



Lane Cove Council

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18 December 2019
Our Ref SU7340
Your Ref: SSD8699

Ms Megan Fu,
Principal Planner, Social and Infrastructure Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Fu,

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

OVERVIEW

I refer to the above and advise Council has considered the revised proposal. A copy of the report is attached for your information.

Council also listened to concerns raised by the community at the Ordinary Council Meeting held on 18th November 2019 and resolved to include these additional concerns raised by members of the community for consideration by the Minister. A copy of Council's resolution is also attached.

Council **objects** to the proposal on a number of grounds, but in particular the inclusion of the Seniors Living in the proposal and calls for the Director General to rule the residential component is not State Significant as it is a prohibited use.

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 Building cannot be supported by Council.

The proposal is recommended to be modified to consist of a Health Service Facilities only. The deletion of the seniors living building would significantly reduce the overall density of the re-development and provide expansion opportunities in the future and greater sensitivity to the heritage listed Pallister House and its curtilage.

Council acknowledges the need for Seniors living facilities. But considers the subject site inappropriate for this use.

The proposed multi-storey residential buildings 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.

As stated in the original submission, Council would be supportive in principle of a proposal for the re-development of the existing Hospital and expansion to allow additional health care facilities as they relate to the intended use of the site as defined by the Lane Cove LEP 2009.

The removal of the Seniors Living Component will provide further opportunities to address the bulk and scale of the Development. The Hospital component should be redesigned upon the deletion of the residential components to be located so as to not be on the highest point of the site and the height and bulk of the buildings minimised.

The applicant has modified a number of aspects of the original proposal to address Council's concerns relating to tree loss, heritage, bulk and scale. The revised design is considered to be overall a more sensitive approach to existing trees and vegetation on the site.

Council acknowledges and supports the removal of the seniors living villas as it would result in a total increased percentage of trees being retained on the site. However, Council remains concerned with the number of trees being removed in the revised design.

Council does not support the proposed respite clinic in proximity to the St. Vincent's Road frontage. The current location is inappropriate given the tree loss and impacts to the St. Vincent's Road frontage. Council would support the integration of the respite clinic into the main hospital compound area. This would ensure greater interconnectivity, efficiency and reduced impacts on tree canopy in this sensitive landscape.

The revised design which accommodates the recommended changes would be considered acceptable, reasonable and in accordance with Council's environmental sustainability objectives and the directives of the North District Plan.

Council appreciates the changes to the hospital building which would improve the relationship between the hospital building and heritage listed Pallister House and its curtilage. The reduction in bulk to the western side of the hospital and more considered approach to the geometry on the south side would result in a superior and sympathetic outcome. It also improves sight lines to Pallister House from the primary Street frontage on River Road to allow the heritage item to be more visible from the public realm.

Council is encouraged by and supports the relocation of the majority of at-grade parking to basement level as it would allow for increased opportunities for soft landscaping in open space areas and increased amenity.

Council's resolution also highlights a number of key issues raised by the community which should be addressed, including:-

- The proponent's report incorrectly states that there will be a net increase in the number of trees (86 lost and 60 planted) while the numbers actually indicate a decrease;
- The contours are incorrect on the south west corner resulting in the shadow analysis being incorrect. The contours are steeper than the survey conducted, which is reflected in the Civil Engineering documentation.
- The Visual impact from Northwood is understated as the documentation only shows the 'best case tree canopy corridor';
- More extensive community consultation was requested but declined by the applicant;
- The site has three driveways and traffic movements should be separated and defined between uses (residential/shops/deliveries/garbage etc) to improve safety and amenity on site;
- The proposed location of the respite clinic on St Vincent's Road is inappropriate for accessibility/parking reasons and would be difficult for

outpatients to find. It should be consolidated with other health services and better located for public transport;

- The curtilage of the new residential buildings needs to be defined as part of new lots/uses to protect and enhance the amenity of residents particularly their ability to enjoy quiet 'private open space';
- In general, subdivision of the site into lots with boundaries by their use would provide better outcomes for residents, visitors and staff for any future development;
- The extent of the APZ required and bushfire risk should be clarified; and
- The second heritage area (the long site/bridal path area) should be considered.

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

Yours sincerely



Michael Mason
Executive Manager Environmental Services

Ordinary Council Meeting 18 November 2019
COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL
REDEVELOPMENT

Subject: Council submission to Department of Planning on Greenwich Hospital Redevelopment
Record No: SU7340 - 68000/19
Division: Environmental Services Division
Author(s): Christopher Shortt

EXECUTIVE SUMMARY

The Minister for Planning is the Consent Authority for the proposed Greenwich Hospital re-development. Following an initial round of consultation, written submissions on this revised State Significant Development proposal will be accepted until **Thursday 21 November 2019**.

