimming Pool
- Demolition of part of Existing Dwelling House
- Construction of new of Wet Bar, Living Room, Balcony and Two Bedrooms and Bathrooms to lower ground floor.
- Construction of new Kitchen, Living and Dining Rooms, three bedrooms and Bathrooms, Garage and paving to existing ground floor.
- Addition of new first floor consisting of additional living room, bedroom and ensuite.
- Addition of internal dwelling lift to connect to both floors and basement.

PROPOSAL DATA/POLICY COMPLIANCE

Local Environmental Plan 2009

Zoning: R2 Low Density

Site Area: 1711.8m²

Objectives	Proposal	Complies:
<i>To provide for the housing needs of the community within a low-density</i>	Alterations and additions to an existing dwelling house:	Yes

<p><i>residential environment.</i></p> <p><i>To enable other land uses that provide facilities or service to meet the day-to-day needs of residents.</i></p> <p><i>To retain, where appropriate, improve, the existing residential amenity of a detached single-family dwelling.</i></p> <p><i>To encourage new dwelling houses or extensions of existing dwellings houses that are not highly visible when viewed from Lane Cove River or Parramatta River.</i></p> <p><i>To ensure that landscaping is maintained and enhanced as a major element in the residential environment.</i></p>	<p>Provides for housing needs of community in a low-density single dwelling residence.</p> <p>The proposed development retains the existing residential amenity. Privacy measures have been addressed in the design and will have minimal impacts on the adjoining properties. The proposed development features elements which are consistent with the surrounding locality.</p> <p>The site will still remain vegetated, and conditions of consent will be imposed to ensure that a majority of the existing trees be retained and protected.</p>	
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LEP table			
	Development Standard	Proposal	Complies
Floor Space Ratio (max)	0.5:1	0.31:1	Yes
Height of Buildings (max)	9.5m	South-West corner of upper floor addition: 9.94m (4.42% variation) South-West corner of rear balcony: 10.41m (9.57% variation)	No Clause 4.6 variation submitted

Clause 4.3 - Height of Buildings

Building height is defined in the Lane Cove LEP2009 as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Clause 4.3(2) of Lane Cove LEP 2009 states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map

A maximum building height of 9.5m applies to the site under LCLEP 2009. The proposed building has a maximum building height of 9.92 metres (4.42% variation) at the rear of the proposed upper floor addition and a maximum building height of 10.41m (9.57% variation) at the south-west corner of the proposed rear upper balcony, where it is suspended over the existing elevated swimming pool coping.

Clause 4.6 Exceptions to development standards

Clause 4.6 of LCLEP 2009 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered and agrees with the written request from the applicant that seeks to justify the contravention of the development standard. This written request must demonstrate compliance with the relevant provisions of Clause 4.6 of LCLEP 2009. These matters are discussed below:

Written request provided by the applicant

The applicant provided a written request seeking a variation to the development standard with the lodged application. A copy of the request is provided to the Panel. Under Clause 4.6(3) the applicant is required to demonstrate:

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

Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.

The Clause 4.6 variation has argued that it is unreasonable or unnecessary to require strict compliance with the development standard for the following reasons:

- In accordance with the decision of the NSW LEC in the matter of *Wehbe v Pittwater Council [2007] NSWLEC 827* and as confirmed in the matter of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, one way in which strict compliance with a development standard may be found to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard and zone are achieved, despite non-compliance with the development standard.

Assessment against objectives of the height and buildings standard.

The objectives of the standard are achieved notwithstanding the non-compliance with the numerical standard, as prescribed by Clause 4.3(1) of the LCLEP 2009 as follows:

- *To ensure development allows for reasonable solar access to existing buildings and public areas.*

Applicant comment:

“The portion of the dwelling that exceeds the height control is confined to a small section of the roof and parapet at first-floor level, attributable to the existing ground level at this point. The overall footprint of the first floor is modest, with the majority of the addition situated below the 9.5-metre height plane. The proposed roof and parapet maintain appropriate separation from adjoining properties, thereby limiting amenity impacts and ensuring overshadowing is minimised. Importantly, the height encroachment will not result in direct overshadowing of the southern adjoining property.”

Additionally, it is also noted that the South-West corner of rear balconies of the proposed dwelling house is located over the elevated coping of the swimming pool to be demolished. Based on the levels provided in the plans, this corner will be approximately 10.41 metres above natural ground level, which breaches the maximum height limit. It is noted that this is a result of the steep sloping nature of the site as well as the provision of the existing cliff face and drop off, which is located past the swimming pool coping, and despite this, given the position of the rear balconies, this will not result in any additional significant overshadowing impacts to the adjoining properties.

- *To ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable.*

Applicant comment:

“The section of roof and parapet that exceeds the height control is located to the rear of the first-floor addition, ensuring that any visual impact is negligible and largely indiscernible from surrounding properties. From the public domain along Seaman Street, the encroachment will not be readily visible and will not alter the perceived scale of the dwelling.

The non-compliant portion of the roof maintains the existing building alignment and is appropriately separated from adjoining dwellings, thereby avoiding overlooking of principal living areas or private open space. The variation will not give rise to any adverse impact on neighbouring amenity, including privacy, solar access, or visual character.

Overall, the non-compliance is minor in scale, will not be apparent from the street, and preserves the environmental amenity of both adjoining properties and the public domain.”

- *To seek alternative design solutions in order to maximise the potential sunlight for the public domain*

Applicant comment:

“The height exceedance does not result in any overshadowing of the public domain.”

- *To relate development to topography*

Applicant Comment

“The development and area of height exceedance continues to relate appropriately to the topography of the land.

The height and envelope are compatible with these buildings and the area’s desired future character as per the Court judgment of SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112.

In this judgment Clay AC notes at [69]:

The desired future character in my opinion must take into account the form of the buildings to the east which the Council approved under effectively the same controls as present. Those buildings exceed the height and floor space ratio controls. As the Applicant pointed out in submissions, this is not a case where there is an adjacent development approved and constructed many years ago which sits as an anomaly in the street. The developments under construction represent the recently expressed attitude of the Respondent to the controls and what is desired in this part of Cross Street.

This approach was confirmed on appeal by Preston CJ, who held that desired future character should be informed by the existing and anticipated development context and not confined to the numerical development standards alone. Seaman Street and the surrounding locality are characterised by low density residential dwellings, many of which exceed the 9.5-metre height standard due to the topographical constraints of the land.

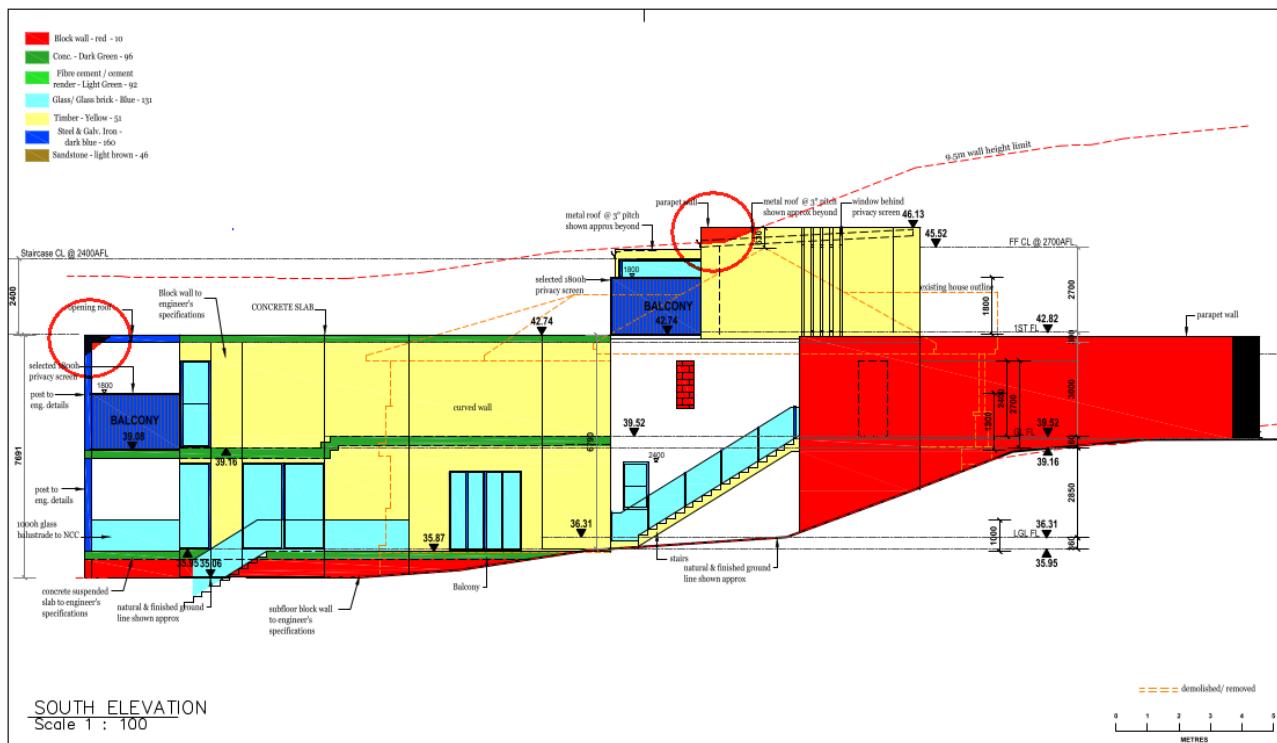
The proposal will remain contextually compatible within the streetscape. Consistent with objective (a), the development is appropriate in bulk and scale and integrates with the established residential character of this section of Seaman Street. The proposed height and massing are comparable to nearby dwellings and do not create a dominant or inconsistent built form.

Strict compliance with the development standard is considered both unreasonable and unnecessary, as the steep topography of Seaman Street results in numerous dwellings exceeding the numerical height limit. In this context, the proposed building height achieves a compatible relationship with surrounding development and maintains the established quality and scale of the streetscape.”

Planning Comment:

The portions of the proposed dwelling house which exceed the 9.5 metre limit of the Height development standard are the south-western corners of the upper floor addition and rear balcony, as seen below with Figure 8. Most of the proposed alterations and additions for the dwelling house are situated within the height limits of the development standard, with point encroachments due to the natural steep topography of the site. These encroachments are only visible from a side perspective and are not visible to the street, creating minimal visual impacts to the surrounding locality. The proposed development does not create overshadowing for the public domain and is designed to be stepped in accordance with the natural topography and is considered to be acceptable.

