

Mr Rodger Roppolo

Ref: SSD-71687208

Department of Planning Housing and Infrastructure

**Property Address: 618 – 624 Mowbray Road West and 25 – 29 Mindarie Street Lane Cove North (Lots 17-20 and 64-66 in DP 35865)****Mowbray Road Lane Cove North Affordable Housing SSD-71687208**

Dear Mr Roppolo,

Thank you for the opportunity to comment as part of the EIS for the construction of a 5-storey RFB with 86 dwellings including 43 social housing dwellings and 43 affordable housing dwellings.

Please read this document in conjunction with Lane Cove Council's submission dated 19<sup>th</sup> November 2024.

Should the Consent Authority choose to support the proposal, it is further recommended that the **following draft conditions of consent be imposed for inclusion and guidance.**

Should you require any further information or assistance please do not hesitate to contact Council's Senior Town Planner Chris Shortt 9911 3522 between 8.00am and 4.00pm Monday to Friday or via email on [cshortt@lanecove.nsw.gov.au](mailto:cshortt@lanecove.nsw.gov.au) (preferred).

Yours faithfully,

**Rajiv Shankar**  
**Manager, Development Assessment**

## PART A: GENERAL CONDITIONS OF CONSENT

### A.2 - Payment of section 7.11 contributions - For developments with an estimated cost of more than \$10 million:

Before the issue of the relevant construction certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (2) must be paid. The applicant must pay the following contributions to Council for:

	Dwellings	Rate	Contribution
1 Bedroom	36	\$15,400.82 x 36 =	\$554,429.52
2 Bedroom	50	\$24,384.64 (capped at \$20,000) x 50 =	\$1,000,000.00
Total	86		\$1,554,429.52

Total credits: 7 x dwelling houses. 7 x \$20,000 = (\$140,000.00)

\$1,554,429.52 – \$140,000.00 = **\$1,414,429.52**

As at the date of this consent, the total contribution payable to Council under this condition is **\$1,414,429.52** in accordance with LGA Wide Section 7.11 Development Contributions Plan.

The final total amount payable will be calculated at the time the payment is made, in accordance with the provisions of the LGA wide Section 7.11 Development Contributions Plan. A copy of the development contributions plan is available for inspection on the Lane Cove Council's website. **Payment method:** Payment must be in the form of a bank cheque. Personal cheques or bank transfers will not be accepted.

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

### A.3 - Payment of security deposits

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

Security Deposit Type	Amount	Refunded post OC if deemed satisfactory by Council
Infrastructure Damage Bond	\$55,800.00	Yes
Inspection Fee: \$210 per visit	\$4,840.00	No
<b>Civil Reconstruction Work</b>		
• Kerb/gutter work	\$54,870.00	Yes
• Footpath work	\$97,612.50	Yes
• Road resealing	\$245,437.00	Yes
• Pram Ramp (5)	\$8,000.00	Yes
(Additional ramps will be decided later)	\$11,000.00	Yes
Positive Covenant Bond for all OSD Systems	\$1,000.00	Yes
Council Owned Trees	\$30,000.00	Yes

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

**Note:** The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the *Roads Act 1993*). The amount payable must be in accordance with council's fees and charges at the payment date.

**Note:** Council inspection fees are calculated in accordance with Council's fees and charges at the payment date.

**Note:** Required Council inspections for civil works involving Council assets are to be carried out prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.

The following items are to be inspected:

- proposed stormwater connection to existing or proposed Council pit or pipe;
- all footpath, kerb/gutter and landscaping works; and
- any adjustment works in Council's Road land.