The original proposal was modified to address concerns relating to loss of trees, impact on Pallister House and its curtilage. Council welcomes these changes, but ultimately Council cannot support the proposal as it proposes Seniors Living Accommodation which is not permitted within the SP2 zone.

BACKGROUND

The Original Proposal:

The original proposed development was for the redevelopment of Greenwich Hospital complex in stages and included:

- *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:*
 - o *6-storey high seniors living apartment buildings - containing 80 new seniors living units addressing River Road;*
 - o *1-2 storey high seniors living units (villas)- 9 villas addressing St Vincents Road;*
 - o *Pallister House would be retained, refurbished and continue to fulfil hospital functions as part of the campus; and*
 - o *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.*

Ordinary Council Meeting 18 November 2019
COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL
REDEVELOPMENT

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.

Council's previous submission dated 5 April 2019 raised a number of concerns with the concept plan proposed redevelopment of the Greenwich Hospital. A general overview of the agreed/requested amendments are listed below:

- Seniors Living Accommodation component 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 maximum 9-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 was also required to be submitted to allow a more comprehensive understanding of the issues. This included:

- Revised Arboricultural 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.

AMENDMENTS TO ORIGINAL DESIGN:

In response to the matters raised in the submissions including Lane Cove Council, the Department of Planning and other state government agencies, community groups and the public, the following changes to the design are now proposed

General changes:

- Overall reduction of GFA (from 28,300sqm to 25,500sqm) and FSR (from 0.84:1 to 0.81:1);
- Increase in deep soil planting of 15% (from 12,000sqm to 13,800sqm);
- Floor space of health services increased to be greater than the seniors living uses from 14,400sqm (52.7% of total GFA) to 13,000sqm (47.3% of total GFA);

Hospital:

Ordinary Council Meeting 18 November 2019
**COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL
REDEVELOPMENT**

- reduction of building footprint to allow retainment of additional trees. The western end of the hospital is reduced in scale, now partially single- storey and concealed beneath a landscaped terrace to improve sightlines to Palister House from River Road.
- Lower section of hospital now includes a 2 - 3 storey projecting built form intended to relate more strongly to the scale of Palister House
- The geometry of the south side of the hospital has been redesigned to better relate to Palister house and its heritage curtilage.
- The hospital basement carpark footprint has been reconfigured to allow greater separation from Palister House. In particular the section of carparking within the curtilage to be removed to allow for more planting within the landscape.

Seniors living:

- Deletion of the nine (9) seniors living villas proposed in the bushland area adjacent to the St Vincent's road frontage;
- Reallocation of the gross floor area (GFA) from the villas to other areas across the site including a respite care facility to be located towards the St Vincent's Road end of the site;
- Changes to proposed building envelopes including reduction of height of seniors living building;
- Modification to building envelopes to allow greater sightlines to Pallister House from River Road;
- The northern seniors building envelope has been reduced at its western end to step down to the neighbouring residential buildings;
- Amended landscaping design/plan to improve 'gardenesque' landscape setting adjacent to Pallister House to allow appropriate separation to enhance the curtilage of the heritage listed building.

Respite Care facility:

- Three proposed seniors living villas (1600sqm) have been removed and replaced with a new respite care facility (700sqm) that is to be located further from the driveway and St Vincent's Road.

Landscape:

- A period garden around Palister House is proposed to contribute to heritage curtilage;
- The former bridle path is to be interpreted as a pedestrian footpath that would run from River Road to St Vincent's Road allowing public access through the heritage landscape of Pallister House.

ASSESSMENT:

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

1. Zoning.

Council's maintains its original position that the proposed 'seniors living' element is prohibited in the SP2 zone.

It is noted that the total floor area allocated for seniors living accommodation has been reduced in the amended design from 14,400sqm (52.7% of total GFA) to 13,000sqm (47.3% of total GFA). Regardless of this reduction, any residential use for senior's accommodation is prohibited in the SP2 zone and is not supported. Fundamentally Council supports the extension to the hospital and

Ordinary Council Meeting 18 November 2019
COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL
REDEVELOPMENT

views the proposed seniors living component as being an impediment to the intended uses of the site as a hospital.

The applicant is proposing and justifying the senior's living component under the SEPP (housing for Seniors or People with a Disability) 2004.

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) are a form of residential accommodation and are not permitted as Health Services Facilities.

Seniors housing (apartments) 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 related services 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 in the short to medium term.