Compliance with the development standard is unreasonable and unnecessary in the circumstance of the subject proposal. The written request clearly demonstrates that the breaches to height are the result of massing decisions that do not result in any additional impact compared to a compliant scheme. Clause 4.6(3)(a) is considered to be satisfied.



Environmental Planning grounds to justify contravening the development standard.

Clause 4.6(3)(b) of LCLEP 2009 requires the applicant to demonstrate that there are sufficient environmental planning grounds to justify contravention of the standard. The applicant has provided the following justification for the proposed contravention of the height of buildings standard as follows:

“Desired future character”

The minor encroachment above the first-floor level, resulting from the new roof and parapet, contributes positively to the architectural design of the dwelling and enhances residential amenity by improving solar access to the principal ground floor living areas. The roof form and overall height remain consistent with the character of surrounding contemporary dwellings and are comparable in scale to both existing and desired future development in the locality. When viewed from Seaman Street, the proposal maintains a contextually compatible appearance within the streetscape.

While the proposal involves a variation to the maximum building height standard, the extent of non-compliance arises largely from the natural topography and levels of the site. The design response minimises the extent of exceedance through the adoption of a flat roof form and modest ceiling heights at first floor level, with the majority of the new works sitting beneath the height plane.

The proposed roof achieves an appropriate built form that is neither visually intrusive nor inconsistent with the established character of the street. The encroaching element is located to the rear of the first floor, is imperceptible from the public domain, and provides sufficient separation from adjoining properties. Importantly, the variation does not give rise to adverse impacts on solar access, visual privacy, or view sharing for neighbouring properties.

Lack of impact

Consistent with the findings of Commissioner Walsh in Eather v Randwick City Council [2021] NSWLEC 1075 and Commissioner Grey in Petrovic v Randwick City Council [2021] NSWLEC 1242, the absence of impacts consequential of the departure constitute environmental planning grounds, as it promotes the good design and amenity of the development in accordance with the objects of the EP&A Act.

Furthermore, allowing for a variation to the building height that is consistent with the height and scale of nearby future development promotes the orderly and economic development of the land, consistent with objective (c) of the EP&A Act.

Overall, there are sufficient environmental planning grounds to justify contravention of the maximum height development standard.”

The building massing does not result in unacceptable impacts to the properties to the south. The environmental planning grounds provided are considered satisfactory and supported. Clause 4.6(3)(b) is considered to be satisfied.

1. Consistency with the zone objectives and objectives of the development standard

Development consent cannot be granted to vary a development standard unless the consent authority is satisfied that the proposed development would be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. An assessment against the objectives of building height and the R2 Low Density Residential zone contained within LCLEP 2009 are provided as follows:

General

In relation to the LEP the proposal: -

- is permissible in the R2 zone with consent.
- generally, satisfies the relevant objectives of the R2 zone.

(1) Pursuant to Subclause 4.6(4)(a)(ii), the Objectives of the Zone

The proposed development generally satisfies the relevant objectives for the R2 zone because:

- ***To provide for the housing needs of the community within a low-density residential environment:***

Applicant Comment

“The proposal will deliver a well-designed dwelling that contributes to meeting the needs of Sydney’s growing population by enhancing the quality and functionality of the existing building. The variation to building height does not create inconsistency with the zone objectives, as the development provides a high-quality architectural outcome that significantly improves the amenity of the dwelling compared to its current condition.

Importantly, the proposal preserves the reasonable amenity of neighbouring properties to the side and rear, ensuring that impacts on privacy, solar access, and outlook remain acceptable. In this way, the development continues to satisfy the objectives of the low-density residential zone, notwithstanding the minor non-compliance with the building height standard.”

- ***To enable other land uses that provide facilities or services to meet the day-to-day needs of residents:***

Applicant Comment

“The proposal will continue to meet the day-to-day needs of the residents by promoting a high-quality private open space for the enjoyment of the residents.”

- ***To retain, and where appropriate improve, the existing residential amenity of a detached single family dwelling area:***

Applicant Comment

“The proposal retains the existing dwelling while substantially enhancing residential amenity through the expansion and modernisation of both internal and external areas, thereby improving the overall living conditions for occupants.”

- ***To encourage new dwelling houses or extensions of existing dwelling houses that are not highly visible when viewed from the Lane Cove River or Parramatta River:***

Applicant Comment

“The proposed additions to the existing dwelling will sit comfortably within the land and will not be readily perceptible from Lane Cove River.”

- ***To ensure that landscaping is maintained and enhanced as a major element in the residential environment:***

Applicant Comment

“While the proposal includes the removal of one (1) tree, the proposal retains opportunities for landscaping to be enhanced to help promote the landscaped setting.”

Height of Buildings Objectives

Clause 4.3(1) provides the following objectives:

- ***To ensure development allows for reasonable solar access to existing buildings and public areas:***

Comment: While it is noted that overshadowing will be cast upon the neighbouring properties, this is a result of the shape and orientation of the existing lot, which causes the longitudinal side of the proposed dwelling house to face north, causing overshadowing to be inevitable. Reasonable solar access is provided where possible with the proposed development.

- ***To ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable:***

Comment: It is noted that the existing dwelling house is provided with an upper floor balcony that wraps around the existing building walls, allowing for overlooking opportunities to private and open spaces of all surrounding properties. Despite the increase height and size, the proposed development provides balconies which fixate views and overlooking to the Lane Cove River purely. The proposed balconies are all provided with 1.8-metre-high privacy screening along the northern and western edges and any all-proposed upper floor windows are provided with adequate sills. It is noted that there is an additional balcony proposed on the southern elevation, however, as this is located on the lower ground floor, it should be screened adequately by any boundary fencing. As such, it is noted that the proposed privacy measures are acceptable for the development.

- ***To seek alternative design solutions in order to maximise the potential sunlight for the public domain; and***

Comment: The provided shadow diagrams demonstrates that the proposed development allows adequate solar access to remain provided to the public domain and would not impact sunlight within the public domain, as the shadows do not fall to the street.

- ***To relate development to topography***

Comment: The existing site slope and topography leave the subject site quite constrained in terms of development, given the extreme drop off presented with the cliff face in the rear yard (as indicated in Figure 5). Due to this, there is further merit for the consideration of non-compliances in the height limit, given that the dwelling house is required to provide level and usable space for the residents. The parts of the development which project above the height standard are generally point encroachments towards the south-west corners of the various building elements and are not consistent throughout the entire development. These breaches are offset by the majority of the development which sits comfortably below the 9.5m height control. The points where these breaches occur are provided with

adequate setbacks to the side setbacks to further minimise any impacts to the adjoining property.

Comprehensive Development Control Plan assessment

DCP table			
	Provision	Proposal	Complies
Front setback (min)	Consistent with area or 7.5m	Ground Floor front setback: 2.07m Upper Floor front setback: 3.0m Proposed development is provided with a front setback which is consistent with the existing dwelling house and surrounding streetscape.	No DCP variation to be provided below.
Side setback (min)	1.2m single storey 1.5m two storey	Ground Floor: 1.09m (from bath 2) Lower Ground Floor: 1.5m Upper Floor: 1.45m	No DCP variation to be provided below.
Rear setback (min)	<1000m ² : 8m or 25% >1000m ² : 10m or 35%	Rear setback: 17.63m	Yes
Wall height (max)	7m + 600mm parapet for flat roof structures	9.31m wall height with a 630mm parapet.	No DCP variation to be provided below.
Subfloor height (max)	1m	No changes to existing max subfloor height.	Yes
Number of storeys (max)	2	2 Storey Dwelling house with 3 Storey elements	No DCP variation to be provided below.
Landscaped area (min) (Minimum dimension of 1m)	35%	Total landscaping: 1207.69m ² or 70.55% of the total site area.	Yes
Foreshore setback line	Refer to B.5 Development in Foreshore Areas	Dwelling house is behind predominant foreshore building line along rear boundary.	Yes
Cut and fill (max)	1m	South-West corner of upper floor addition (Max Cut): 580mm	No DCP variation to

Lane Cove Local Planning Panel Meeting 18 December 2025
23 SEAMAN STREET, GREENWICH

DCP table			
	Provision	Proposal	Complies
		South-West corner of rear balcony (Max Fill: 3.67m)	be provided below.
Solar access (min)	3 hours to north facing habitable windows	Subject site will be provided adequate solar access, however proposal will overshadow neighbouring property throughout the day – 17 Bent Street. Considered to be acceptable due to the existing orientation and size of the lot and that overshadowing is inevitable given this.	No DCP Variation to be provided below.
Deck/balcony depth (max)	3m	Lower and ground floor deck: 3.0m Upper floor deck: 3.45m	No DCP variation to be provided below
Private open space (min)	24m ² and 4m in depth	Rear yard has adequate space to provide required POS.	Yes
BASIX Certificate	Required	Provided.	Yes

Car parking

Car parking table			
	Provision	Proposal	Complies
Off-street spaces (min)	1	Provided.	Yes
Driveway width	3m at the kerb	7m wide driveway	Yes

Fences

Fences table			
	Provision	Proposal	Complies
Front fence height (max)	Solid: 900mm Lightweight: 1.2m	Solid wall: 1.2m high	Conditioned to comply
Setback from front boundary if the height is over 1.2m (min)	1m	Adjacent to front property boundary.	Conditioned to comply
Height of side and rear fences (max)	1.8m	No changes proposed.	Yes

Outbuildings

Outbuilding table			
	Provision	Proposal	Complies
Overall height (m)	3.6m	6.22m	No

Outbuilding table			
	Provision	Proposal	Complies
(max)			DCP variation to be provided below
External wall height (max)	2.4m	6.22m	No DCP variation to be provided below
Floor space (max)	50m ²	No habitable space within garage.	Yes
Number of storeys (max)	1	Proposed garage is 1 storey.	Yes
Setback of windows from boundaries (min)	900mm	No windows provided to garage.	Yes

