



Lane Cove Council

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5 April 2019
Our Ref SU7340
Your Ref: SDD8699

Mr David Gibson
Team Leader, Social Infrastructure Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Gibson,

Redevelopment of Greenwich Hospital (Concept Proposal) at 97-115 River Road Greenwich (SSD8699)

I refer to your Notice of Exhibition dated 11 February 2019 and accompanying two volumes of the Environmental Impact Statement (EIS) in relation to a Development Application for the Redevelopment of Greenwich Hospital (Concept Proposal) (SSD8699).

Executive Summary:

The Minister for Planning is the Consent Authority and written submissions on this State Significant Development proposal will be accepted until 5 April 2019. (Extended from the original date of 15 March 2019.)

The application is for a concept approval which considers the likely impact of the Concept Proposal.

There are a number of aspects of the proposal which are not supported by Council including:

- The proposed Seniors Living Accommodation component (apartment buildings and villas) of the proposal is not permitted within the zone under the Lane Cove Local Environmental Plan 2009. The SP2 Zone only permits Health Service Facilities. The Seniors Living element should be removed from the development or at least significantly reduced to be clearly ancillary to the primary medical use;
- The proposal would result in an unacceptable loss of tree canopy and is contrary to Planning priority N19 of the North District Plan; and
- Although the expansion of the hospital use is supported in principle, the physical bulk of the hospital building is not supported. The perceived bulk of the 7-storey hospital building is recommended to be reduced by increasing the distance of the building from the heritage item and stepping back the south west facade at each floor level to reduce the massing and visual dominance of the building.

Further information is also required to be submitted to allow a more comprehensive understanding of the issues. It is requested the following information be submitted to the Minister of Planning for consideration:

- Revised Aborigines information;

- Details of HammondCare Affordable Housing model;
- Stormwater Management Plan;
- Erosion and Sedimentation control Plan;
- Additional photomontages to demonstrate the visibility of the proposal from the harbour;
- Construction Noise Management Plan;
- Waste Management Plan;
- Stage 2 Contamination Report;
- Hydrological Survey;
- Confirmation all apartments and villas are accessible in accordance with AS1428.1; and
- Confirmation the apartment buildings comply with the Apartment Design Guide.

The concept proposal is unsatisfactory in its current form and it is recommended that the Minister for Planning refuse the application for reasons outlined in this report.

However, should approval be granted by the Consent Authority (Minister for Planning) subsequent development applications would be necessary before any works could commence. Conditions of consent have been recommended in Attachment 1.

The Proposal:

The proposed development is for the redevelopment of Greenwich Hospital complex in stages and includes:

- *150 place hospital health care facility with a mix of inpatient hospital beds, palliative care beds and residential aged care beds;*
- *Inpatient and outpatient support services and areas necessary to provide a modern, attractive health facility consistent with HammondCare's high standard of care;*
- *Seniors living units associated with the hospital style campus model that includes approximately:*
 - *6-storey high seniors living apartment buildings - containing 80 new seniors living units addressing River Road;*
 - *1-2 storey high seniors living units (villas)- 9 villas addressing St Vincents Road;*
 - *Pallister House would be retained, refurbished and continue to fulfil hospital functions as part of the campus; and*
 - *Onsite parking in accordance with code requirements. Including 2 levels of basement parking.*
- *The proposed hospital building adopts a podium-tower typology that is articulated into three faceted wings. The form of the building aims to address the site's topography and reduce the appearance of bulk and scale whilst still achieving optimum organizational layouts for hospital use. The podium levels provide circulation, servicing, administration and landscaping; and*
- *The hospital, health facilities and low-rise dementia care precinct would have capacity to accommodate inpatient hospital beds, palliative care beds, residential care beds and outpatient services.*

The demolition of the majority of the existing buildings and structures on site (excluding Pallister House which would be retained in its current form) is proposed to accommodate the proposed redevelopment of Greenwich Hospital campus. Demolition would be staged to allow the hospital and associated facilities to continue functioning.