Ordinary Council Meeting 18 November 2019
**COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL
REDEVELOPMENT**

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) would restrict future expansion of Health Services Facilities which would be required to meet the needs of the community. Therefore, permitting these prohibited uses would not be in the public interest as they would compromise the site's primary intended use as a health services facility.

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 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.

The removal of the proposed seniors living villas along the eastern part of the site would significantly increase the amount of trees to be retained. The retainment of 211 trees and planting of 60 additional trees would result in an overall net increase of 5 canopy trees.

In light of the above, the amended proposal is considered to sufficiently address the directives of the North District Plan and is supported by Council.

3. Arborist Report / Biodiversity Report.

The original design proposed to protect 104 of the 235 trees on the site (44% of all trees to be retained).

The resubmitted arborist report considered a larger number of trees. It considered 297 trees, including 254 within the site, 1 boundary tree and 8 trees within neighboring properties and 34 trees on River Road. The amended design which removes the villa accommodation would retain/protect 211 trees (71% of all trees being retained)

The applicants also propose to plant a minimum of 60 new trees and confirm that a total net increase of at least 5 trees across the site would be achieved.

As per the original report, the number of trees proposed to be retained, outlined in the Tree Protection Plan (section 14.5 and 14.6), are still potentially subject to development impacts. In particular the TPZ setback required for the trees may be greater than the structural root zone. As a result additional trees may be required for removal depending on setbacks when detailed plans are available.

Council welcomes the revised design to accommodate an increased tree population on the site. The deletion of the villas in the bushland area adjacent to the St Vincent's road frontage will significantly increase the amount of trees to be retained. The revised design combined with the trees to be planted would result in a total net increase of trees on site.

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.

In response to submissions the applicant has stated that the development would be setback at least 10m from the bushland at the south-eastern corner of the site.

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.

The applicant has confirmed that the proposal would not result in significant additional shadow as the shadow of the proposed building envelope falls largely within the existing shadow caused by the site's steep topography and existing built form. The minimum 10m setback from the southeastern corner is also considered acceptable.

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.

Ordinary Council Meeting 18 November 2019
COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL
REDEVELOPMENT

In the original submission Council raised concerns about the bulk of the hospital building in context to Palister House and its heritage curtilage.

In response the following changes were made to the design:

- The lower section of hospital now includes a 2 - 3 storey projecting built form intended to relate more strongly to the scale of Palister House;
- The geometry of the south side of the hospital has been redesigned to try to relate better Palister house and its heritage curtilage;
- The western end of the hospital was reduced in scale, now partially single storey and concealed beneath a landscaped terrace to improve sightlines to Palister House from River Road; and
- The hospital basement carpark footprint has been reconfigured to allow greater separation from Palister House. In particular the section of carparking within the curtilage been removed to allow for more planting within the landscape.

The changes to the hospital building are considered to significantly improve the relationship between the hospital building and Pallister House. The modifications to facilitate the necessary upgrades to the hospital will not compromise the heritage fabric of the Pallister House and associated curtilage.

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

The Seniors housing (apartments) 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,*

Land zoned within the vicinity of the proposed development is R2 Low Density Residential with majority 1 and 2 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.

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:

Ordinary Council Meeting 18 November 2019
COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL
REDEVELOPMENT

- (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 are no height controls on site, the proposed development should be viewed 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 would dominate Pallister and is not in keeping with the low scale of residential development surrounding the site.

**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.*

Council raised concerns that application proposes the removal of a significant number of canopy trees alongside new 6-storey Seniors living apartment buildings and the maximum 9-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.

In response the applicant provided a landscape character and visual impact assessment report. The analysis was based on 13 selected view points including along a number of points along River Road, Bob Campbell Oval, Gore Creek Reserve, Cliff Road, Ffrench Street. It is noted that the view analysis did not extend across to the southern side of Lane Cove River as requested.

8. Environmental Health.

The applicant would need to provide a detailed Stage 2 Contamination Report.

The applicants submitted a revision to the Detailed Site Investigation (DSI) that concluded that the potential risks associated with widespread subsurface contamination at the site are low, however localised risks associated with total recoverable hydrocarbons (TRH) in soil and residual contamination associated with the underground storage tank should be further assessed and remediated accordingly. The DSI considered that the site can be made suitable for the proposed development subject to draft recommendations.

The applicant states that that a Stage 2 Contamination Report is not required at concept stage. Will be submitted at detailed design application.

9. Access.

Council requested confirmation all apartments are accessible in accordance with AS1428.1

In response the applicant submitted which confirmed that at Concept SSD stage of design, the development can provide appropriate accessibility for the project and would satisfy Clause 26 of the SEPP (Housing for seniors or people with a disability) 2004.

10. 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.

