



26 October 2022

Our Ref SU7340  
Your Ref: SSD-13619238

Ms Megan Fu,  
Principal Planner, Social and Infrastructure Assessments  
Department of Planning Industry and Environment  
Locked Bag 5022 Parramatta NSW 2124

**Redevelopment of Greenwich Hospital (Detailed Design)  
at 97-115 River Road Greenwich (SSD-13619238)**

Dear Ms Fu,

Thankyou for the opportunity to comment on the Greenwich Hospital Redevelopment for the Detailed Design. (SSD-13619238). I refer to the above submitted application and have considered the submitted documentation.

Please refer to the attached Council submissions to the Concept Design (SSD-8699) dated 5 April 2019, and the associated SEARs (SSD-13619238) dated 18 February 2021.

On 10 November 2020, the concept proposal (SSD-8699) for the redevelopment of the Greenwich Hospital was recommended for approval by the Independent Planning Commission (IPC). The Commission considered that the proposed Seniors Living component to be strategically justified.

Despite the decision of the IPC, Lane Cove Council maintains that the Seniors Living component is not permitted within the zone under the Lane Cove Local Environmental Plan 2009. As per the Land Zoning Map, the SP2 Zone for the site at 97- 115 River Road Greenwich permits Health Service Facilities only.

The application for the Detailed Design SSD-13619238 and concurrent s4.55 modification to the Concept Proposal SSD-8699 proposed the following alterations and additions:

- An increase in total Gross Floor Area (GFA) of the Hospital and Seniors Living buildings.

<b>Concept Approval SSD-8699</b>	<b>Detailed Design SSD-13619238 / s4.55 to Concept Design</b>	<b>Additional GFA</b>
Hospital Building 12,750m <sup>2</sup>	Hospital Building 13,900m <sup>2</sup>	<b>1,150m<sup>2</sup></b>
Seniors Living Buildings (North and South)	Seniors Living North building 5,589m <sup>2</sup> Seniors Living South building 6,654m <sup>2</sup>	<b>1,253m<sup>2</sup></b>
Combined: 10,990m <sup>2</sup>	Combined: 12,243 m <sup>2</sup>	

### **Seniors Living Buildings.**

The IPC imposed a condition in the Concept Design approval which capped the maximum GFA of the Seniors Living Buildings at 10,990sqm. The current application proposes additional GFA of 1253sqm to the Seniors Living component. This would intensify the prohibited use within the SP2 Zone and is not supported by Council. The approved GFA of 10,990sqm is recommended to be maintained as a maximum.

### **Main Hospital Building.**

When LCC commented on the Concept Design, the expansion of the hospital was supported in principle, however the physical bulk of the hospital building was not supported by Council. The IPC imposed a condition in the Concept Design approval which capped the maximum GFA of the Main Hospital Building at 12,750sqm.

The s4.55 modification (SSD-8699) to the Concept Design and the proposed Detailed Design (SSD-13619238) would result in an additional 1,150sqm of GFA to the hospital building. The changes would add to the perceived bulk of the northern wing of the building in particular when viewed from River Road. The changes are not supported by Council. The approved GFA of 12,750sqm is recommended to be maintained as a maximum.

### **Pedestrian Pathway.**

Council requests that HammondCare construct a pedestrian pathway within the site through the north/eastern corner to provide a Shared User Path (SUP) between St Vincent's Road to the traffic lights on River Road. The pathway should be constructed without the removal of any canopy trees. The path would help discourage children from crossing River Road at the intersection of St Vincents Road when travelling to/from Greenwich Public School.

### **RECOMMENDATION**

Council does not support the additional GFA allocated to both the Seniors Living and Hospital buildings. Council requests the Department not to support the changes to the approval.

Should such be the determination be issued by the Department, it is further recommended that the below draft conditions of consent be imposed for inclusion and guidance when preparing the development consent. Please note in particular new suggested conditions 2 and 3.

Yours Sincerely,



Chris Shortt – Senior Town Planner  
Lane Cove Council

**DRAFT CONDITONS OF CONSENT**

1. (20) That the development be strictly in accordance with Drawing number/s (TO BE LISTED) except as amended by the following conditions.