**Reason: To ensure any damage to public infrastructure is rectified and public works can be completed between the applicant and Council prior to the issue of a Construction Certificate.**

#### **A.4 – Affordable Housing component required for the development**

In this condition:

- **“Affordable Housing Guidelines”** means the NSW Affordable Housing Ministerial Guidelines published by the Department of Community and Justice and approved by the Minister for Families, Communities and Disability Services from time to time.
- **“registered community housing provider”** has the same meaning as in the Community Housing Providers (Adoption of National Law) Act 2012, section 13.
- **“Registrar of Community Housing”** means the Registrar of Community Housing appointed under the Community Housing Providers (Adoption of National Law) Act 2012, section 10.
- **“affordable housing”** means housing for very low income households, low income households or moderate income households, being such households as are prescribed by Section 13 of State Environmental Planning Policy (Housing) 2021.

**(i) Before the issue of any occupation certificate for the development—**

- (a) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure that apartments identified as **(identify the relevant unit numbers here)** on the approved plans must be used for affordable housing and must be managed by a registered community housing provider for a period of at least 15 years commencing on the day an occupation certificate is issued for the development.

- (b) evidence of an agreement with a registered community housing provider for the management of the apartments identified as **(identify relevant unit numbers here)** on the approved plans must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
  - (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.
- (ii) During the period of **15 years** commencing on the day an occupation certificate is issued for the development:
- (a) the apartments identified as **(identify relevant unit numbers here)** on the approved plans must be used for affordable housing, and
  - (b) the apartments identified as **(identify relevant unit numbers here)** on the approved plans must be managed by a registered community housing provider, and
  - (c) notice of a change in the registered community housing provider who manages the apartments referred to in paragraphs (a) and (b) must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
  - (d) the registered community housing provider who manages the apartments referred to in paragraphs (a) and (b) must apply the Affordable Housing Guidelines."

**Reason: To provide new affordable rental housing associated with the uptake on the site of a floor space ratio bonus.**

#### **A.5 - Payment of building and construction industry long service levy**

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

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

#### **A.17 - 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**

#### **A.19 - 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 4 working days for approval.

**Reason: To ensure public safety**

#### **E.1 – Hours of work**

The principal certifier must ensure that building work, demolition or vegetationremoval is only carried out between:

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

Monday to Friday (inclusive)      7am to 5.30pm

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

Saturday

8am to 12.00 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.**

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

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

**Note:** Any variation to the hours of work requires Council's approval.

**Reason:** To protect the amenity of the surrounding area.

**F.19 - Special Condition – Replacement Planting Species**

As the proposed tree planting schedule outlined on the Landscape Plan Drawing No. LD-DA001 Rev 1 dated 30.09.24 by Land and Form has not been specified, the fifteen (15) public domain trees shown within Landscape drawing LD-DA100 Rev 1 dated 30.09.24 by Land and Form for the 3 street frontages, the following selected trees must be included on updated landscape plans:

1. The public domain trees must be *Tristaniopsis laurina* 'Luscious' - 200Ltr pot size and achieve a minimum of 3m in height at the time of planting.
2. Trees purchased must be from a registered nursery and comply with provisions outlined within AS2303:2018 *Tree Stock for Landscape Use*.
3. Trees must be installed and signed off by the project arborist or landscape architect **Prior to the issue of an Occupation Certificate.**

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

**F.20 – Special condition – Prepurchase of Replacement Trees**

The applicant is to provide receipt for pre-purchase of fifteen (15) x 200Ltr *Tristaniopsis laurina* 'Luscious' trees from a registered nursery that will attain the prescribed dimensions of replacement street trees as part of this consent. Purchased trees must also be of the nominated pot size conditioned as part of this consent. The receipt is to be provided to Council's Landscape Architect and Principal Arborist **prior to the issue of a construction certificate**. Purchased trees are to be grown in accordance with specifications outlined within AS2303:2018 *Tree Stock for Landscape Use*.

**Reason:** To ensure replacement public domain trees are at appropriate size upon completion of the development.



## LANDSCAPING CONDITIONS

### General Comments

The site for the proposed development has 6 High Retention value trees and 10 Moderate Retention value trees for retention consideration. Trees #74, #75, & #76 are located on the opposite Council verge and T#55 is located on 31-39 Mindware Street. All these trees must be retained and avoiding any disturbance to their Tree Protection Avoided or managed to minimise impact.