PART S ASSESSMENT

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

S.2 Achieving Net-Zero			
Provision	Provision	Proposal	Complies
2.1 All Electric Buildings	All new developments are to use electricity for all energy requirements associated with normal operations.	Statement provided that no new gas items are proposed but there is an existing gas connection for kitchen and HWS.	Yes
2.2 On-site solar	Residential development of three storeys or less will include the installation of a solar PV system of no less capacity than 25% of the roof area.	Only 17% of the roof is covered in solar panels.	Yes
2.3 Refrigerants	Natural or Hydrofluoroolefin (HFO) refrigerants with a GWP (Global warming potential) of less than 10 should be used in all air conditioning, refrigeration and heat pump equipment	As detailed in BASIX Certificate.	Yes

S.3 Resilience and Health			
Provision	Provision	Proposal	Complies
	a) For all residential accommodation not affected by SEPP 65: i. The natural ventilation	Natural ventilation conditioned to comply with NCC.	Yes

S.3 Resilience and Health			
Provision	Provision	Proposal	Complies
3.1 Natural Ventilation	<p>requirements of the NCC are to be met with the area of openings to be calculated following the Apartment Design Guide Glossary definition of Effective Open Area (EOA), including necessary allowance for insect screens.</p> <p>ii. Windows are to be located on multiple aspects to promote natural cross ventilation.</p>		
3.2 Glazing	<p>a) Window-to-wall ratios of each major aspect are to be limited to a maximum of:</p> <p>i. For residential buildings, 30% when measured externally or 50% when measured on the internal façade, whichever is lower. Windows and walls facing onto private open spaces are excluded from the window-to-wall ratio calculation.</p> <p>b) External solar shading should be provided to glazing on the north, east and western facades where it is not significantly over-shadowed by neighbouring buildings or by the inclusion of balconies. The solar shading should be designed to maximise the protection of the glazing from the summer sun and maximise solar transmission in the winter sun.</p> <p>d) Glazing is to be selected with external solar heat and visible light reflectivity no greater than 20% measured at normal incidence.</p>	<p>Front and side elevations comply with window to wall ratio requirements however rear elevation exceeds limit.</p> <p>External Solar shading is provided to dwelling house with the provision of awnings, balconies and articulation elements.</p>	No DCP Variation to be provided below
3.3 Urban Heat and Shade	<p>a) For low density residential, at least 75% of the site area must comprise one or a combination of the following when assessed in plan view:</p>	<p>The proposed site area is to be provided with 70.55% of soft landscaping and a proposed roofing materials are of a</p>	Yes

Lane Cove Local Planning Panel Meeting 18 December 2025
23 SEAMAN STREET, GREENWICH

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

S.4 Integrated Urban Water Management			
Provision	Provision	Proposal	Complies
4.1 Water Efficiency	a) All development must demonstrate the prioritisation of water conservation measures to minimise water consumption.	Proposed stormwater plan includes the installation of rainwater tanks for water efficiency.	Yes
4.2 Stormwater Management	a) Peak stormwater flows are to be reduced with a stormwater detention system. Other measures can include green roofs, stormwater harvesting, rain gardens, bio-retention basins and passive	Proposed development to drain to proposed rainwater tanks – overflow to discharge into absorption trench in rear yard.	Conditioned to comply.

S.4 Integrated Urban Water Management			
Provision	Provision	Proposal	Complies
	<p>filtration measures. Other water sensitive urban design measures are described in Part J – Landscaping and Tree Preservation.</p> <p>b) The use of porous surfaces is to be maximised.</p> <p>c) Where required, Gross Pollutant Traps and filtration are to meet Sydney Water Best Practice guidelines for reducing stormwater pollutants.</p>	Absorption trench has been conditioned to be moved to satisfy Tree Management Team requirements.	

PART R - Traffic, Transport and Parking

Part R – R.2 Parking			
Provision	Provision	Proposal	Complies
2.2 Electric vehicle infrastructure	c) All low and medium density residential dwellings are to be provided with a minimum of one 15A circuit and socket adjacent to the car parking facilities. This is to be shown on the carport / garage plan.	Plans amended to annotate and conditioned to comply.	Conditioned to comply.

PART J - Landscaping and Tree Preservation

Part J – J.3 Urban Landscape Guidelines			
Provision	Provision	Proposal	Complies
3.5 Urban Tree Canopy	a) All new developments shall achieve no net canopy loss, if any trees are proposed to be removed. The landscaping plan should demonstrate how canopy area is 100% replaced.	Approval has been granted for the removal of one (1) tree from the property by Council's Tree Management Team. Remainder of trees to be retained as per provided conditions.	Yes

PART O - Stormwater Management

Part O – O.7 On-site Stormwater Detention Systems			
Provision	Provision	Proposal	Complies
7.3 Exemption from OSD by installing rain water tanks for dwellings houses and dual occupancies	e) The rainwater reuse tanks are to be connected to all toilets, at least one outside tap and the cold water washing machine tap. The BASIX certificate is to confirm the rainwater tank connection.	Proposed development to drain to proposed rainwater tanks in dwelling house – overflow to be discharged to rear absorption pit.	Conditioned to comply.

Part O – O.7 On-site Stormwater Detention Systems			
Provision	Provision	Proposal	Complies
	This is to be shown on the stormwater plan or a statement of adequacy is to be provided by a suitably qualified engineer.	Absorption pit has been conditioned to be moved to an approved location as part of consent.	

View sharing:

An assessment against the *Tenacity Planning Principles 2004* for view sharing from NSW Caselaw are detailed below.

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*
4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Assessment

The principles have been primarily assessed against both the neighbouring properties to the North and South, being 21 Seaman Street and 17 Bent Street Greenwich, as well as the direct opposite property at 16 Seaman Street with regards to any potential view loss. It is also noted that 12 Seaman Street and a resident from 76 Alexander Street, Hunters Hill, who expressed interest in moving to the surrounding area, have also raised concerns in relation to view loss. However, given the position and distance of 12 Seaman Street from the subject property, it has been determined that any visual impacts would be minimal. Additionally, the resident from 76 Alexander Street did not provide a future

address for any view impacts to be assessed appropriately. Please refer to the below map for these addresses:



Tenacity Assessment – 21 Seaman Street

Principle	Assessment
Principle 1 -Type of views:	<p>The neighbours at 21 Seaman Street enjoy water views to the West and to the South-West from the Lower Floor Balcony, Swimming Pool and Dining Room as well as Living Room.</p> <p>The water views are over the Lane Cove River, Woolrich and Northwood. The views are not considered to be iconic Sydney Harbour Views (e.g. views to the harbour bridge, opera house, Luna Park etc.)</p>
Principle 2 - Where the views are obtained:	<p>Views are obtained from the lower floor living room and dining room, as the dwelling house features floor to ceiling glass panels which overlook the Lane Cove River, as seen in Figure 9.)</p> <p>Additionally, the rear balcony and swimming pool are also provided with even more advantageous views of the river.</p> <p>It is noted that the existing boundary wall (seen in</p>

	<p>figures 10 and 12) block some views of the river and Woolwich, however this wall is an established feature given that it is approximately 30+ years old.</p>
<p>Principle 3 - The extent of the impact:</p>	<p>An inspection by Council Staff have confirmed that the entirety of the views provided to the West and South-West, facing the Lane Cove River, Northwood and Woolwich will be retained in its current state.</p> <p>As mentioned above, the current southern-side property boundary features an existing brick wall, which acts as a boundary fence, and was indicated to be built approximately 30 years ago by the previous owner, as confirmed by the residents of 21 Seaman Street. This wall is indicated to be approximately 4.0 metres high from the perspective of 21 Seaman Street and extends past the end of the proposed building extension, covering the proposed development entirely. As such, due to the existence of this wall, the proposed development will not impact views for 21 Seaman Street.</p> <p>The controls state that views across side boundaries are harder to protect. It is an unreasonable expectation that neighbours retain 100% of views across side boundaries.</p>
<p>Principle 4 - Reasonableness of the proposal:</p>	<p>Planning Controls: The part of the proposal which affects views is relates upper-level addition.</p> <p>With the exception of height, the upper-level addition for the master bedroom complies with the relevant planning controls including:</p> <p>FSR: Complies with the FSR control of 0.5:1.</p> <p>REAR SETBACK: Rear building does not exceed the existing rear setback line.</p> <p>SIDE SETBACK: complies with the 1.5m side setback control.</p> <p>HEIGHT: As discussed in the clause 4.6 variation section of this report, a part of the roof of the upper-level addition varies the height control. The majority of the upper level is compliant with the 9.5m height control with the exception of a portion of the southern end of the roof.</p> <p>While it is noted that the tenacity principles require that a more skilful design with the same</p>

development potential be explored to check if available, given that the assessment has concluded that the proposed development will not result in any view impacts to this neighbouring property, exploration of alternative designs are not required.

Images:



Figure 9: View of Lane Cove River from main living room.



Figure 10: View of the shared boundary wall with 23 Seaman Street from main living room.



Figure 11: View of neighbouring rear yard and minor damage to boundary wall.



Figure 12: View of shared boundary wall from external ground level at rear.



Figure 13: Sightline plan of 21 Seaman Street which shows that existing views are not impacted.