Background:

The site is located at 95 – 115 River Road Greenwich and is legally known as Lot 3 and Lot 4 in Deposited Plan 584287. Lot 4's boundaries coincide with an area protected under the Heritage Act 1977. The site is generally rectangular in shape with irregular boundaries at the south west corner. The site has an area of approximately 3.376 hectares (33,763 sqm).

The site is bound by River Road to the north, St Vincents Road to the east, the rear yards of dwelling houses fronting Gore Street to the south, a public reserve to the south-west, and dwelling houses fronting River Road to the west.

HammondCare is the owner of the land and the operator. HammondCare is an independent charity which is majority publicly funded.

Greenwich Hospital has operated from the site since 1966, with Hammondcare acquiring the hospital in 2008. The hospital provides rehabilitation, palliative and supportive care, mental health care for older people, pain management and other vital support services. HammondCare also provides outpatient services including rehabilitation.

ASSESSMENT:

Council has reviewed the proposed development and provides the following comments for the consideration of the consent authority.

1. Zoning.

The subject site is zoned **SP2 Infrastructure** in accordance with Lane Cove Local Environmental Plan 2009.

Permitted with consent:

*The purpose shown on the **Land Zoning Map**, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads; Signage*

The purpose shown on the *Land Zoning Map* is **SP2 Health Services Facilities**. Health Services Facilities are defined as *a building or place used to provide medical or other services relating to the maintenance or improvement of health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons.*

Council supports the continued use of the site for health and hospital services. The services outlined by HammondCare including palliative care, rehabilitation, mental health care for older persons, pain management, among others, fall within the permitted uses of a health service facility.

The only type of accommodation that could be considered as Health Service Facilities use is accommodation for staff (resident doctors, nurses and health care workers) which is a related use. This accommodation is ordinarily ancillary to the primary use as Health Service Facilities.

The Seniors housing (apartments) and Seniors Living Units (villas) are a form of residential accommodation and are not permitted as Health Services Facilities.

Seniors housing (apartments) and Seniors Living Units (villas) are not a permissible use within the zone under Lane Cove Local Environmental Plan 2009.

The objectives of the SP2 Health Services Facility zone include:

- (1) To provide for infrastructure and related uses.*
- (2) To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Seniors housing is contrary to the zoning objectives of SP2 Infrastructure.

The proposed Seniors living accommodation is not classified as medical infrastructure or a related use. Seniors living accommodation is not compatible with the intended use as Greenwich Hospital and would compromise the ability of the site to extend the provision of medical infrastructure in the future.

Although prohibited in the Lane Cove LEP, Seniors Living may be permitted under the State Environmental Planning Policy SEPP (Housing for Seniors or People with a Disability) 2004.

Council acknowledges the need for Seniors living facilities. The projected demographics of the area are characterized by an aging population. The 2016 census confirmed that 13.7% of the population within the Lane Cove LGA were aged 65 years and over. The percentage of residents over 65 is only predicted to rise.

Despite these demographic trends, only appropriate sites should be utilized for Seniors living accommodation. Seniors living accommodation has been supported at locations where the use is permissible within the zone.

Below is a list of existing, approved and potential Seniors accommodation located in proximity to the site. There are a number of different housing options which provide Seniors living facilities within the Lane Cove Local Government Area.

- 6 Ulonga Avenue Greenwich. The Baytree By Ardency Retirement Village;
- 33 Greenwich Road Greenwich. Site approved for change of use to a residential aged care facility;
- 2 Central Avenue Lane Cove. Pottery Gardens non-profit retirement units;
- 40A Cope Street Lane Cove. Caroline Chisholm Retirement Village;
- 15 Figtree Street Lane Cove. Uniting Church Residential Aged Care;
- 274 – 274A Longueville Road and 4 -18 Northwood Road Lane Cove. A residential aged care facility. The original proposal was rejected by Council, and the submission of a modified design is anticipated;
- 92 Burns Bay Road Lane Cove. Northcott Gardens non-profit retirement units;
- 155 Longueville Road Lane Cove. Uniting Church Retirement Village; and
- 266 Longueville Road Lane Cove. Seniors living currently under consideration by the Sydney North Planning Panel.

The re-development for Seniors housing (apartments) and Seniors Living Units (villas) would restrict any future expansion of Health Services Facilities which would be required to meet the needs of the community. Therefore, permitting these uses would not be in the public interest as they would compromise the site's primary intended use as a health services facility.