Trees #53 and #56 are also High Retention value trees and further consideration should be given to their retention as they are a major part of the canopy on site and form part of the Sydney Blue Gum High Forest (STIF) endangered forest community in the area as well as being visible from quite a distance:



Due to the sites proximity to Batten Reserve and the STIF, the landscape plans need to be fully resolved with a final plant list most of which is listed in Appendix A of Part J Landscaping and Tree Preservation as well as referring to the species list provided by the Office of Environment and Heritage to ensure the ongoing preservation of the forest community.

### Typical conditions for a development of this kind:

#### **L.30. Tree replacement ratio:**

In accordance with LCC Part J Landscaping (Amendment 18 July 2024) Objective 2.2.3, any tree that is removed by the applicant must be replaced at a 1:1 ratio and depicted on the Landscape Drawings. The replacement trees must be a species that is able to reach the mature height and spread of the removed tree.

**REASON: To assist in increasing the amount of canopy cover in the Lane Cove local government area and addressing the Climate Emergency that was declared by Council in 2019.**

#### **L.31. Tree planting:**

All trees in the front setback shall be of a height of at least 4M above natural ground level at time of installation and therefore covered by Lane Cove Councils Tree Preservation order. All trees are to be maintained in a healthy condition for the life of the development with replacement trees to be installed within 6 months of the trees demise at the next optimum planting season. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance and establishment period.

The Project Arborist is to be supplied photos of the trees from the nursery clearly showing their compliance with **Australian Standard AS2303-2018 Tree stock for landscape use**. An assessment sheet for each tree is to accompany the photos and approved by the Project Arborist prior to the trees leaving the nursery and being shipped to the site.

Council shall be advised when the trees have been installed so an inspection of the trees can be conducted by Councils Landscape Architect (or Principal Arborist) and the Occupation Certificate shall not be issued until Councils Landscape Architect is satisfied that this condition has been satisfied.

**REASON: To assist in ensuring that the development is not visually intrusive by providing visual softening of buildings, driveways and car parking areas in accordance with Part J Landscaping 1.4.2 and to ensure that the trees start out in healthy conditions with no apparent defects, pests or diseases.**

### **L.32. Tree retention as part of LCC Climate Emergency:**

Lane Cove Council has declared a Climate Emergency in the LGA and a focus of development moving forward is to increase the amount of canopy cover on development sites to a minimum of 37.7% as per Table 1.3 Canopy Targets for Land Use Zones in the [Lane Cove Council Development Control Plan Part J Landscaping and Tree Preservation](#). One strategy which will help to achieve this goal is to retain mature trees that already provide some amount of environmental benefit, followed by new tree plantings in appropriate areas of the development site where they have enough room for proper root development so that they may achieve their full growth potential.

The following trees must be retained and protected:

<b>Tree No.</b>	<b>Genus and Species</b>	<b>Common Name</b>	<b>Setback (in metres)</b>
55	<i>Eucalyptus saligna</i>	Sydney Blue Gum	<b>4.2</b>
60	<i>Stenocarpus sinuatus</i>	Queensland Firewheel Tree	<b>4.44</b>
61	<i>Eucalyptus haemastoma</i>	Scribbly Gum	<b>9.72</b>
62	<i>Waterhoused floribunda</i>	Weeping Lilly Pilly	<b>3.00</b>
74	<i>Eucalyptus saligna</i>	Sydney Blue Gum	<b>9.84</b>
75	<i>Eucalyptus saligna</i>	Sydney Blue Gum	<b>15.00</b>
76	<i>Eucalyptus saligna</i>	Sydney Blue Gum	<b>14.64</b>

**REASON: To assist in maintaining / increasing the amount of canopy cover in the Lane Cove local government area and addressing the Climate Emergency that was declared in 2019.**

### **L.33. Screen planting:**

Screen planting is required along the western boundary with #31-#39 Mindarie Street. These plants must be healthy, good quality nursery stock in accordance with Australian Standard **AS 2303:2018**, grown to at least 45 L pot size, being free of girdling roots and other defects and have a height at maturity of at least 4 - 6 m tall. Plants must be spaced at appropriate intervals to ensure a continuous hedge within 24 months of installation. Residents are strongly encouraged to use local native plant species in their gardens. A species list of local native plants suitable for gardens is available from Council.