Tenacity Assessment – 17 Bent Street

Principle	Assessment
Principle 1 -Type of views:	The neighbours at 17 Bent Street enjoy water views to the West and to the South-West from the Ground Floor Balcony, Living Room, Sunroom

	<p>and Lounge Room.</p> <p>The water views are over the Lane Cove River and Woolrich with additional views that overlook Northwood. The views are not considered to be iconic Sydney Harbour Views (e.g. views to the harbour bridge, opera house, Luna Park etc.)</p>
<p>Principle 2 - Where the views are obtained:</p>	<p>Views are obtained from the ground floor Living Room, Sunroom and Lounge Room, which are provided with multiple windows towards the western and southern aspects, as well as through the balcony facing west.</p> <p>Additionally, the rear balcony itself is provided with a 180° view of the Lane Cove River, Woolrich and parts of Northwood and Northwood Wharf.</p>
<p>Principle 3 - The extent of the impact:</p>	<p>An inspection by Council Staff have confirmed that the entirety of the views provided to the West and South-West, facing the Lane Cove River, and Woolrich will be retained.</p> <p>Where the view is impacted is towards the North-West, against Northwood and the adjoining dwelling houses.</p> <p>It is noted that the proposed development will not create any screening or have any visual impacts towards the water views of 17 Bent Street.</p> <p>While it is understood that the resulting development will have the greatest visual impact on 17 Bent Street, given that they directly adjoin 23 Seaman Street without any form of screening, these visual impacts are not considered to be major as it only screens the adjoining dwelling houses further towards the north of Seaman Street and retains a majority of the provided views.</p> <p>The principals state that views across side boundaries are harder to protect. It is an unreasonable expectation that neighbours retain 100% of views across side boundaries.</p>
<p>Principle 4 - Reasonableness of the proposal:</p>	<p>Planning Controls: The part of the proposal which affects views relates to the ground floor and lower ground floor extension.</p> <p>With the exception of height, the ground floor and lower ground floor extension complies with the relevant planning controls including:</p>

	<p>FSR: Complies with the FSR control of 0.5:1.</p> <p>REAR SETBACK: Rear building does not exceed the existing rear setback line.</p> <p>HEIGHT: As discussed in the clause 4.6 variation section of this report, a part of the roof of the upper-level addition varies the height control. The majority of the upper level is compliant with the 9.5m height control with the exception of a portion of the southern end of the roof.</p> <p>It is noted that the tenacity principles require that a more skilful design with the same development potential be explored to check if available.</p> <p>Alternative Design 1: Alternative design options to achieve a similar design outcome to the current proposed design, while allows for a reduction in the current view impacts indicated by the proposed development would be the reduction in the rear extensions of the proposed development and to provide these rooms to the upper floor addition instead.</p> <p>A reduction in the extension would allow for the retention of more views towards Northwood, however, would result in additional visual bulk and scale to the streetscape and cast additional overshadowing on 17 Bent Street, over what is already displayed.</p> <p>Alternative Design 2: Another alternative would be the further stepping and lower of the overall dwelling platform by 1 floor, which would greatly reduce the overall bulk and scale as well as view impacts of the dwelling house. While this would be considered the most advantageous, this would result in significant cut being imposed on the site, including the cliff drop off which is featured past the elevated swimming pool coping. This could pose significant danger to the site regarding structural stability and potential landslide risks, which cannot be considered.</p>
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Images:



Figure 14: View of 23 Seaman Street from main balcony – perspective of potential height.



Figure 15: View of 23 Seaman Street backyard



Figure 16: View of Lane Cove River from main balcony



Figure 17: View of South-adjoining neighbours – displays 2 and 3 storey elements.

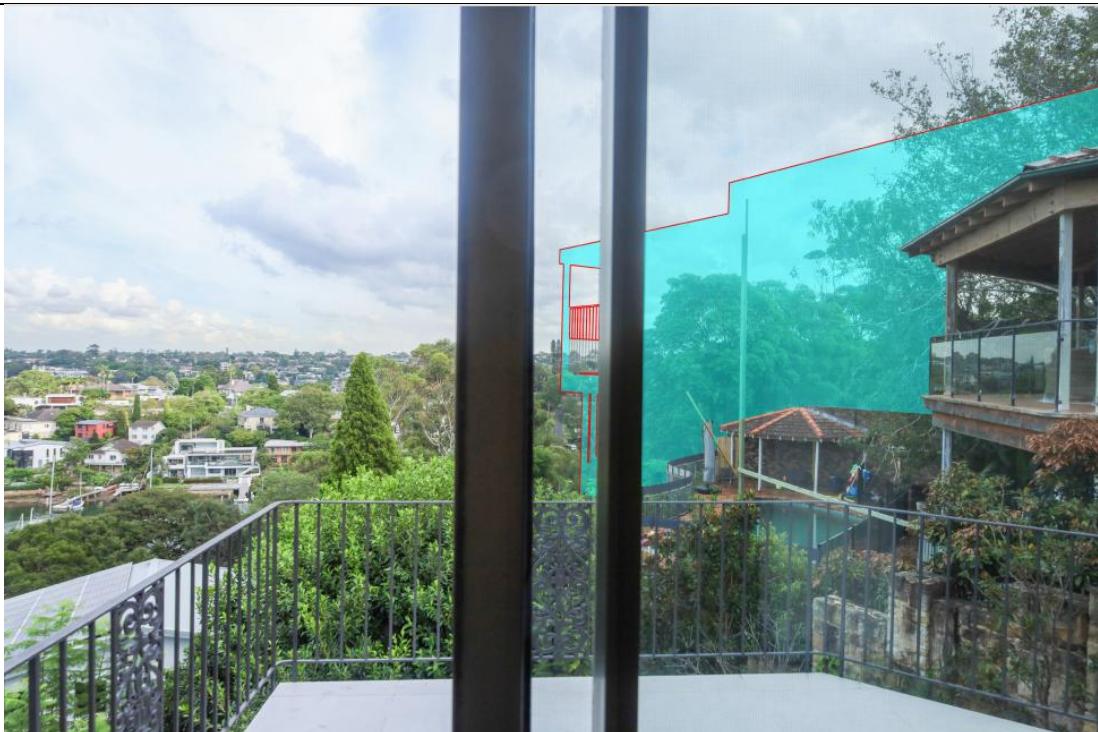


Figure 18: Side boundary visual impacts as detailed in the provided View Impact Assessment.



Figure 19: Sightline Map of 17 Bent Street showing that a majority of the views are being retained despite the extension – water views are not affected by extension.

Tenacity Assessment – 16 Seaman Street

Principle	Assessment
Principle 1 -Type of views:	The neighbours across the road at 16 Seaman Street enjoy expansive water views to the south,

	<p>south-east and south-west of the Lane Cove River, Woolrich, Northwood and parts of Cockatoo Island.</p> <p>These views are predominantly accessed from the new upper floor balcony that they have constructed, which spans across the entire front façade of the dwelling house. Additional views can also be seen from the upper dining room, master bedroom and living room.</p> <p>The water views are onto the Lane Cove River and go beyond to Cockatoo Island. The views enjoyed are not considered to be iconic Sydney harbour views (e.g. views to the harbour bridge, opera house, Luna Park.)</p> <p>It is noted that the view is covered by a lot of foliage and vegetation during summer. The owners have indicated that the views are clearer during Winter.</p>
Principle 2 - Where the views are obtained:	<p>The main views are obtained from the upper floor balcony along the front façade of the dwelling house, which provides expansive views across the Lane Cove River.</p> <p>The upper floor is also provided with a dining room, living room and master bedroom, all of which are provided with windows which overlook the view as well.</p>
Principle 3 - The extent of the impact:	<p>Lower Floor: At the time of the site visit it was noted that existing lower floor is provided limited viewpoints of the water, as such the upper floor balcony constructed. Though it is noted that the proposed upper floor addition for 23 Seaman Street will have a greater visual impact and create screening for the lower ground floor, the impacts are minimal as the existing viewpoints are less significant.</p> <p>Upper Floor: The views which are most significantly impacted are primarily obtained at the upper floor balcony and upper floor rooms. Though it is noted that a portion of the views will be screened as a result of the development, given the vantage point and height of the dwelling house in contrast to the surrounding streetscape as well as the overall expansive view the upper floor balcony provides, the development poses minor impact on the overall view of the dwelling house (please see figures below).</p>

	<p>Given this, it is considered that the extent of the impact the proposed development would be minor in comparison to the expansive views available to the site.</p>
<p>Principle 4 - Reasonableness of the proposal:</p>	<p>Planning Controls: The part of the proposal which affects views relates to the upper-level addition.</p> <p>With the exception of height, the upper-level addition for the master bedroom complies with the relevant planning controls including:</p> <p>FSR: Complies with the FSR control of 0.5:1.</p> <p>REAR SETBACK: Rear building does not exceed the existing rear setback line.</p> <p>HEIGHT: As discussed in the clause 4.6 variation section of this report, a part of the roof of the upper-level addition varies the height control. The majority of the upper level is compliant with the 9.5m height control with the exception of a portion of the southern end of the roof.</p> <p>It is noted that the tenacity principles require that a more skilful design with the same development potential be explored to check if available.</p> <p>Alternative Design: An alternative design would be the further stepping and lower of the overall dwelling house platform by 1 floor, which would greatly reduce the overall bulk and scale as well as view impacts of the dwelling house. While this would be considered the most advantageous, this would result in significant cut being imposed on the site, including the cliff drop off which is featured past the elevated swimming pool coping. This could pose significant dangers to the site regarding structural stability and potential landslide risks, which cannot be further considered.</p>

Images:



Figure 17: View from front upper balcony of 16 Seaman Street onto streetscape.



Figure 18: View of 23 Seaman Street from upper balcony



Figure 19: Closer view of Lane Cove River View (right side of 23 Seaman Street)



Figure 20: Closer view of 23 Seaman Street



Figure 21: Increase in Visual bulk of proposed development from street perspective – from provided Visual Impact Assessment.



Figure 22: Impact of proposed development on upper balcony views.

REFERRALS

Development Engineer – Part O – Stormwater Management

No objections subject to recommended draft conditions.

Tree Assessment Officer – Part J – Landscaping

No objections subject to recommended draft conditions.

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

The proposal complies with the Floor Space Ratio development standard.

The proposal does not comply with the Height development standard, for which a clause 4.6 variation is sought, which is supported.

OTHER PLANNING INSTRUMENTS

SEPP (Resilience and Hazards) 2021

The subject site and adjoining sites are zoned for residential purposes. Given the residential use of the site, it is unlikely that the site would be contaminated.

SEPP (Biodiversity and Conservation) 2021

The two relevant chapters are addressed under the following subheadings.

Chapter 2 Vegetation in non-rural areas

The aims of Chapter 2 have been satisfied as the proposed development would have a reasonable impact on the biodiversity value of trees and other vegetation.

Chapter 6 Water catchments

The aims of Chapter 6 have been satisfied as the proposed development would not adversely impact the quality of water entering the *Sydney Harbour Catchment*. This has been ensured by the proposed stormwater management system.