The site area is approximately 33763 sqm, with the proposed Gross Floor Area (GFA) for medical uses is 13,900 sqm, and Seniors Living 14,400 sqm. It is of concern that a site

which is primarily designed for medical use would have more residential Gross Floor Area than medical.

Should approval be granted by the Consent Authority (Minister for Planning) for the non-medical use, it is recommended that a minimum of at least 75% of the proposed GFA be used for the predominate use (medical infrastructure) and the residential use remain ancillary.

2. Greater Sydney Commission, North District Plan.

The North District Plan was developed by the Greater Sydney Commission as part of an integrated 20-year regional strategy to manage growth, and also enhance livability, productivity, and sustainability into the future. The sustainability section of the plan provides a framework to promote the lowering of carbon emissions and mitigate the impacts of climate change.

Planning priority N19 of the North District Plan promotes *Increasing urban tree canopy cover and delivering green grid connections*. The NSW Government has set a target through the North District Plan to increase urban tree canopy cover across Greater Sydney to 40 percent.

The proposed increase in tree canopy would help mitigate the 'urban heat island' effect and absorb air borne pollutants such as carbon dioxide. Generous tree canopy also provides crucial habitat for birds and other fauna.

The Biodiversity Report states that of the 11 hollow bearing trees identified on site and important for wildlife habitat, 4 of these will be removed for the construction of the seniors villas.

Significant development across the Greater Sydney region over the last two decades has resulted in sustained pressure on the existing tree canopy within urban areas. Council acknowledges that there are significant challenges to increase tree canopy and meet the directives of the North District Plan. These challenges include diminishing areas of space required for adequate tree cover, combined with competition from the built environment. The proposal for Greenwich Hospital does not attempt to increase existing tree canopy or at least retain existing canopy levels.

The proposed development would remove more than 50% of total tree canopy and is contrary to the North District Plan. The removal of 131 trees does not comply with the regional directives of the Greater Sydney Commission.

The eastern part of the site, along St Vincents Rd contains a large number of remnant indigenous trees, with *Angophora costata* (Sydney Red Gum), *Eucalyptus pilularis* (Blackbutt) and *Eucalyptus resinifera* (Red Mahogany) as canopy species as well as a number of understorey tree species. There are numerous sandstone rock outcrops in the vicinity. These trees are species naturally occurring in the area and are either remnants of the original forest cover or regenerating natural vegetation. These trees individually and as a group are considered to be significant trees under Council's DCP Part J.

In light of the above, the proposed tree removal of is not supported by Council.

3. Arborist Report / Biodiversity Report.

There are 235 individual trees located on and adjoining the site. A total of 131 of these have been proposed to be removed to facilitate the proposal, the remaining 104 have been proposed to be retained and protected for the life of the development.

The report has not specified which trees of the 104 retained would be subject to minor or major encroachments (expressed as a percentage, low being equal to or less than 10% of the total Tree Protection Zone area). As a result, the level of construction impacts the retained trees would be subject to is unknown, rendering their potential for retention in question.

The Biodiversity Report identifies 0.77 hectares of native vegetation on the St Vincents Rd frontage and describes the open treed character as part of the semi natural historic curtilage around Pallister. This vegetation has been identified as Coastal Enriched Sandstone Dry Forest (DSF 04) and Plant Community Type (PCT) smooth barked apple / red bloodwood. Of this 0.77 ha, 0.44 ha or more than half, will be removed for the proposed seniors villas.

A significant number of those remnant indigenous trees within the eastern part of the site along St Vincents Road are to be removed. In this area, only 2 Red Mahogany trees are to be retained, only 4 Blackbutts and only 8 or 9 Sydney Red Gum trees (as there are inconsistent recommendations for tree 79). Among the trees to be removed, a number of trees identified in this report as high priority trees for retention (trees 64, 77 176, 184).

It is noted that a number of Blackbutt trees identified to be retained require further investigation including resistograph testing. Depending on the results of these investigations, it is likely that 131 is an underestimation of the number of trees that will be removed.