**REASON: To assist in maintaining the privacy between residential dwellings and minimising view corridors between inhabitable spaces of neighbouring properties.**

#### **L.34. Revised landscape documentation required (compliant with ADG)**

A revised landscape documentation package shall be submitted to Council's Landscape Architect for assessment that is fully compliant with the Apartment Design Guide 2015 standards for minimum soil depths for plants (table below) shall be submitted to Council's Landscape Architect before issue of Construction Certificate, specifically the planter boxes on drawing LD-DA110 Revision 1 – Level 03 Rooftop as some of the raised planter boxes do not provide adequate soil volume as prescribed.

Plant type	Definition	Soil volume	Soil depth	Soil area
Large trees	12-18m high, up to 16m crown spread at maturity	150m <sup>3</sup>	1,200mm	10m x 10m or equivalent
Medium trees	8-12m high, up to 8m crown spread at maturity	35m <sup>3</sup>	1,000mm	6m x 6m or equivalent
Small trees	6-8m high, up to 4m crown spread at maturity	9m <sup>3</sup>	800mm	3.5M X 3.5M or equivalent
Shrubs		500-600mm		
Ground cover		300-450mm		
Turf		200mm		

**REASON:** To ensure that the proposed on-structure planting has enough soil depth to sufficiently grow and add to the landscape character of site.

Applicant must ensure that 'on' structure landscaping has adequate soil depth, volume and suitable profile to support the number of trees and shrubs as proposed in the approved Landscape Documentation Package. Soil volumes and depths must be in accordance with the relevant sections of the Apartment Design Guide and LCC-DCP Par J Landscaping and Tree Preservation 2024 and must form part of the Landscape Documentation Package submitted to Council for assessment.

**A structural Engineer must sign off on the designs ensuring that the load on the building has been considered for fully matured plants with saturated soils.**

The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form or Occupation Certificate**.

(Option A) The proposed (specie(s)) plantings must be supplied and installed in pot sizes of no smaller than 75 litres and in accordance with the approved DA Landscape plans (Dwg: name or number.)



**PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**

**Implementation of landscape works:**

**L.35. Implementation of the landscape works** are to be carried out in accordance with the final landscape documentation and construction design package submitted to Council by Land & Form.

Sheet Number	Sheet Name	Revision
LD-DA000	COVER SHEET & DESIGN STATEMENT	1
LD-DA001	PLANTING SCHEDULE & LEGENDS	1
LD-DA002	LANDSCAPE COMPLIANCE DIAGRAMS	1
LD-DA100	FLOOR PLAN LOWER GROUND FLOOR PLAN	1
LD-DA101	DETAILED FLOOR PLAN LOWER GROUND FLOOR PLAN	1
LD-DA102	FLOOR PLAN UPPER GROUND FLOOR PLAN	1
LD-DA103	DETAILED FLOOR PLAN UPPER GROUND FLOOR PLAN	1
LD-DA110	FLOOR PLAN LEVEL 3 PODIUM PLAN	1
LD-DA200	PLANTING PLAN LOWER GROUND FLOOR PLAN	1
LD-DA201	PLANTING PLAN UPPER GROUND FLOOR PLAN	1
LD-DA210	FLOOR PLAN LEVEL 3 PODIUM PLAN	1
LD-DA400	SECTION - COMMUNAL OPEN SPACE	1
LD-DA401	SECTION - MOWBRAY STREET FRONTAGE	1
LD-DA402	SECTION - MOWBRAY STREET FRONTAGE	1
LD-DA403	SECTION - HATFIELD STREET FRONTAGE	1
LD-DA900	TYPICAL DETAILS & OUTLINE SPECIFICATION & MAINTENANCE	1