APPLICABLE REGULATIONS

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

VARIATIONS TO COUNCIL'S CODES/POLICIES

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

Control	Proposed	Comment	Council support
Clause 1.3.1 – Front Setback Minimum Front	Ground Floor: 2.0m Upper Floor: 3.0m	The proposed development is for alterations and additions and will retain majority of the existing ground floor. This utilizes the	Yes

Lane Cove Local Planning Panel Meeting 18 December 2025
23 SEAMAN STREET, GREENWICH

Setback: 7.5m		existing front setback of 2.0 metres for the ground floor which is consistent with the current dwelling house. The upper floor front setback is further increased to 3.0 metres and considered to be acceptable.	
Clause 1.3.2 – Side Setback Single Storey: 1.2m Two Storey: 1.5m	Ground Floor: 1.09m (from Bath 2) Upper Floor: 1.45m (from Bedroom 4)	Despite aspects of the dwelling house not meeting the requirements of the controls, these are point encroachments and are not consistent throughout the entire development. As such, majority of the proposed development is in keeping with the controls.	Yes
Clause 1.6 – Cut and Fill Maximum Cut and Fill: 1.0m	South-West corner of upper floor addition (Max Cut): Approx. 580mm South-West corner of rear balcony (Max Fill): 3.67m	The proposed maximum fill is located past the elevated swimming pool coping and is a result of the significant drop off at the rear of this coping due to the slope of the natural topography. This fill is not consistent throughout the site and will be managed appropriately.	Yes
Clause 1.7.1(a) – Wall Height The maximum wall height to the underside of eaves of any floor above existing ground level is 7.0m	9.31m wall height with a 630mm parapet proposed for a flat roof.	The proposed maximum wall height is due to the natural topography of the existing site, which constrains any development from providing walls which meet the requirements of the controls. The proposed flat roof reduces bulk and reduces the visual impacts caused by the walls and the increased parapet further hides any bulk from the development.	Yes
Clause 1.7.1(e) – Stories A maximum of 2 stories is permissible.	2 storey dwelling proposed with 3 storey elements (where the stairwells are located)	The proposed dwelling house is a split-level design which falls in accordance with the natural topography. Given the split in level the proposed development is 2 storeys at most points with the exception of the stairwells which are required to provide access to these different levels.	Yes
Clause 1.8.1 – Solar Access Dwellings to be designed so as to give reasonable solar access to the habitable rooms and	While the proposed development will be granted adequate solar access throughout the day, the proposed extensions will create overshadowing for the	While it is understood that the proposed extension will cause potential overshadowing for the adjoining properties, this is a result of the orientation and nature of the existing lot, which results in the side elevation facing north, which makes	Yes

Lane Cove Local Planning Panel Meeting 18 December 2025
23 SEAMAN STREET, GREENWICH

<p>recreational areas of the subject site and adjoining properties.</p> <p>At least 3 hours to be provided between 9:00am and 3:00pm.</p>	<p>adjoining property.</p>	<p>overshadowing inevitable.</p> <p>The proposal mainly overshadows garden beds and trees and will not create significant impacts into the usable rear yard of the adjoining property.</p>	
<p>Clause 1.8.2 – Privacy – Balcony Width</p> <p>Elevated decks and balconies greater than 1.0m above natural ground level are not to exceed a maximum depth of 3.0m.</p>	<p>Proposed upper floor addition deck width: 3.45m</p>	<p>While it is noted that the proposed upper floor decks exceed the maximum width limit, the plans indicate that these decks are to be provided with 1.8-metre-high privacy screens along the northern and southern edges, which effectively limits overlooking to the rear, which is the Lane Cove River.</p> <p>Given this, the width is considered acceptable.</p>	<p>Yes</p>
<p>Clause 1.9(e) – Garage Width</p> <p>Garages and carports facing the street should not exceed 50% of the lot width or 6.0m, whichever is lesser.</p>	<p>Proposed Garage is 7.2m wide.</p>	<p>The proposed garage presents as a double car garage and is 7.2 metres wide. It was noted at the time of the site visit that the predominant character of seaman street for dwelling houses facing the foreshore of Lane Cove River is to have garages adjoining the front boundary. Additionally, it has been noted that other dwelling houses along the street are provided with garage doors that are over 6.0 metres wide as well. As such, this is considered to be acceptable.</p>	<p>Yes</p>
<p>Clause 1.10.3(b) – Outbuilding Height</p> <p>Outbuildings shall not exceed one storey up to a maximum of 3.6m in height. The maximum external wall height is 2.4m.</p>	<p>Proposed garage is 6.22m high at the maximum towards the rear of the garage.</p>	<p>While it is noted that the rear of the proposed garage exceeds the maximum height limit of the control, this is again, due to the natural topography of the land, which slopes steeply towards the Lane Cove River. Given that the garage is required to provide flat usable space, and the fact that it does not have a driveway to help lower the overall platform, the height of the garage has been increased to compensate for this level difference. This height is limited towards the rear of the garage and does not impact the streetscape. As such it is considered to be acceptable.</p>	<p>Yes</p>

Part S – Clause 3.2(a) – Glazing Window-to-Wall ratios: For residential buildings, 30% when measured externally or 50% when measured on the internal façade, whichever is lower. Windows and walls facing onto private open spaces are excluded from the window-to-wall ratio calculation	The rear façade of the proposed dwelling greatly exceeds the 30% external window-to-wall ratio as required by the DCP.	While it is understood that the window-to-wall ratio of the western rear elevation of the proposed development greatly exceeds the controls, this elevation predominantly faces the Lane Cove River and is not visible from the perspective of adjoining dwelling houses. Additionally, these windows/doors to this elevation are provided with external covered balconies and privacy screens, and will be shaded throughout the day, which is unlikely to result in any reflectivity impacts on adjoining dwelling houses. As such, it is considered to be acceptable.	Yes
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IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))

The proposed development would have reasonable impact neighbouring properties or the public domain in terms of overshadowing, visual privacy, acoustic privacy, or traffic and parking. The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls.

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

The subject site would be suitable for the proposed development as the proposed use is permissible within the Zone. The proposed development would positively contribute to the amenity of the surrounding area and the subject site constrain the development or neighbouring sites.

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

Concern	Comment
Visual Impacts / Bulk and Scale Objectors: <ul style="list-style-type: none"> - 21a Bent Street - 21 Bent Street - 19 Seaman Street - 76 Alexander Street - 21 Seaman Street - 19a Bent Street - 16 Seaman Street - 17 Bent Street - 12 Seaman Street Concern: The general concerns of objectors who have raised	Response: While it is noted that the proposed alterations and additions for 23 Seaman Street will result in an increase in bulk and scale for the dwelling house, a majority of this increase is situated towards the rear of the site and will not result in any major visual impacts to the streetscape. The proposed upper floor addition to the dwelling house will result in the appearance of a two-storey dwelling house when viewed from the street, which is consistent with the character of the surrounding developments. While it is noted that the surrounding locality features the provision of pitch roofs, it is noted that 13 Seaman Street also features an array of flat roof's being provided to the dwelling house, meaning that the provision of a flat roof to 23 Seaman Street is not the only outlier along the streetscape.

<p>issue with visual impacts for the proposed development stem from the overall bulk and scale of the development as well as the potential changes to the overall street character the development poses, given it's of a more contemporary design and features a flat roof.</p> <p>They have also raised issue with the increases in the building footprint and envelope of the overall development and its potential visual impacts to the streetscape.</p> <p>Objectors have also raised concern in relation to visual impacts of the proposed development from the viewpoint of the Lane Cove River, with concerns that it will not be adequately screened by landscaping.</p> <p>17 Bent Street is also noted to share a boundary with the subject property, with their main concerns being the amount of bare walls which will face them from a northern aspect given the extension.</p>	<p>Regarding visual impacts from the Lane Cove River perspective, it is noted that the subject site is heavily vegetated towards the rear, a majority of which will be retained and protected by the recommended conditions of consent. Additionally, the existing dwelling house is located at a much higher level and does not directly adjoin the river. Increases in bulk and scale will create minimal visual impacts by way of perspective. Given the foreshore development which front and overlook the Lane Cove River, the proposed development is unlikely to create any significant visual impacts.</p> <p>For 17 Bent Street, it is noted that the proposed extension will create a visual impact along the side boundary, as demonstrated in the visual impact assessment. However, it was noted during a site visit to the property that the current dwelling house features a large rear balcony which can overlook the entire rear yard of 17 Bent Street. Additionally, 17 Bent Street is provided with a rear balcony which was also capable of overlooking the entire rear yard of 23 Seaman Street. The proposed extension will remove the swimming pool of 23 Seaman Street, as well as remove the rear balcony of the property, which will provide additional privacy to 17 Bent Street. Additionally, the extension will create no impact to the water views of 17 Bent Street.</p>
<p>Setbacks – Front / Side</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 21a Bent Street - 21 Seaman Street - 12 Seaman Street - 16 Seaman Street <p>Concerns:</p> <p>The main concerns of objectors who raised issue with setbacks are in regard to the minimal front and rear setbacks of the proposed dwelling house which do not meet the requirements of the DCP. The proposed development features a minimal front setback of</p>	<p>Response:</p> <p>While it was noted during the assessment process that these setbacks were not compliant with the DCP controls, there is merit to permit variations to the controls for these instances.</p> <p>The ground floor front setback is in keeping with the existing dwelling house, given that it retains the existing ground floor design and layout. Additionally, this setback is not consistent throughout the entire dwelling house given the irregular nature of the lot, as past the front entrance of the dwelling house, the provided front setback is more in keeping with the DCP control requirements.</p> <p>Given that the existing building is already provided with an established setback, the front setback of the proposed upper floor extension is considered an improvement given that it is an increase from the existing front setback. Again, this setback increases towards the southern side of the lot.</p> <p>While it is noted that the side setback for aspects of the</p>