Revised ADG Table: Council requested confirmation that the apartment buildings comply with the Apartment Design Guide.

The applicant submitted a revised ADG compliance table was submitted and revealed that:

- (i) the apartments comply with minimum solar access and cross ventilation requirements;
- (ii) all habitable and non-habitable rooms comply with minimum floor to ceiling heights;
- (iii) all apartments comply with minimum apartment size (minimum internal area in sqm);
- (iv) the site complies with the minimum required amount of communal open space, deep soil and visual privacy;
- (v) The application proposes a maximum of 9 apartments off a circulation core on a single level. This exceeds the control which permits a maximum of 8 apartments.

Although not supported, if approved by the Department of Planning, the amenity of the seniors living apartments is considered capable of complying with the relevant requirements.

11. Traffic Noise.

Council requested an acoustic report to address noise impacts of traffic.

Applicant states that a Traffic Noise Report is not required at concept stage and would be submitted at detailed design application.

12. Details of HammondCare Affordable Housing model.

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 Seniors Living. Council requested that that HammondCare submit further information to allow better understanding of their affordable housing model to demonstrate compliance with the below clause:

Clause 45 (6)(a)(ii) of the SEPP Seniors Living states:

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

HammondCare states that Clause 45(6) of SEPP Seniors only requires affordable places if the proposal seeks bonus FSR through the 'vertical village' provisions of the SEPP. As the application does not rely on Clause 45 of the SEPP, this clause does not apply. Notwithstanding HammondCare is a registered charity which specialises in providing health care services to the elderly and those that are financially disadvantaged

- (i) 45% of aged care patients are low income or disadvantaged
- (ii) 50% of inpatients and outpatients are public patients; and
- (iii) 15% of seniors living residents benefit from affordable options.

Contrary to the above justification by HammondCare that compliance with the SEPP is not required, Council recommends that the development comply with the SEPP and accommodate a minimum of 10% of all dwellings provide affordable housing.

13. Stormwater Management Plan.

The applicants submitted a Preliminary Flood Study which concluded that overland flows from upstream catchments would continue to be conveyed around the site as per the existing and mitigation measures would not be required for the development.

Applicant states that a Stormwater Management Plan is not required at concept stage and would be submitted at detailed design application.

14. Erosion and Sedimentation Control Plan.

The applicant would need to provide an erosion and sedimentation control plan.

Applicant states that an Erosion and Sedimentation Control Plan is not required at concept stage and would be submitted at detailed design application.

16. Construction Noise Management Plan.

The applicant would need to provide Construction Noise Management Plan (CNMP).

Applicant states that this documentation is not required at concept stage and would be submitted at detailed design application.

17. Waste Management Plan.

The applicant would need to provide a Waste Management Plan

Applicant states that a Waste Management Plan is not required at concept stage and would be submitted at detailed design application.

18. Hydrological Survey.

The applicant would need to provide a Hydrological Survey.

Applicant states that this documentation is not required at concept stage and would be submitted at detailed design application.

CONCLUSION

The applicant has considered comments and concerns raised by Council and others modified and aspects of the proposal to address Council's concerns.

Council acknowledges and supports the removal of the Seniors Living villas as it would result in a significant increase in the total trees being retained on the site. In comparison to the original proposal, the revised design is considered to be in accordance with Council's environmental sustainability objectives and the policy and the directives of the North District Plan.

Council appreciates and acknowledges proposed changes to the hospital building which better relate to the Pallister House building and its curtilage. The reduction in bulk to the western side of the hospital and more considered approach to the geometry on the south side would result in a superior and sympathetic outcome. It also improves sight lines to Pallister House from the primary Street frontage on River Road to allow the heritage item to be more visible from the public way.

Despite the positive amendments to the overall design, Council does not support the proposed residential use in the SP2 zone which is prohibited.

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 are not supported by Council.

The proposal is recommended to be modified to consist of Health Service Facilities only.

Council acknowledges the need for Seniors living facilities. But considers the subject site inappropriate for this use.

The proposed multi-storey residential buildings 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.

As stated in the original submission, however Council is supportive in principle, of a proposal for the re-development of the existing Hospital and expansion to allow additional health care facilities.

RECOMMENDATION

That Council prepare a submission to the Consent Authority (Department of Planning) advising of the above issues and concerns in particular:

- a) Council does not support the Seniors living units and villas component of the proposal and as such should be deleted from the consent proposal.
- b) Council advise the Department of Planning, that should it determine in favour of the application, the conditions included in **AT-2** should be imposed.