**Reason:** To ensure the development is in accordance with the determination.

2. The payment of a contribution of **\$1,955,328.93** additional persons in accordance with council's section 7.11 contributions plan. This payment being made prior to the issue of a construction certificate and is to be at the current rate at time of payment. the amount would have to be calculated in the following manner at the current rate of \$11,529.18 per person on the 2022/2023 fees and charges. Note: payment must be in bank cheque. Personal cheques will not be accepted.

This contribution is for community facilities, open space/ recreation and road under the Lane Cove Section 7.11 Contributions Plan which is available for inspection at the customer service counter, Lane Cove Council, 48 Longueville Road, Lane Cove.

The Section 7.11 Contribution is calculated in the following manner:

**Residential Contributions**

<b>Dwelling Type</b>	<b>Total Number of persons per dwelling</b>	<b>Contribution payable @ \$11,529.18/person 2022/2023 fees and charges</b>
10 x 1-bedroom dwellings	10 x 1.2 persons = 12 persons 12 x \$11,529.18	\$138,350.16
64 x 2-bedroom dwellings	64 x 1.9 persons = 121.6 persons 121.6 x \$11,529.18	\$1,401,928.29
15 x 3-bedroom dwellings	15 x 2.4persons = 36 persons 36 x \$11,529.18	\$415,050.48
<b>Total Seniors living apartments</b>		<b>\$1,955,328.93</b>

The total Section 7.11 contribution for the proposal would be the total calculated above.

3. **Pedestrian Pathway**

Council requests that HammondCare construct a pedestrian pathway within the site through the north/eastern corner to provide a Shared User Path (SUP) between the St Vincent's Road to the traffic lights on River Road. The pathway should be constructed without the removal of any canopy trees.

**Reason:** For pedestrian safety

4. At least 10% of the dwellings, for the accommodation of residents shall be affordable places. The affordable places shall be proportional to the overall mix in the development, prior to the issue of construction certificate.

**Reason:** Compliance with Part 6 Clause 45(6)(a)(ii) of the State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004

5. The applicant is to identify, to the satisfaction of the Consent Authority, which of the dwellings would be set aside for affordable places prior to the issue of a construction certificate

**Reason:** Compliance with Part 6 Clause 45(6)(b) of the State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004.

6. Creation of a restrictive or positive covenant on the land for the continued provision of affordable places identified in this approval in perpetuity, prior to the issue of an occupation certificate.

**Reason:** Compliance with Part 6 Clause 45(8) of the State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004.

7. The affordable places identified in this approval shall be managed for providing community Housing, prior to the issue of an occupation certificate.

**Reason:** Compliance with Part 6 Clause 45(9) of the State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004.

**General Conditions**

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

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

9. (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

A Completion Certificate is to be issued by either the Principal Certifying Authority or a qualified accredited Fire Safety Engineer, confirming that all identified Performance

Solutions have been completed for the building PRIOR TO THE ISSUE OF A FINAL OCCUPATION CERTIFICATE.

**Reason:** Statutory requirement

10. (11) The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In", please refer to web site [www.sydneywater.com.au](http://www.sydneywater.com.au). This is to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier prior to the issue of a Construction Certificate.

**Reason:** Statutory requirement.

11. (37) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

**Reason:** Statutory requirement

12. (17) An Occupation Certificate being obtained from the Principal Certifier before the occupation of the building.

**Reason:** To ensure all works have been completed in accordance with the development consent conditions, approved plans and the Building Code of Australia.

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

Monday to Friday (inclusive)	7.00am to 5.30pm High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday.
Saturday	8.00am to 12.00 noon

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

Sunday

No work Sunday or any Public Holiday.

**Reason:** To ensure reasonable amenity is maintained to the neighbouring properties.

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

**Reason:** To protect the environment and public amenity.

15. (37) The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.

**Reason:** To protect the environment and public amenity.

16. (48) Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED.

Separate approval must be obtained from Council's Works and Urban Services Department PRIOR TO THE PLACEMENT of any building waste container ("Skip") in a public place.

**Reason:** To protect the environment and public amenity.

17. (49) Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:

- a) the name, address and telephone number of the Principal Certifier;
- b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
- c) a statement that unauthorised entry to the construction site is prohibited.

The signs shall be maintained for the duration of construction works.

**Reason:** To ensure public safety and public information.

18. (50) The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.