<p>approximately 2.0 metres at the north-eastern corner of the ground floor and 3.0 metres for the upper floor extension.</p> <p>Additionally, Bath 2 features a ground floor side setback of 1.09m to the northern side property boundary. Bedroom 4 features a side setback of 1.45 metres to the southern side boundary. Given the provision of the lower ground floor extension, this technically makes it a non-compliance with the upper floor side setback requirements.</p>	<p>proposed development do not meet the requirements of the DCP controls, these are point encroachments and are considered to have minimal impact on the adjoining properties and are considered acceptable.</p>
<p>Privacy</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 21a Bent Street - 12 Seaman Street - 16 Seaman Street <p>Concerns: The main concerns of objectors who raised issues with privacy is the potential visual intrusion and impacts the development will have on adjoining privacy.</p>	<p>Response:</p> <p>While it is noted that the proposed development features the provision of rear facing balconies for all the proposed stories, these balconies have all been provided with 1.8-metre-high privacy screens, which effectively direct viewing to the rear of the proposed development, and mitigate any overlooking opportunities to the side property boundaries.</p> <p>Additionally, all side facing windows have been provided with adequate sill heights to also mitigate privacy impacts.</p> <p>While it is noted that there is a side facing balcony on the lower ground floor, given that it is located at natural ground level, it will be screened by existing boundary fencing and unlikely to create overlooking.</p>
<p>Glazing</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 76 Alexander Street - 21 Seaman Street' <p>Concerns: The main concerns of objectors who have raised issue with the glazing of the proposed development, is in regard to the proposed western elevation, which features the provision of large amounts of glazing, which will face the Lane Cove River.</p>	<p>Response:</p> <p>While it is noted that the western elevation of the proposed development does feature a significant number of glazed windows / doors, these windows are all noted to feature transparent glass, which should reflect minimal sunlight to the surrounding properties.</p> <p>Additionally, these windows / doors are provided with covered and screened balconies, and will be shaded throughout the day, which further reduces any reflectivity impacts on the surrounding properties.</p>

<p>Concerns are raised towards the reflectivity of this glazing on adjoining properties.</p>	
<p>View Impacts</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 76 Alexander Street - 21 Seaman Street - 12 Seaman Street - 16 Seaman Street - 17 Bent Street <p>Concerns:</p> <p>The main concerns of objectors who have raised an issue with view impacts are in regard to the potential impacts the proposed development will have on the any views of the Lane Cove River and other aspects, such as Cockatoo Island and Woolwich.</p> <p>Concerns have been raised that the development will create significant screening which will block many of the significant views enjoyed by the residents.</p>	<p>Response:</p> <p>While it is understood that the proposed development will create an increase in the visual bulk of the development, which may result in minor impacts to the views of the surrounding locality on the Lane Cove River and surrounding features, the Tenacity Assessment conducted by Council has determined that these impacts are minimal.</p> <p>With regards to 12 Seaman Street, given the position and distance from the subject development, the impacts of the proposed development are considered to be minimal. It is located at a higher position than 23 Seaman Street and enjoy expansive views of the water. Even with the added upper floor extension, the impacts are considered minimal.</p> <p>16 Seaman Street may be closer to the subject development; however, is also provided with a similar perspective, with expansive views of the Lane Cove River, especially given the provision of the upper floor balcony spanning across the front building façade. The dwelling house is located at a higher level than 23 Seaman Street, with the upper floor extension only impacting a minor portion of the view.</p> <p>21 Seaman Street is provided with a boundary wall, which covers past the end of the proposed building extension, as noted during the site visit. Given this, the proposed development will create no impacts to the current view provided to the dwelling house.</p> <p>While the development will create visual impacts towards 17 Bent Street, this will only impact view towards the north and will not result in any changes to the water view of the Lane Cove River. As such, impacts are considered to be acceptable.</p>
<p>Height</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 21a Bent Street - 21 Seaman Street - 21 Bent Street - 12 Seaman Street - 16 Seaman Street <p>Concerns:</p> <p>The main concerns of objectors who have raised issues with height is in regard</p>	<p>Response:</p> <p>While it is noted that the proposed development features breaches to the 9.5 metre maximum height limit, as set by the LCLEP 2009, the applicant has applied for a Clause 4.6 variation to the development standard.</p> <p>The breaches in the height control are largely due to the steep sloping topography of the existing site, which have resulted in point encroachments of the proposed roofing in breach of the height control. These breaches are not consistent throughout the entire development.</p> <p>The proposed upper floor addition breaches to the height control, are limited to the roofing only and is considered a minor</p>

<p>to the proposed development breaching the 9.5 metre maximum height limit as required by the LCLEP 2009.</p> <p>The breaches are roofing for the proposed upper floor extension at 9.94m and the south-west corner of the rear upper balcony at 10.41m.</p> <p>It is considered to contribute to the issues with bulk and scale and is believed to result in an overdevelopment of the site.</p>	<p>breach to height.</p> <p>While the breach for the rear balcony is more significant, this is also limited to the south-west corner of the proposed extension and is largely a result of the large drop off natural ground level, where it falls past the existing elevated swimming pool coping. As this is due to an extreme drop in natural ground level, this encroachment does not further add to the bulk and scale of the proposed dwelling house.</p> <p>The proposed development is a two-storey dwelling house with three storey aspects, which is required to provide stair access to the lower levels, given the split-level design. It has been noted that similar features exist in the surrounding locality.</p>
<p>Overshadowing</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 21 Seaman Street - 12 Seaman Street - 19a Bent Street - 16 Seaman Street - 17 Bent Street <p>Concerns:</p> <p>The main concerns of objectors who have raised issue with overshadowing are with regard to the additional shadows that the proposed development will cast on the surrounding properties.</p>	<p>Response:</p> <p>It is noted that the provided shadow diagrams of the proposed development indicate that the proposed development will create overshadowing on the adjoining properties, being 17 Bent Street.</p> <p>This is noted to be an issue created by the existing lot orientation, which results in the northern aspect of the dwelling house to be the side elevation, which will result in inevitable overshadowing of adjoining properties.</p> <p>It is noted that the development seeks to reduce potential solar impacts where practicable by proposing a flat roof instead of a pitch roof to mitigate height and overshadowing impacts on the adjoining properties.</p> <p>For 17 Bent Street, the provided shadow diagrams indicate that where a majority of the overshadowing will be cast, will not be on the usable portion of the rear yard, instead casting over the garden beds and trees in the rear yard. While portions of the dwelling house windows will be overshadowed, other windows will remain unaffected, as per the controls.</p>
<p>Car Parking</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 19 Seaman Street - 21 Seaman Street - 16 Seaman Street <p>Concerns:</p> <p>The main concerns of objectors who have raised issue with car parking are with regard to the provision of a three-car garage to the</p>	<p>Response:</p> <p>While it is noted that the proposed garage will allow for the parking of three cars for 23 Seaman Street, this layout of the garage acts as a partial tandem garage with a single car parking space adjoining it. This results in the garage presenting as a double garage, which is not outside of the surrounding street character.</p> <p>It was noted on multiple site visits that the surrounding adjoining houses, along the foreshore of Lane Cove River, feature an array of garages which are located adjacent to the street as well, so the setback of this garage is in keeping with the surrounding context.</p>

<p>proposed development, as well as with regard to its overall width and setback to the streetscape.</p>	<p>As for its width, other dwelling houses were also noted to have garages with doors wider than the maximum permissible 6 metres, along the surrounding street frontage, such as 21 Seaman Street and 15 Seaman Street.</p>
<p>Classification of Work</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 21a Bent Street <p>Concern:</p> <p>The objector believes the proposed development to be a full demolition and rebuild instead of an alterations and additions proposal and that it is classed incorrectly.</p>	<p>Response:</p> <p>While it is understood that portions of the existing dwelling house is proposed to be demolished as a part of the proposed alterations and additions, the current set of plans indicate that a majority of the existing ground floor of the dwelling house will be retained and kept as part of the proposed development, which will add extensions to this. Given this, the proposed work falls within the description of alterations and additions, as applied for.</p>
<p>Unauthorised Work</p> <p>Objectors:</p> <ul style="list-style-type: none"> - 21 Seaman Street <p>Concern:</p> <p>The objectors at 21 Seaman Street are noted to share a side boundary with the subject site. This side boundary has a brick wall, which acts as a boundary fence, which was reported to have been constructed without prior approval approximately 30 years ago by a previous owner, as a privacy screen to the existing elevated swimming pool. The fence reaches a height of approximately 4 metres from the perspective of the objector's property and creates visual impacts. The objector has raised issue with regard to this wall and requested it be rectified. The objector has also raised issues with the structural integrity of the wall.</p>	<p>Response:</p> <p>While it is noted that Council does not have any previous record of approval for this wall, given the fact that 30+ years have already passed since its construction and no previous complaints were raised with Council at the time of construction, Council does not deem it reasonable to burden the current owners of 23 Seaman Street with an order to demolish the wall.</p> <p>Additionally, this wall acts a boundary fence which separates the properties, the matter is to be managed under the Dividing Fences Act 1991, which is a civil matter to be resolved between the respective owners.</p> <p>As for any structural issues with the wall, it was noted during a site visit that, despite the split in the wall (as seen in Figure 9) the wall itself did not display any signs of failure, such as slanting. As such, given the structural integrity of the wall is not in any critical condition and does not pose risk to the public, orders for demolition are not required either.</p>

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

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

CONCLUSION

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

The application complies with the Floor Space Ratio development standard of the Lane Cove LEP 2009.

The proposal does not comply with the Height development standard of the Lane Cove LEP 2009. The applicant has lodged a Clause 4.6 variation request which is supported.

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

On balance, the proposed development is considered reasonable and is therefore recommended for approval subject to draft conditions.

RECOMMENDATION

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. Council is satisfied that the Clause 4.6 requirements have been met and that there are sufficient planning grounds to support the variation. The proposed development would be in the public interest as the exceedance is consistent with the objectives of the development standard and of the zone in which the development is to be carried out. It is therefore recommended that the Clause 4.6 request for the building height development standard be supported by the Lane Cove Planning Panel.