The Arborist report states;

The impacts to specimens which are to be retained and protected as per AS 4970 (2009) Section 3, 3.3.3 Major Encroachments from development works within >10% of the area of the Tree Protection Zone and as per discussion points in section 14 in part B of this report will be detailed in the final Arboricultural Impact Assessment report following receipt of detailed plans. Any works within TPZ must be in consultation with and when required, certified by the Project Arborist in accordance with AS4970 (2009).

This further supports the largely unknown level of impact proposed on retained trees and states there is still a final assessment to be carried out that would accurately identify the impact on trees.

The report does not contain scaled site plans that identify the radius of Tree Protection Zones (TPZ) or Structural Root Zones (SRZ) in relation to the proposed development.

Given the volume of trees assessed in this report it is considered scaled site plans that overlay tree data (TPZ, SRZ and canopy spread) onto the proposed plans are essential in the accurate assessment of the development.

In light of the above, the arboricultural documentation provided is considered insufficient and inadequate.

4. Bushland Adjoining Site.

The site is classified as Land adjacent to Bushland under the *State Environmental Planning Policy 19 Bushland in Urban Areas*. The southwest corner of the site adjoins a public reserve related to Gore Creek.

The proposal is subject to an assessment against Lane Cove DCP Part H Bushland Protection.

Land zoned within the vicinity of the proposed development is R2 Low Density Residential with majority one and two storey dwellings houses. North of the site on River Road is Greenwich Public School which is approved for 3 storey buildings on site.

The proposed Seniors housing (apartments) would be 6-storeys and not in keeping with the scale and the adjacent development.

The bulk and massing of Seniors Living apartments would be highly visible from the public way. The existing main hospital building is setback approximately 55m from the River Road frontage. It is set behind a leafy tree lined setting and is not highly visible. The proposed 6 storey Seniors living apartments will be setback only 5m – 10m from the River Road frontage. They would visually dominate the northwest corner of the site.

Clause 45 (6)(a)(ii) states:

at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places,

While Council does not support the imposition of residential development on the hospital site outside that permitted in the SP2 Infrastructure zone, if supported by the Consent Authority, the design should ensure compliance with affordable housing provisions of the SEPP. It is recommended that HammondCare submit further information to allow better understanding of their affordable housing model.

Although a compatibility certificate is not explicitly required to be submitted under Clause 24 (1) (a) (ii) of the SEPP, it is noted that a number of the key considerations in Clause 25 as to whether a proposed development is compatible are relevant in relation to Greenwich Hospital.

It is recommended that the provisions and assessment criteria of compatibility of the development with surrounding uses as specified in Clause 25 (5) (b) should be considered by the consent authority when assessing the concept plan. These include:

- (ii) *'the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be future uses of the land'*

As mentioned earlier, concerns are raised by Council that the proposed independent Seniors living component may inhibit and compromise the future use of the site for medical uses.

- (v) *'...the impact that the bulk, scale, built form and character of the proposed development is likely to have on existing uses, approved uses and future uses of the land in the vicinity to the development'*

Given that there is no height controls on site, the proposed development should be views in context to the surrounding built form on and adjoining the site. Concerns are raised that the proposed scale of the Seniors living buildings and hospital will dominate Palister and not in keeping with the low scale residential development surrounding the site.

- (vi) *'if the development may involve the clearing of native vegetation that is subject to the requirements of Section 12 of the Native Vegetation act 2003'*

Concerns are raised with the large scale removal of canopy trees and vegetation from the site.

As per the DCP, the proposal should allow for a minimum 10m setback of all building structures from bushland to ensure the development does not impact on the integrity of the adjoining bushland.

The proposal indicates an increase in shadows south west of the site at 9.00am during mid-winter. The DCP recommends new buildings and structures to be designed and orientated to ensure reasonable sun access is maintained to adjoining bushland throughout the year.

5. Heritage.

Pallister House is a two-storey brick, slate roofed Italianate villa constructed in 1892 which is listed on the State Heritage Register as an item of State significance.

The nine-storey hospital building is proposed immediately to the north east of *Pallister* house and is separated by a car park and internal road. The building comprises a podium with basement parking and seven floors above. It is considered that the new hospital building would have a negative impact on the heritage significance of *Pallister* house and its setting.