**Reason:** To protect the environment.

19. Standard Condition (56) Where Lane Cove Council is appointed as the Principal Certifier, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-

- a) All reinforcement prior to filling with concrete;
- b) The dampcourse level, ant capping, anchorage and floor framing before the floor material is laid;
- c) Framework including roof and floor members when completed and prior to covering;
- d) Installation of steel beams and columns prior to covering;
- e) Waterproofing of wet areas;
- f) Stormwater drainage lines prior to backfilling;
- g) Completion.

**Reason:** Statutory requirement.

20. Standard Condition (57) Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-

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

**Reason:** Statutory requirement.

21. (63) All metal deck roofs being of a ribbed metal profile, in a mid to dark colour range with an anti-glare finish. The intent of the condition is to reduce sun reflection and glare to protect the amenity of the surrounding residents.

**Reason:** To protect residential amenity.

22. Standard Condition (64) A check survey certificate is to be submitted at the completion of:-

- a) Dampcourse level;
- b) The establishment of each first floor level;
- c) The roof framing; and
- d) The completion of works.

Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.

**Reason:** To ensure the development is in accordance with the determination.

23. (66) The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal to be submitted PRIOR TO COMMENCING ANY DEMOLITION WORKS.

**Reason:** To ensure public safety.

24. (72) The demolition works being confined within the boundaries of the site.

**Reason:** To ensure compliance with the determination and public safety.

25. (77) All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.

**Reason:** To ensure public safety.

26. (78) The site being properly fenced to prevent access of unauthorised persons outside of working hours.

**Reason:** To comply with Work Health and Safety Regulations and ensure public safety.

27. (79) Compliance with Australian Standard 2601 - The Demolition of Structures.

**Reason:** To ensure compliance with the Australian Standards.

28. (130) Compliance with the Waste Management Plan submitted along with the application.

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

29. (132) It should be understood that this consent in no way relieves the owners or applicant from any obligation to obtain any other approval which may be required under any covenant affecting the land or otherwise nor relieve a person from the legal civil consequences of not complying with any such covenant.

**Reason:** To ensure all works are carried out lawfully.

30. (141) **Long Service Levy** Compliance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.

**COMPLIANCE WITH THE REQUIREMENTS OF THIS CONDITION MUST BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**

**Reason:** To ensure the levy is paid.

31. (142) **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.

**Reason:** Statutory requirement.

### **General Engineering Conditions**

32. **(A1) Design and Construction Standards:** All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.
- Reason:** To ensure all works are in accordance with Council's requirements
33. **(A2) Materials on Roads and Footpaths:** Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.
- Reason:** To ensure public safety and amenity
34. **(A3) Works on Council Property:** Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include hoarding applications, vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**
- Reason:** To ensure public works are carried out in accordance with Council's requirements
35. **(A4) Permit to Stand Plant:** 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 ensure public safety
36. **(A5) Restoration:** Public areas must be maintained in a safe condition always. Restoration of disturbed Council land and assets is the responsibility of the applicant. All costs associated with restoration of public land will be borne by the applicant.
- Reason:** To maintain Council infrastructure
37. **(A6) Public Utility Relocation:** If any public services are to be adjusted, because of the development, the applicant is to arrange with the relevant public utility authority the alteration or removal of those affected services. All costs associated with the relocation or removal of services shall be borne by the applicant.
- Reason:** To protect, maintain and provide utility services
38. **(A7) Pedestrian Access Maintained:** Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, '*Part 3 - Traffic control devices for works on roads*'.
- Reason:** To ensure pedestrian access is maintained
39. **(A8) Council Drainage Infrastructure:** The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council. If

a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater line is to be relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the relocation of the stormwater line are to be borne by the applicant

**Reason:** To protect public infrastructure

40. **(A9) Services** Prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.

**Reason:** To protect and maintain infrastructure assets

41. **(A11) Work Zone:** A Traffic Construction Management Plan and an application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to the commencement of the demolition and prior to any works that require construction vehicle and machinery movements to and from the site. If the development has access to a State Road, the Construction Management Plan and Work Zone need to be referred to RMS for approval. The approval of the Traffic Construction Management Plan and application for a Work Zone by Council's Traffic Section must be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

**Reason:** To provide safer working environment and minimize interruption to pedestrians and motorists

#### **Engineering conditions to be complied with prior to Construction Certificate**

42. **(B1) Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$5000 cash bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and gutter, drainage or other assets because of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred because of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the issue of the Construction Certificate.**

**Reason:** To protect and maintain public infrastructure

43. **(D1) Drainage Plans New:** A stormwater drainage plan prepared and certified by a suitably qualified engineer is to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.** The design is to be certified that it fully complies with, AS - 3500 and Part O of Council's DCP- Stormwater Management.