That pursuant to Section 4.16(a) of the Environmental Planning and Assessment Act, 1979 the Lane Cove Local Planning Panel, at its meeting of 18 December 2025, exercising the functions of the Council as the Consent Authority, approve Development Application DA124/2025 for demolition of existing swimming pool and alterations and additions to the existing dwelling house as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development would be in the public interest as it is consistent with the objectives of that particular standard and the objectives for development within the zone, subject to the following conditions:

PART A – GENERAL CONDITIONS

1. A.1 - Approved plans and supporting documentation

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

Plan No	Revision	Plan Title	Drawn By	Dated
431 – 100	-	Title Page	CF	20/08/2025
431 – 101	-	Existing Ground Floor Plan	CF	20/08/2025

Lane Cove Local Planning Panel Meeting 18 December 2025
23 SEAMAN STREET, GREENWICH

431 – 102	-	Existing Lower Ground Floor Plan	CF	20/08/2025
431 – 103	-	Existing Roof Plan	CF	20/08/2025
431 – 104	-	Proposed Ground Floor Plan	CF	20/08/2025
431 – 105	-	Proposed Lower Ground Floor Plan	CF	20/08/2025
431 – 106	-	Proposed First Floor Plan	CF	20/08/2025
431 – 107	-	Proposed Roof Plan	CF	20/08/2025
431 – 108	-	Elevation East	CF	20/08/2025
431 – 109	-	Elevation West	CF	20/08/2025
431 – 110	-	Elevation North	CF	20/08/2025
431 – 111	-	Elevation South	CF	20/08/2025
431 – 112	-	Section A-A	CF	20/08/2025
431 – 113	-	Section B-B	CF	20/08/2025
431 – 114	-	Section C-C	CF	20/08/2025
431 – 115	-	Window Schedule	CF	20/08/2025
431 – 116	-	Window Schedule	CF	20/08/2025
431 – 117	-	Door Schedule	CF	20/08/2025
431 – 118	-	Door Schedule	CF	20/08/2025
431 – 119	-	Shadow 9 AM	CF	20/08/2025
431 – 120	-	Shadow 12 PM	CF	20/08/2025
431 – 121	-	Shadow 3 PM	CF	20/08/2025
431 – 122	-	Site Plan & Landscape Plan	CF	20/08/2025
431 – 123	-	ESMP & WMP	CF	20/08/2025
431 – 124	-	Survey	CF	20/08/2025
24.G25-SMP-1	B	Stormwater Management – Site Plans	GNG	-
24.G25-SMP-2	B	Stormwater Management – Notes, Lower Ground Level	GNG	-
24.G25-SMP-1	B	Stormwater Management Details	GNG	-

Document Title	Version No.	Prepared By.	Dated.
BASIX Certificate	A1764418_02	Certified Energy	29 September 2025
Waste Management Form	1	C. Finlay	-

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

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

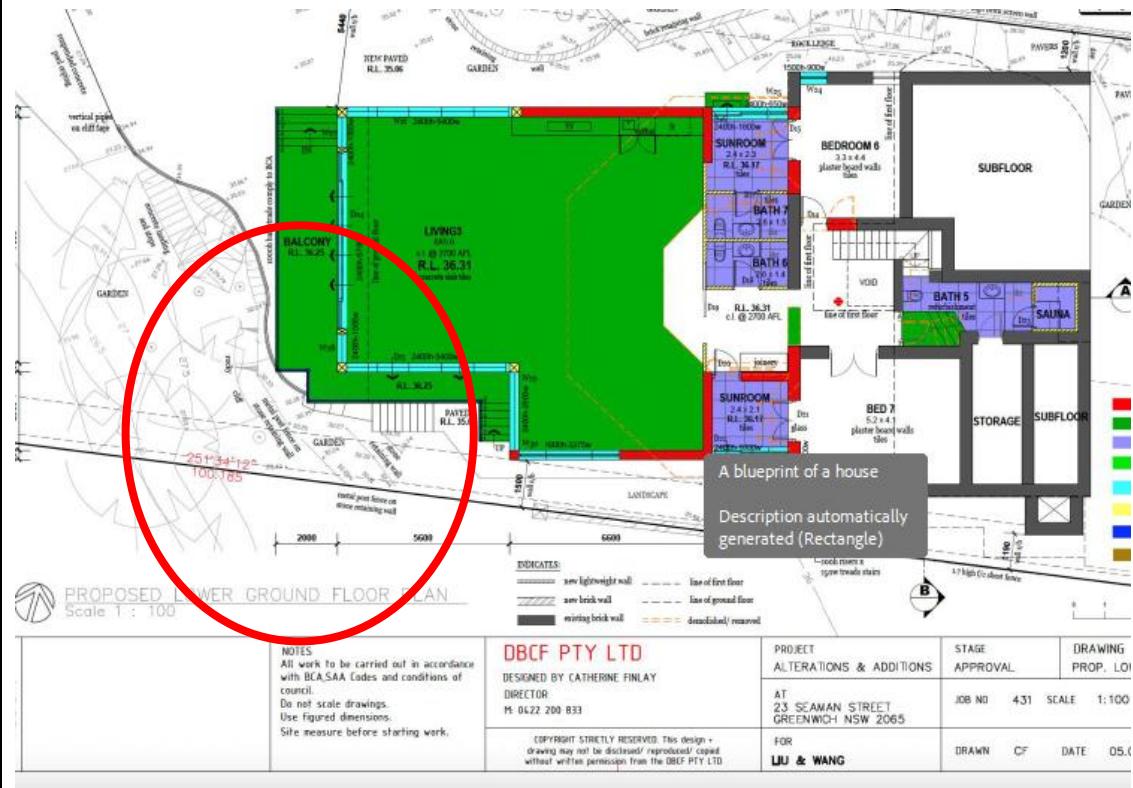
2. A.2 - Design amendments

Before issuing a construction certificate, the certifier must confirm that Council has approved the amended plans and arboricultural specifications listed below and ensure all construction plans incorporate any amendments approved by Council's Manager Development Assessment.

A. Amended Arboricultural Impact Assessment (AIA) report

An amended Arboricultural Impact Assessment (AIA) report is to be provided that incorporates the pocket of trees located within the area immediately below and

growing within the rock wall interface as identified below within the red oval.



The amended Arboricultural Impact Assessment (AIA) must evaluate the impacts on all previously unreported trees within this area. Specific recommendations must address how the proposed additions, located directly above the rock interface, will interact with or affect the *Ficus rubiginosa* growing from the rock interface.

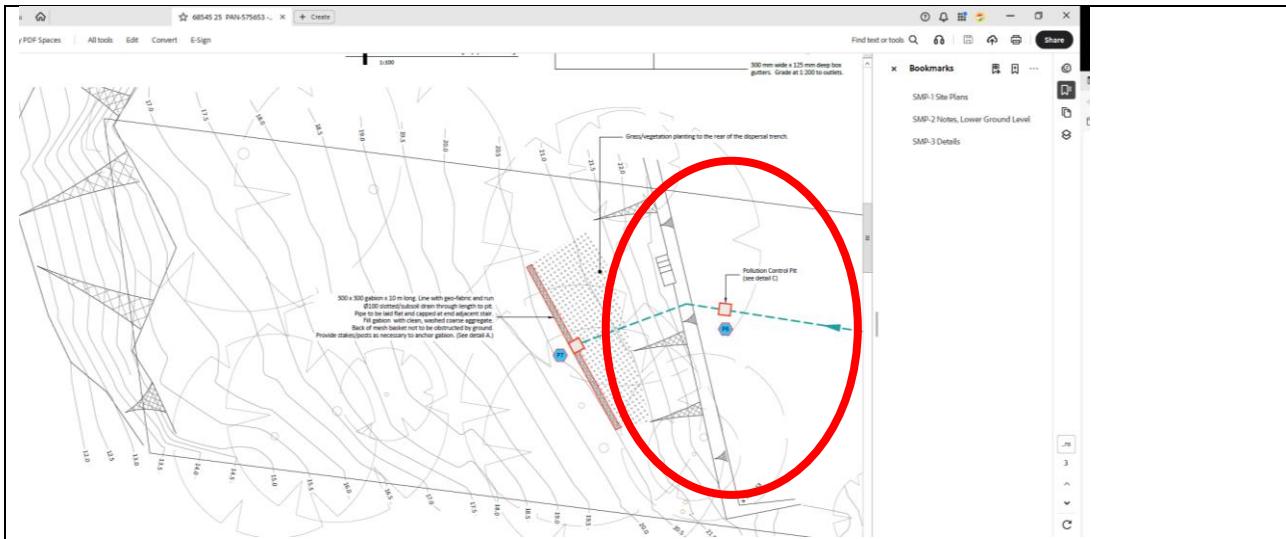
The amended AIA must also provide a Tree Protection Plan inclusive of revised tree protection specifications and holding points in accordance with Australian Standard 4970 - 2025 Protection of trees on development sites.

If any additional trees require removal, replacement planting within the consolidated lots must be provided at a minimum ratio of 1:1. These replacement trees must be clearly indicated on the amended Landscape Plans. All amended Landscape Plans must comply with the provisions outlined in Part J – Landscaping of the Lane Cove Council Development Control Plan 2009.

All recommendations and amended Plans must be reviewed and approved by Council's Principal Arborist.

B. Amended Stormwater Plan:

Provide an amended stormwater plan ensuring that no dispersal trench, structure, or service line is located within the Notional Root Zone or Structural Root Zone of trees A-E, as identified in the Arboricultural Impact Assessment by Growing My Way Tree Services (Version 2, September 2024; updated November 2024).



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

3. A.3 - Payment of security deposits

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

Security deposit	Amount
Infrastructure damage bond	\$5000.00
Council owned trees	\$3000.00

A \$5000.00 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements.

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.
- Making good any damage caused to any council owned street trees including remedial pruning, tree removal and tree replacement as a consequent of carrying out the works to which the consent relates.