The high-rise vertical facade of the southern elevation would dominate the curtilage of *Pallister* and create overshadowing during the morning period. The building is of an unprecedented scale in the vicinity of the heritage building. The height and massing of the hospital are incompatible with *Pallister*, exacerbated by its close proximity to the heritage building.

The Heritage Impact Statement (HIS) by NBRIS also refers to potential impacts of the Hospital:*The Hospital building will visually dominate the heritage item as it is a larger building with a closer relationship to Pallister than the existing hospital buildings.* The HIS makes no recommendation for the mitigation or management of the substantial impact of the new building and considers this impact to be acceptable.

Earlier heritage assessments (refer NBRIS 2004 Report) noted that "the remnant driveway and carriage loop are critical to maintaining the 'gardenesque' character of the setting"

Were the consent authority issue a development consent, the following condition of consent is recommended.

The design of the new hospital building should be amended to reduce impact on *Pallister* house and its surrounding curtilage. This may be achieved by increasing the distance of the building from the heritage item and stepping back the south west facade at each floor level to reduce the massing and visual dominance of the building.

6. SEPP (Housing for Seniors or People with a Disability) 2004.

The Seniors housing (apartments) and Seniors Living Units (villas) components are prohibited under the Lane Cove LEP 2009, but are proposed as permitted under the Seniors Living State Environmental Planning Policy (SEPP).

The proposal is considered to be contrary with Clause 33 of the SEPP. The bulk and scale of the apartment buildings are considered incompatible with surrounding development.

Clause 33 (c)(iii) of the Policy states:

- (iii) *adopting building heights at the street frontage that are compatible in scale with adjacent development,*

7. SREP Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005) And Sydney Harbour Foreshores & Waterways Area DCP

The site is located within the Sydney Harbour Catchment area and is therefore subject to the provisions of the SREP and the DCP.

Clause 3.4 landscape character type 9 of the DCP requires *any development within this landscape... it is sited and designed to maintain the vegetation cover on the upper slopes and ridgelines*

The application proposes the removal of 131 canopy trees alongside new 6-storey Seniors living apartment buildings and the multi -storey upgraded hospital building. There is no information on the increased visual prominence potentially along the ridgeline when viewed from Northwood Peninsula and Onions Point Woolwich among others. The applicant is recommended to submit a photo montage to demonstrate how visible the proposal would be when viewed from the southern side of the Lane Cove River.

8. Engineering.

The applicant is required to prepare a Stormwater Management plan which would require an Onsite Detention System, include rain water tanks and meet BASIX requirements. An Erosion and Sedimentation control plan would need to be prepared. A Hydrological Survey is to be submitted to address concerns relating to potential loss of natural drainage.

9. Environmental Health.

The applicant would need to provide Construction Noise Management Plan (CNMP), an acoustic report to address impact of traffic, a Waste Management Plan and a detailed Stage 2 Contamination Report.

10. Access.

While Council does not support the imposition of residential development on the hospital site outside that permitted in the SP2 Infrastructure zone, all apartments and villas are required to be accessible. Access is to be provided to and within all areas normally used by the occupants in accordance with AS1428.1 access to premises standards.

Communal space (both internal and external) are required to be accessible for all residents in both the Villas and Apartments. It should be noted that if the roof garden is to be considered communal open space it would need to be accessible to the residents of the Villa and Apartments without having to go through the Hospital or associated buildings.

Provisions should be made to provide residents with community facilities including a communal garden and worm farm, community and recreation spaces and a community shed.

11. Amenity of Seniors living Apartment buildings.

Although the residential components are not supported by Council, Seniors apartment buildings may be permitted under the Seniors Living State Environmental Planning Policy (SEPP). Should approval be granted by the Consent Authority (Minister for Planning), compliance with the SEPP 65 and the Apartment Design Guide is required.

Concerns are raised in relation to the Seniors living buildings meeting the requirements of the Apartment Design Guide. In particular amenity requirements should be complied with to

ensure residents receive adequate residential amenity in relation to solar access, cross ventilation and building separation.