This plan should show full details of the new pipe network includes the following;

1. Proposed pipe system should show pipe sizes and invert levels confirming pipe system satisfies Council DCP;
2. Clean out pits at all low points of charged drainage line;
3. Sediment control fence around site and shown in plan;
4. Subsoil agg-line drainage is required around proposed buildings, or as it is necessary and connected to proposed drainage system;
5. Driveway grated strip pits are installed at required locations where it is required;
6. Runoff from driveway is collected by grated driveway pit and is connected to pit;
7. To comply with section 5.1 of the DCP, a 1.8m height difference is required between roof gutter and the invert at discharge point of charged system;
8. To comply with section 4.3 of the DCP, the discharge pipe is to be connected into the Council pipe. One pit (900mm x 900mm) is required at this connection point;
9. A Gross Pollutant Trap (GPT) suitable for this site and DA is to be installed; and
10. No Onsite Stormwater Detention (OSD) is required.

This design is to be certified that it fully complies with, AS - 3500 and Part O of Council's DCP - Stormwater management; certification is to be attained by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority (PCA) **prior to the issue of the Construction Certificate.**

The PCA is to be satisfied that any amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, for the issue of the Construction Certificate.

**Reason:** To ensure the proposed stormwater designs meet and satisfy Part O of Council's DCP

44. **(D5) Dilapidation Report** The applicant is to provide a dilapidation report of all adjoining properties and any of Councils infrastructure located within the zone of influence of the proposed excavation.

Dilapidation report must be conducted by a suitably qualified engineer **prior to the commencement of any demolition, excavation or construction works.** The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The Initial dilapidation report must be submitted to Principal Certifying Authority **prior to issue of a Construction Certificate.**

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principle Certifying Authority **prior to issue of an Occupation Certificate.**

**Reason:** To provide a record of public and private infrastructure

45. **(K4) Council Inspection Requirements:** The following items are to be inspected:
- Proposed stormwater connection to existing Council pipe

The item is to be inspected prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.

An Inspection fee is to be paid **prior to the issue of the Construction Certificate.**

**Reason:** To ensure completion of work satisfying Council

46. **(V8) Car Parking:** All parking and associated facilities are to be designed and constructed in accordance with AS 2890 Series. The following plans shall be prepared and certified by a suitably qualified engineer demonstrating:

- Longitudinal section along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scaping provisions of AS2890.1. It shall include all levels and grades, including those levels stipulated at boundary levels, both existing and proposed. It shall extend from the centre line of the roadway through to the parking area.
- Sections showing the clearance to the underside of any overhead structure demonstrating compliance with the clearance provisions of AS2890.1.

The design is to be certified that it fully complies with AS 2890 Series and Council's standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

**Reason:** To ensure compliance with Australian Standards

47. **(V4) Car Parking Certification:** The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities shall be submitted to the Principal Certifying Authority.

The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

**Reason:** To ensure compliance with Australian Standards and Council's standards

48. **(V5) Traffic Management Plan:** Prior to submission to the principle certifying authority a traffic management plan is to be submitted to and approved by Lane Cove Council.

The traffic management plan shall be prepared and certified by a suitably qualified person. The plan is to fully comply with AS-1742.3 and the consent authority's requirements. The plans and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

**Reason:** To ensure safety of pedestrian and motorist around work site\

**Engineering condition to be complied with prior to commencement of construction**

49. **(C2) Erosion and Sediment Control:** The applicant shall install appropriate sediment control devices **prior to the start of any works on the site**. The devices shall be maintained during the construction period and replaced when necessary.

**Reason:** To ensure worksite pollutions are controlled accordingly to protect the environment

50. **(D7) Safety fence along the boundary of the property:** Before commencement of any works, barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath.

**Reason:** To ensure safety of road and footpath users

### **Engineering condition to be complied during construction**

51. **(H3) Heavy Vehicle Duty Employee and Truck Cleanliness:**

The applicant shall:

- Inform all contractors in writing of Council's requirements relating to truck cleanliness when leaving the site.
- Keep a register of all contractors that have been notified. The register is to be signed by each contractor. The register should always be available to Council officers to access.
- Ensure an employee is located within close proximity to the site exit during site operation hours. This employee is to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site.

Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be permitted re-entry into the site for the duration of the project.

**Reason:** To protect the environment

52. **(H5) Covering Heavy Vehicle Loads:** All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "*Penalty Infringement Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.

**Reason:** To ensure worksite pollutants are controlled to protect the environment

53. **(H4) Truck Shaker:** A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment

tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

**Reason:** To protect the environment

### **Engineering condition to be complied with prior to Occupation Certificate**

54. **(M1) Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, part O of Council's DCP-Stormwater Management and AS - 3500. The certification is to include a work-as-executed plan. The work-as-executed plan shall:

- (a) Be signed by a registered surveyor; and
- (b) Clearly show the surveyor's name and the date of signature.

All documentation is to be submitted to the Principle Certifying Authority **prior to the issue of the Occupation Certificate.**

**Reason:** To ensure stormwater infrastructure has been installed in accordance with Australian Standards and Council's requirements

### **Tree conditions**

55. The Arborist report is to be amended to include the construction impact on all trees proposed for retention. The assessment is to be presented in a format consistent with Australian Standard 4970 Protection of Trees on Development Sites (2009). Encroachment is to be expressed as a percentage of the total Tree Protection Zone area and concluded as a minor or major impact with options for mitigation where possible.

**Reason:** Tree Protection.

56. The Arborist report is to provide site plans that are accurately scaled to 1:100 or 1:200. All trees Tree Protection Zone and Structural Root Zone are to be accurately located on the scaled plans. The reason is so the Consent Authority can determine retained trees will be subject to acceptable levels of construction impact and be preserved throughout development.

**Reason:** Tree Protection.

57. Lane Cove Council regulates the Preservation of Trees and Vegetation in the Lane Cove local government area in accordance with State Environmental Planning Policy (Vegetation in non-rural areas) 2017. Part 2 Section 7(1) of the SEPP states "*A person must not clear vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.*" Clearing of vegetation includes "*a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or b) lop or otherwise remove a substantial part of the vegetation.*" Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW). The maximum penalty that may be imposed in respect to any such offence is \$1,100,000.

**Reason:** Tree Protection.

58. A site-specific Tree Protection Plan produced by an AQF5 Consulting Arborist showing protective measures for all trees within 5 metres of the development is to be included in the recommended scaled site plans. All tree protective measures must be in place prior to any works commencing on the site and must be maintained for the duration of works on the site. The plan must include a work method statement specific to working within the tree protection zones. The plan must meet Australian Standard AS4970-2009 Protection of Trees on Development sites and AS4373-2007 Pruning of Amenity Trees.

**Reason:** Tree Protection.

59. Footing, trench or excavation that is within the TPZ of any retained trees must be carried out under the guidance of the Project Arborist and using non-destructive techniques. No tree roots greater than 40mm diameter to be severed or damaged unless approved by the Project Arborist. All roots are to be pruned and documented by the Project Arborist then submitted with the final certificate of compliance upon completion of the project. **Prior to the issue of Occupation Certificate.** Once Complete and roots have been pruned clear of the area, civil machinery may resume excavation from outside of the tree protection zone.

**Reason:** Tree Protection.

60. No roots greater than 40 millimetres in diameter are to be severed, damaged or crushed during the development phases from retained trees. Removal of existing surfaces is to be manual and the existing sub-base used to minimise soil compaction. Where the use of existing sub base is not possible, the use of gap graded sub base around tree roots is recommended to reduce compaction over roots. An inspection and certificate/statement from an AQF level 5 Arborist is required to be submitted to council **prior to the issue of Occupation Certificate** to demonstrate compliance.

**Reason:** Tree Protection.

61. A Project Arborist of minimal AQF Level 5 qualification is to be appointed **prior to the issue of the Construction Certificate** to oversee/monitor trees condition during construction and sign off on tree protection measures. Trees are to be monitored throughout construction and a certificate produced upon completion demonstrating the trees have been maintained in good condition. All certificates are to be available to the Principal Certifier within five days of site attendance and must be available to council immediately upon request; failure to produce the latest certificate will be considered a breach of conditions. Final certification is to be submitted to the Principal Certifier **prior to the issue of Occupation Certificate.**

**Reason:** Tree Protection.

62. The project Arborist must be on site and provide certification for their site attendance and supervision of the following works located within the Tree Protection Zone of the Bull Bay Magnolia and the Tree Fern.