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:

- 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	Dimension (meters)
2	<i>Jacaranda mimosifolia</i>	Nature Strip of Council Road Reserve	8 x 6m
3	<i>Jacaranda mimosifolia</i>	Nature Strip of Council Road Reserve	5 x 4m
4	<i>Liquidambar styraciflua</i>	Subject Site	10 x 5m
5	<i>Agonis flexuosa</i>	Subject Site	10 x 7m
A	<i>Eucalyptus punctata</i>	Subject Site	12 x 6m
B	<i>Leptospermum petersonii</i>	Subject Site	6 x 4m
C	<i>Leptospermum petersonii</i>	Subject Site	8 x 7m
D	<i>Glochidion ferdinandi</i>	Subject Site	8 x 6m
E	<i>Glochidion ferdinandi</i>	Subject Site	9 x 9m
F	<i>Callistemon viminalis</i>	Neighbouring Property	7 x 5m
G	<i>Callistemon viminalis</i>		5 x 4m

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

Tree No.	Species	Location	Dimension (meters)
1	<i>Lagerstroemia indica</i>	Subject Site	9.5 x 9m

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 certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by GNG Design Pty Ltd, reference No: 24.G25-SMP-1, revision: B and dated 21/08/2025/ This amended plan shall satisfy *Part O – Stormwater Management* of the Lane Cove Council Development Control Plan 2009:

1. All 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 – Stormwater Management* of the Lane Cove Development Control Plan.
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. Since there is bushland at the rear and requires special requirements, Council recommends to pipe roof water from the front section of the dwelling house to the street kerb. For this pipe system, a charged pipe system could be used from roof to fence line. The rest of the roof and/or impervious area shall be connected to a dispersal trench.
7. Minimum 1.8m height difference is required between start and end of the charged pipe system as per Section 5.1 of the Lane Cove DCP 2009. The details of design level difference must be shown in plan.
8. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
9. A pollution control pit (as shown in Section 3.4.1 in Part O of Council's Stormwater DCP) with mesh (RH3030) and sump (300mm minimum) is required within the site, at the start of the connection pipe to the Council kerb system or absorption trench. These details shall be shown in plan.
10. Driveway grated strip pit shall have a minimum 200mm of depth and minimum 1% fall inside.
11. The kerb connection pipe from fence line to kerb shall be designed for gravity discharge only and no charged pipeline allowed.
12. The kerb discharge point shall be minimum 300mm away from edge of driveway wing and complied with Section 4.1 in the Lane Cove DCP 2009.
13. For properties adjacent to bushland, approval is required from Council's Coordinator of Bushland on the design of the dispersal system to ensure that health and vitality of trees and vegetation are retained.
14. The installation of the dispersal trench shall be parallel to existing contour lines.
15. The dispersal trench shall be similar to the typical section shown in Appendix 7 in part O of Council's stormwater DCP and comply with Part H of Council's Bushland protection DCP.

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.

7. A.12 – Construction Certificate

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

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

8. A.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.

9. A.23 – Front Fencing

The proposed solid Front Fence is to be of a height no greater than 900mm from natural ground level.

Reason: To ensure that the front fencing does not create visual impacts to the streetscape.

PART B – PRIOR TO DEMOLITION WORKS

10. 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.

11. B.3.EH - Compliance with demolition standard

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

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

12. **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.

13. **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 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 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:

- a) Certify all tree protection measures have been installed in accordance with the approved Tree Protection Plan have been installed prior to commencement of works.
- b) Oversee the installation of any retaining walls within the Tree Protection Zone of retained trees.
- c) Oversee the installation of any stormwater/sewer service lines or pits within the Tree Protection Zone of retained trees.
- d) Prepare a pre-construction tree dilapidation report on the health of the trees to be retained and protected.
- e) Prepare a post - construction tree report upon completion for the development that includes all retained trees. The report must include any recommended remedial advice for trees post construction to mitigate and long-term construction impacts.

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

14. B.14 - Tree Protection Measures Fencing

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

- 1) Tree Protection Fencing specified by a minimum Australian Qualification Framework (AQF) Level 5 Arborist must be installed in accordance with the approved Tree Protection Plan.
- 2) 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 4 on page 18 of the Australian Standard 4970-2025 Protection of trees on development sites.
- 3) 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.

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

- 4) 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.
- 5) 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.
- 6) Such fencing and signage must be erected Prior to Demolition including site preparation and remain in place for the duration of the construction work.
- 7) Movement of Tree Protection Fencing must be overseen and approved by the project Arborist.

Reason: To protect the natural environment

15. B.15 - Pre-Construction Dilapidation Report: Trees to be Retained

Before the issue of a construction certificate, the project Arborist must prepare a pre-construction tree dilapidation report on the health of the trees to be retained and protected. The report shall include photographs of each tree, and any existing damage, defects or areas of concern well represented.

The principal certifier is to provide a copy of the pre-construction tree report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s) prior to the commencement of any works.

Reason: To identify condition to existing trees retained prior to commencement of building work on the development site

PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

16. C.1 - Construction site management plan

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

- Before commencement of any works, safety barriers or temporary fencing is to be provided around the work area. This fence is for the safety of pedestrians on the public footpath.
- Location and materials for protective fencing and hoardings within the site.
- Provisions for public safety
- Pedestrian access, including disabled and para access, is to be maintained throughout the course of the construction as per AS-1742.3, 'Part 3- Traffic control devices for works on roads'.
- Pedestrian and vehicular site access points and construction activity zones.
- Location of site storage areas and sheds.
- Equipment used to carry out all work.
- A garbage container with a tight-fitting lid.

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

Council Approvals

16. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
17. 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.

17. 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

18. 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.

19. 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.

20. 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.

21. 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.

22. C.27.E - Proposed vehicular crossing

The vehicular crossing servicing the property shall be reconstructed prior to the issue of the Occupation Certificate since widening of existing driveway is not allowed. The existing driveway shall be completely demolished and apart from the area of the new driveway shall be reinstated by standard kerb and gutter satisfying Council's standard. The new driveway shall be designed and complied with Council's standard drawing No:

CIV.4.2 and 3.1. The full section of vehicular crossing and driveway shall be designed and certified by qualified Traffic Engineer and approved by Traffic section of the Council.

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The applicant has to lodge Vehicular Crossing Application form and pay application fee as shown in this form to get these levels. This shall be done prior to Construction Certificate.
- b) The driveway opening width along at the face of kerb is to be no wider than 5.5(Double) or 4.0(Single and battleaxe).
- c) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- d) Certification is to be provided by a suitably qualified traffic engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- e) The section of the driveway between fence line and kerb line shall be perpendicular to kerb or satisfying Council's supervising engineer.
- f) 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.

PART D - BEFORE THE COMMENCEMENT OF BUILDING WORK

23. 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.

24. 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, which 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.

25. 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.

26. D.5 - Home Building Act requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being Council) has given Council written notice of the following information —

- a) In the case of work for which a principal contractor is required to be appointed -
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) In the case of work to be done by an owner-builder—
 - i) the name of the owner-builder, and
- c) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given Council written notice of the updated information.

Reason: Prescribed condition under section 71 EP&A Regulation 2021.

PART E - WHILE BUILDING WORK IS BEING CARRIED OUT

27. E.1.A - 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.

28. 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.

29. 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.

30. 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.

31. 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).

32. 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

33. 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.

34. 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 *4970-2025 Protection of trees on development sites*.
- 3) Any arborists' 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.

Reason: To protect trees during construction.

35. 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.

36. 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.

37. 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.

38. 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.

39. E.19.B – Encroachments

1. No portion of the proposed structure shall encroach onto adjoining properties and/or road reserve.
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 pipelines without Council's approval.
3. No encroachment is to occur into any public space.

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

40. 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.

41. E.21 – Biosecurity Weed Removal

The Biosecurity Act 2015 requires all declared weed species to be removed in accordance with the General Biosecurity Duty prescribed by the Act.

Reason: To ensure the compliance with the *Biosecurity Act 2015*.

42. E.22 – Demolition of structures within the Tree Protection Zone / Notional Root Zone or Structural Root Zone of protected trees

The demolition of the existing Structures within the Tree Protection Zone / Notional Root Zone or Structural Root Zone of retained trees must be overseen by the project arborist.

Demolition of above ground components must be undertaken from within the footprint of the existing structure. Machinery use is permitted. Unauthorized damage to the branch structure of a protected tree is a breach of consent.

The demolition of below ground elements within this area must be undertaken via the use of handheld pneumatic breaker tools (i.e. Jackhammer) and removed by hand under the supervision of the project arborist. No machinery within this area is to be used below existing grade.

Roots <40mm diameter that conflict with approved cut lines must be documented by the Project arborist and pruned with a sharp implement.

Exposed roots shall be protected in accordance with section 4.5.4 of 4970-2025 Protection of trees on development sites.

Reason: To protect the root system of retained trees.

43. E.23. – Excavation for retaining walls (root severance) and Construction of hard surfaces within a Tree Protection Zone / Notional Root Zone or Structural Root Zone of protected trees

The excavation and installation of any retaining walls and construction of hard surfaces within the Tree Protection Zone/ Notional Root Zone or Structural Root Zone of retained trees must:

- 1) Be undertaken under supervision of the project arborist.
- 2) Roots discovered within this location must be documented by the project arborist for compliance and pruned with a sharp implement. All wall footings must be located wholly within the subject site.
- 3) Exposed roots shall be protected in accordance with section 4.5.4 of 4970-2025 Protection of trees on development sites.

Reason: To minimise damage to retained trees.

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

44. 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, dispersal trench and pollution control pit 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 kerbs, gutter and footpaths to the satisfaction of Council's Urban Services Division.
- Certification from a suitably licensed contractor that all works have been constructed satisfying relevant Australian Standards.
- Certification from a qualified structural engineer that the proposed construction has been completed according to the approved plans and 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 approved plans.

45. 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.

46. 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.

47. 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.

48. 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.

49. F.19 – Replacement Planting

Any trees that are removed must be replaced on a minimum 1:1 ratio to comply with provisions outlined within Part J Landscaping of the Lane Cove Council Development Control Plan (LCCDCP) unless otherwise stated within this consent.

Tree planting is to achieve canopy targets as outlined within LCCDCP Part J section 3.5 & 3.6.

To achieve the above indigenous tree species may be selected from Appendix 1 LCCDCP part J Amendment 2024

Replacement trees must be a minimum 75Ltr size and achieve a minimum height of 2m at the time of planting, indicative tree size can be found within LCCDCP Part J 3.7.2 table 1.4.

Replacement trees must be purchased from a registered nursery and comply with provisions outlined within AS2303:2018 Tree Stock for Landscape Use.

Replacement 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 LCC DCP Part J Section 3.5 & 3.6.

50. F.20 – Post-Construction Dilapidation Report: Trees to be Retained

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

- 1) After comparing the pre-construction tree report to the post- construction tree 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 as 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.

- 3) **Before the issue of an occupation certificate**, the principal certifier is to provide a copy of the post-construction tree 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.

51. F.21 – Consolidation of lots

Prior to the issue of an Occupation Certificate, the two lots that form 23 Seaman Street, Greenwich, being Lot 8, Section 6, DP 3101 and Lot 1, DP 949545, are to be consolidated into a new single lot. A copy of the new Deposited Plan is to be provided to Council for confirmation.

Reason: To ensure that no additional occupation of the site is to be provided after the development is completed.

PART H - OCCUPATION AND ONGOING USE

52. 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 A.3**. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

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

53. H.4 - Maintenance of stormwater system

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

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

ATTACHMENTS:

There are no supporting documents for this report.