The submitted shadow diagrams indicate the south and west elevations of both Senior living buildings receiving minimal solar access during mid-winter. 70% of all units should receive a minimum 2 hours of sunlight to living rooms and private outdoor spaces between 9am and 3pm during mid-winter.

The submitted shadow diagrams should be checked for accuracy. In particular, the contour lines at 24 Gore Street appear equally spaced on plan and should be reviewed.

12. Traffic.

The applicant has provided a Traffic & Parking Impact Assessment prepared by Baker Ryan Stewart dated October 2018. Council supports the relocation of the majority of at-grade parking to basement level. This would allow increased landscaping in open space areas and increased amenity. Detailed basement carparking plans have not been provided for assessment. All off street parking is to comply with the relevant provisions of the SEPP and Part R of Councils DCP Traffic Transport and Parking.

13. Conclusion.

Under Council's Local Environmental Plan, the land is zoned for *Health Service Facilities*. The proposed development provides for seniors housing which but for the provision of the SEPP, is not permissible and does not meet the objectives of the zone. In this regard the proposed Seniors Living units and Villas cannot be supported by Council. The proposal is recommended to be modified to consist of Health Service Facilities only.

The Seniors living villas are proposed in the east and southeast end of the site. This area is characterised by significant vegetation and canopy. To accommodate the villas a significant number of trees are earmarked for removal. A detailed assessment needs to be carried out to assess the impact on trees to be retained. The removal of more than half the tree canopy is contrary to the objectives of *Greater Sydney Commission North District Plan* as well as Council's sustainability objectives.

The proposed multi-storey development would not be consistent with the R2 Low Density Residential one and two stories development within the vicinity which would not be consistent with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed nine-storey hospital building would have a negative impact upon the heritage significance of the *Pallister* House and its setting. The bulk of the hospital should be reduced at the southwest and should incorporate an increased setback from the *Palister* and surrounding garden.

Council does not support the proposed development in its current form. However Council may be supportive in principle of a proposal for the re-development of the existing Hospital and expansion to allow additional health care facilities.

Should you wish to discuss the matter further please call me on 9911 3610.
Yours sincerely

Michael Mason
Executive Manager Environmental Services

Attachments

1. Recommended Conditions of Consent

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 for additional persons in accordance with council's section 94 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 \$10,332 per person on the 2018/2019 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 94 Contributions Plan which is available for inspection at the customer service counter, Lane Cove Council, 48 Longueville road, Lane Cove.

The Section 94 Contribution is calculated in the following manner:

Residential Contributions

Dwelling Type	Total Number of persons per dwelling	Contribution payable @\$10,332/person 2018/2019 fees and charges
A x Residential Aged care beds	$A \times 1 = P$ persons	\$ To be Calculated
B x 1 bedroom apartments/villa	$B \times 1.2 = Q$ persons	\$ To be Calculated
C x 2 bedroom apartments/villa	$C \times 1.9 = R$ persons	\$ To be Calculated
D x 3 bedroom apartment/villa	$D \times 2.4 = S$ persons	\$ To be Calculated (capped at \$20, 000 each)
Total Residential Aged care beds and apartments		\$ To be Calculated

KEY:

A = Number of Residential Aged care Beds
B = Number of 1 bedroom apartments/ villas
C = Number of 2 bedroom apartments/ villas
D = Number of 3 bedroom apartments/ villas

P = Number of persons in residential aged care facility.
Q = Number of people in 1 bedroom apartments/ villas.
R = Number of people in 2 bedroom apartments/ villas.
S = Number of people in 3 bedroom apartments/ villas.

The total Section 94 contribution for the proposal would be the total calculated above.

Affordable Housing Requirement conditions

3. 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

4. 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.

5. 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.

6. 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.

Heritage Condition

7. The design of the new Hospital building shall be amended to reduce impact on Pallister and its surrounding curtilage. This may be achieved by increasing the distance of the building from the heritage item and stepping back the south west facade at each floor level to reduce the massing and visual dominance of the building.

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. 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 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 Coordinator, 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.
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.
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.

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.
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.
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.
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.**
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.

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.

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**
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.

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 (AILA), 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% of the 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 placed 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.

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.
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.
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.

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.

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.

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