**Reason:** Tree Protection.

All works are to be carried out to Australian Standard 4373-2007 and 4970-2009, works are to be documented by the project Arborist and submitted to council **prior to the issue**

**of Occupation Certificate.** All roots greater than 50 millimetres in diameter are to be retained and all roots pruned are to be recorded and included in the Arborist certificates.

**Reason:** Tree Protection.

63. The Project Arborist is to submit a statement upon completion of the development that all points contained within section 10 of the Arborist report have been met. The statement is also to recommend remedial advice for trees post construction to mitigate construction impacts long term. The statement is to be submitted to and approved by the Principal Certifier **Prior to the issue of the Occupation Certificate**

**Reason:** Tree Protection.

64. Trees removed as part of the DA process must be replaced at a ratio of no 1:1 and all plantings/landscaping must comply with part J Landscaping of the Lane Cove Development Control Plan 2010 and be installed **prior to the issue of the Occupation Certificate.** Replacement trees are to be installed by a qualified Horticulturalist; the tree(s) are to be provided with support stakes, mulch and initial watering.

**Reason:** Tree Protection.

### **Ecological Conditions**

65. The applicant is required to submit a detailed landscape plan for the development to the Principal Certifying Authority and Council **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.** The plan is to be produced by an accredited Landscape Architect and is to be prepared in accordance with the following:
- The recommendations set out in the Biodiversity Development Assessment Report prepared by Keystone Ecological dated January 2019 must be incorporated in the detailed landscape plan.
  - All plant species to be used for landscaping in the areas visible from the public domain and adjacent to Gore Creek Reserve must be species indigenous to the existing natural vegetation community types on site identified in the Biodiversity Development Assessment Report and to the satisfaction of Council's Manager, Open Space.
66. The applicant is required to submit a detailed bushland rehabilitation plan for the DCP Part H Bushland and Buffer Areas and the riparian zone to the Principal Certifying Authority and Council **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.** The plan is to be produced by a suitably qualified and experienced bush regeneration specialist.
67. The Site Management Plan is to include details of suitable site protection measures for the DCP Part H Bushland and Buffer Areas adjacent to Gore Creek Reserve must be to the satisfaction of Council's Co-ordinator Bushland.

68. The All bush regeneration works within the DCP Part H Bushland and Buffer Areas within the development site must be carried out to the satisfaction of Council's Co-ordinator Bushland. **Work must not commence in this area, including control of any weeds, until an on site meeting has been held with Council's Co-ordinator Bushland and a suitable work plan has been prepared.**
69. The applicant must show some verification that the appropriate plant species have been sourced and ordered from a suitable plant nursery. A species list for the adjacent Gore Creek Reserve is available on request.

### **Landscaping Conditions**

70. For developments larger than dual occupancy the landscape documentation must be prepared by a registered landscape architect (RLA), a landscape architect who is eligible for membership in the Australian Institute of Landscape Architects (AAILA), or a landscape designer who is a member of the Australian Institute of Landscape Designers and Managers (AILDM) in accordance with Lane Cove Council's DCP Part J Landscaping Section 1.7 Who Can Prepare a Landscape Plan?
71. The revised landscape plans must be in accordance with the relevant sections of the ADG with particular attention to the following:
- **Part 3; Siting the Development:**
    - a. Objective 3A-1 – Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context;
    - b. Each element in the Site Analysis Checklist should be addressed (see Appendix 1 of the ADG);
    - c. Objective 3C-1 – Transition between private and public domain is achieved without compromising safety and security;
    - d. Objective 3C-2 - Each element in the Site Analysis Checklist should be addressed (see Appendix 1);
    - e. Objective 3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping;
      - i. Communal open space has a minimum area equal to 25%ofthe site
      - ii. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)
    - f. Objective 3D-2 = Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting
      - i. Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces of the ADG), incorporating some of the following elements:
        - 1. seating for individuals or groups

2. barbecue areas
  3. play equipment or play areas
  4. swimming pools, gyms, tennis courts or common rooms
- ii. The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts
  - iii. Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks

- **Part 4; Designing the Building: 4.O Landscape Design**

- a. Objective 4O-1 - Landscape design is viable and sustainable
  - i. Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:
    1. Diverse and appropriate planting
    2. Bio filtration gardens
    3. Appropriately planted shading trees
    4. Areas for residents to plant vegetables and herbs
    5. Composting
    6. Green roofs or walls
  - ii. Ongoing maintenance plans should be prepared
  - iii. Microclimate is enhanced by:
    1. appropriately scaled trees near the eastern and western elevations for shade
    2. a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter
    3. shade structures such as pergolas for balconies and courtyards
  - iv. Tree and shrub selection consider size at maturity and the potential for roots to compete (see Table 4)
- b. Objective 4.O-2 Landscape design contributes to the streetscape and amenity
  - i. Landscape design responds to the existing site conditions including:
    1. Changes of levels
    2. Views
    3. Significant landscape features including trees and rock outcrops.

- **Part 4; Designing the Building: 4.P Planting on Structures**

- a. Objective 4P-1 - Appropriate soil profiles are provided
  - b. Objective 4P-2 – Plant growth is optimised with appropriate selection and maintained
  - c. Objective 4P-3 -Planting on structures contributes to the quality and amenity of communal and public open spaces
72. The Applicant must ensure that planting on structures provides for adequate soil depth, volume and a suitable soil profile to support the number of trees and shrubs indicated on

the approved DA plans in accordance with the table provided in DCP Part J 1.10 – Planting on Structures.

- A detailed landscape plan showing the construction methods of the proposed planter boxes shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate and should include the following:
  - Type of wall;
  - Dimensions of wall;
  - Levels for both top of wall and bottom of wall;
  - Materials used for the wall;
  - Drainage information;
  - Waterproofing information;
  - Soil profile and depth for each plant type;
  - Proposed soil volume;
  - Sections and elevations clearly illustrating the design intent and how it pertains to the human scale;
  - Plant materials specified for each of the planter boxes; and
  - Certification from a practicing Structural Engineer

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.

73. A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report must certify that all landscape works have been completed in accordance with the landscape working drawing. A copy of the report must be submitted to Council;

*Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.*

74. A copy of the agreed maintenance schedule of all site landscaping shall be submitted by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation.
75. All landscaping areas shall have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants. The watering times and frequencies are to be adjusted seasonally to account for the different watering requirements for the temperatures and hours of sunlight for each season and maintained for the life of the development. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance period.
76. A qualified practising landscape architect or landscape designer is to certify that the proposed subsoil drainage and any associated waterproofing membrane, have been installed in accordance with the details shown on the landscape working drawings and specification. Works are not to progress until the principal certifying authority has confirmed that this condition has been satisfied;

*Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.*

77. At the completion of the landscape maintenance period, the consultant landscape architect/ designer must submit a final report to Council or the accredited certifier, certifying that all plant material has been successfully established, that all of the outstanding maintenance works, or defects have been rectified prior to preparation of the report and that a copy of the 12-month landscape maintenance strategy has been provided to the Owner/ Occupier. A copy of the report must be submitted to Council;

*Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within 5 working days of the date of issue.*

78. The Supervising Arborist must provide a report detailing the health and condition of all retained trees prior to any works commencing and again at the completion of the site development. The report must contain recommendations for any management of the tree to ensure its ongoing viability. A copy of the report must be submitted to Council;
79. All plants shall be maintained in a healthy condition for the life of the development with replacement plants installed within 6 months of their demise. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance period.

### **Environmental Health conditions**

80. Noise & Vibration: A Construction Noise Management Plan (CNMP) is to be submitted addressing both noise and vibration impacts on the surrounding area. It should be noted that the site is located on a sandstone bedrock and this may have significant impacts on the surrounding residential area and the nearby schools. The CNMP shall include a complaint management plan to address any submissions from the community.

**Reason:** EHO Condition.

81. Operational Noise: An acoustic report addressing the impact of traffic, plant and equipment from the site when in operation is to be submitted for assessment.

**Reason:** EHO Condition.

82. Waste Management: A waste management plan is to be submitted to address the management of general waste and recycling and the management of clinical/hazardous waste.

**Reason:** EHO Condition.

83. Contamination: A detailed Stage 2 contamination report is to be prepared for the site to address the impact both on and off site of contaminants. An RAP is to be prepared for the removal and disposal off the UST's that are located on the site. An asbestos management plan is to be prepared for the demolition of the existing buildings.