**REASON:** To ensure that no variations are allowed without prior written consent from Council.

**L.36. A landscape practical completion report** must be prepared by the consultant landscape architect and submitted to Council directly at [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) as well as 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 **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.**

Where Council requires a **Certificate of Compliance**, the Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form or Occupation Certificate.**

**L.37. Rooftop communal open space:** The Communal Open Space at the roof level shall be to a high level of design and shall be equipped with the following:

- Natural shade from midsized trees in raised planter boxes
- Additional shade from a retractable awning with the minimum dimension of 3m x 3m
- Toilet facilities
- Barbecue facilities
- Power points

- Water and sink
- Direct lift access to the area

The roof top communal open space requires more detailed design and some form of shade from the hot westerly sun shall be provided in the form of mechanised, retractable awnings affixed to the building exterior wall with a minimum dimension of 3M x 3M and to be of a material and finish that will withstand being located in an outdoor setting free from rust on mechanical elements or premature fading or failure of the shade sail material.

The rooftop planter box planting scheme shall include plant sizes capable of providing sufficient amenity shade to the users of the rooftop garden within 24 months of their installation. The plants selected shall have a growth rate that allows them to reach 80% of their potential mature height and spread within 7 years of installation. The trees are to be inspected and approved by Council's Manager Open Space prior to issue of the Occupation Certificate.

To assist with the growing environment of the rooftop planter boxes, a fully automated drip irrigation system is to be designed and installed by a suitably qualified irrigation company that meets the relevant Australian Standards. The system is to be tested and approved by Council prior to issue of the Occupation Certificate.

To assist with the growing environment of the rooftop planter boxes, a soil profile is to be specified and selected specifically for those plants proposed and this information is to form part of the Landscape Documentation Package and shall be approved by Council's Manager Open Space prior to issue of the Construction Certificate.

**Reason: To provide a high level of amenity to the principal communal open space area.**

#### **L.38. Waterproofing and soil Certification:**

A certificate must be submitted by a qualified practising landscape architect, Landscape / environmental designer or horticulturist, certifying that the proposed subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings and specification. **Works must not progress until Council or the accredited certifier has confirmed that this condition has been fully satisfied.** *The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of any form or Occupation Certificate.*

**REASON: to ensure that no water is allowed to find egress from raised garden beds by any other method than those proposed by the stormwater drainage plans.**

#### **L.39. 12 Month Maintenance agreement:**

Prior to issue of the Certificate of Occupation, the applicant must submit evidence of an agreement for the maintenance of all site landscaping 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. The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of any form or Occupation Certificate.

**REASON: To ensure the ongoing health and vitality of the plants during the establishment period.**

#### **L.40. Final Landscape Maintenance Agreement:**

At the completion of the landscape maintenance period, the consultant landscape architect/designer must submit a final report to Council 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. *The Applicant must ensure*

that electronic copies are received by Lane Cove Council at the following address:  
[service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form or Occupation Certificate**.

**REASON: To ensure the ongoing health and vitality of the plants during the establishment period.**

**L.41. Automatic irrigation system:**

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 that have been installed as part of the development. 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.

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.

**REASON: To ensure the ongoing health and vitality of the plants during the establishment period.**

**L.42. Landscaping:**

The landscaping is to be maintained for the life of the development. 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.

**REASON: To ensure the ongoing health and vitality of the plants during the establishment period.**

**L.42A. Street Tree Planting:** Additional Street tree planting is to be provided to Mindarie Street and Pinaroo Place in accordance with Council's Streetscape Master Plan. The additional street tree planting is to be incorporated into the Landscape Plan and approved by Council's Manager Open Space prior to the issue of a Construction Certificate.

**REASON: To replenish the urban forest canopy on available Council land to help fight climate change**