**Reason:** EHO Condition.

### **Parking and servicing**

84. Car parking requirements are to be in accordance with the SEPP and Part R of Council's DCP.
85. As per the requirements of Roads and Maritime Services (RMS) the eastern unsignalised entrance at River Road is to be restricted to left in/left out only.
86. The proposed Car Park design shall comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the Car Parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
87. The access to the car park shall comply with Australian Standards. AS 2890.1-2004.
88. Visibility requirements of the proposed access must comply with AS 2890.1-2004.
89. All accessible car spaces in the car park are to be adequately signposted and linemarked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and the height clearance.
90. All residential waste must be collected on-site.
91. All vehicles must be able to enter and exit in a forward direction.

**Reason:** Parking Requirements:

### **Pedestrians / Cycling**

92. All cycling racks and secure bike parking provided on-site must meet the minimum standards as outlined in Section 4.3 in Part R of the DCP and designed in accordance with AS 2890.3: 2015. Alternative designs that exceed the Australian Standards will also be considered appropriate.
93. Cycle parking in the basement car park should be as close to the car park entrance as possible so as to be both convenient and safe for cyclists to use. Secure bike lockers or a bike cage should be provided for residents' bikes.
94. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.

**Reason:** Pedestrian Cycling safety

### **Construction Traffic Management Plan**

95. A Construction Traffic Management Plan must be lodged with the Council prior to the issuing of a Construction Certificate. The Construction Traffic Management Plan should address (but not necessarily be limited to) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, public transport and any conflict with other road users in the street, proposed Work Zone and impact of construction traffic activities on residents and cyclists. The Construction Traffic Management Plan should also

restrict the impact of heavy vehicles travelling through the surrounding local road network and the surrounding residential and business developments.

Any proposed Work Zone shall be clearly shown on plans and application be made to Council and RMS in accordance with approvals required for the Works Zone, Crane Permits and other associated works. Wherever possible, construction vehicle parking should be contained within the site.

Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of the preparation of Construction Traffic Management Plan.

### **Aboriginal Heritage Office Conditions**

The Aboriginal Heritage Office agrees with the recommendations of Cultural Heritage Connections Pty Ltd (2018),

96. In the parts of the project area assessed as having low archaeological potential and low potential to contain Aboriginal objects, it is recommended that there are no objections to the development on Aboriginal archaeological grounds.
97. In the area identified as having moderate archaeological potential (Figure 8) impacts should be minimised.
  - (a) If rock overhangs are uncovered / made accessible during landscaping works further archaeological inspection should be undertaken to determine whether Aboriginal objects are present. If necessary, a cultural heritage management plan should be put in place to prevent unforeseen indirect or direct impacts to Aboriginal objects.
  - (b) As development consent is being sought for Concept Plan approval, development impacts in the area of moderate archaeological potential can be minimised by design refinements, if required, at the subsequent detailed DA stage. These design refinements could include minor repositioning of building footprints; and/or a pier and beam structural system to avoid extensive excavation. Many trees in the area will be retained and disturbance to ground surface area will be kept to a minimum. In light of this, the likelihood of impact to Aboriginal objects in this area is low. When the development footprint and construction methods are finalised, impacts should be managed via a construction management plan.
  - (c) Consideration should be given to interpretation of cultural values to be incorporated in to the open space areas within the development.
98. A protocol should be put in place to deal with any unexpected Aboriginal objects that may be located during the course of the project. This should be included in the construction management plan or equivalent documentation. A draft protocol is presented below.
99. In the extremely unlikely event that suspected human remains are found the Coroners Act 2009 requires that all work must cease, the site should be secured and the NSW Police

and the NSW Coroner's Office should be notified. If the remains are found to be Aboriginal, OEH and the LALC should be contacted to assist in determining appropriate management.

100. If areas of *in situ* sandstone outcrop are in the proposed development area or revealed during works (i.e. platforms over 2m square), the Aboriginal Heritage Office would recommend a preliminary inspection by a qualified Aboriginal heritage professional prior to any further development. If there is evidence of Aboriginal heritage, the impact to these sites should be minimised. If there are no existing sandstone outcrops present (or if any outcrops that were present were properly excluded from future impacts), then no further assessment is required and the Aboriginal Heritage Office would not foresee any further Aboriginal heritage constraints on the proposal.
101. Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted

**Reason:** To protect Indigenous heritage.