Ordinary Council Meeting 18 November 2019
COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL
REDEVELOPMENT

Michael Mason
Executive Manager
Environmental Services Division

ATTACHMENTS:

AT-1 View	3D Site View - Updated and Original Scheme	2 Pages
AT-2 View	Draft Conditions of Consent	20 Pages

Subject: Council submission to Department of Planning on Greenwich Hospital Redevelopment

COUNCIL SUBMISSION TO DEPARTMENT OF PLANNING ON GREENWICH HOSPITAL REDEVELOPMENT

216 RESOLVED on the motion of Councillors Bennison and Brent that:-

1. Council prepare a submission to the Consent Authority (Department of Planning) objecting to the proposed State Significant Development based on the issues contained in the report and the following:-
 - a) The Seniors living units and villas component of the proposal should be deleted from the consent proposal as the site should continue to be preserved for use as a Hospital as per the current zoning;
 - b) The Director General should rule the residential component is not State Significant as it is prohibited use;
 - c) The built form of both the hospital tower and residential component are out of character with surrounding low density residential and impacts on the visual amenity of the area;
 - d) The Hospital component should be redesigned upon the deletion of the residential components to be located so as to not be on the highest point of the site and the height and bulk of the buildings minimised;
 - e) Pedestrian safety in the precinct particularly in St Vincent's Avenue and surrounds will be impacted and has not been adequately addressed;
 - f) The proponent's report incorrectly states that there will be a net an increase in the number of trees(86 lost and 60 planted) while the numbers actually indicate a decrease;
 - g) The contours are incorrect on the south west corner resulting in the shadow analysis being incorrect. The contours are steeper than the survey conducted, which is reflected in the Civil Engineering documentation.
 - h) The Visual impact from Northwood is understated as the documentation only shows the 'best case tree canopy corridor';
 - i) More extensive community consultation was requested but declined by the applicant;
 - j) The site has three driveways and traffic movements should be separated and defined between uses (residential/shops/deliveries/garbage etc) to improve safety and amenity on site;
 - k) The proposed location of the respite clinic on St Vincent's Road is inappropriate for accessibility/parking reasons and would be difficult for outpatients to find. It should be consolidated with other health services and better located for public transport;
 - l) The curtilage of the new residential buildings needs to be defined as part of new lots/uses to protect and enhance the amenity of residents particularly their ability to enjoy quiet 'private open space';
 - m) In general, subdivision of the site into lots with boundaries by their use would provide better outcomes for residents, visitors and staff for any future development;

- n) The extent of the APZ required and bushfire risk should be clarified;
 - o) The second heritage area (the long site/bridal path area) should be considered;
and
 - p) Any matter that the General Managers determines.
2. Council advise the Department of Planning, that should it determine in favour of the application, the conditions included in **AT-2** should be imposed.

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 Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: Statutory requirement

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

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

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

Monday to Friday
(inclusive)

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

Saturday

8.00am to 12.00 noon
with NO high noise generating activities,
including excavation, haulage truck
movement, rock picking, sawing, jack
hammering or pile driving to be
undertaken. Failure to fully comply will
result in the issue of a breach of consent
P.I.N.

Sunday

No work Sunday or any Public Holiday.

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

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

Reason: To protect the environment and public amenity.

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

Reason: To protect the environment and public amenity.

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

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

Reason: To protect the environment and public amenity.

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

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

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

Reason: To ensure public safety and public information.

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

Reason: To protect the environment.

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

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

Reason: Statutory requirement.

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

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

Reason: Statutory requirement.

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

Reason: To protect residential amenity.

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

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

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

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

23. (66) The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Occupational Health

and Safety Act and the Regulations. Details of the method of removal to be submitted PRIOR TO COMMENCING ANY DEMOLITION WORKS.

Reason: To ensure public safety.

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

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

25. (77) All spillage deposited on the footpaths or roadways to be removed at the completion of each day's 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 (AAILA), or a landscape designer who is a member of the Australian Institute of Landscape Designers and Managers (AILDM) in accordance with Lane Cove Council's DCP Part J Landscaping Section 1.7 Who Can Prepare a Landscape Plan?
71. The revised landscape plans must be in accordance with the relevant sections of the ADG with particular attention to the following:

- **Part 3; Siting the Development:**

- a. Objective 3A-1 – Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context;
- b. Each element in the Site Analysis Checklist should be addressed (see Appendix 1 of the ADG);
- c. Objective 3C-1 – Transition between private and public domain is achieved without compromising safety and security;
- d. Objective 3C-2 - Each element in the Site Analysis Checklist should be addressed (see Appendix 1);
- e. Objective 3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping;
 - i. Communal open space has a minimum area equal to 25% 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 planted shading trees
 - 4. Areas for residents to plant vegetables and herbs
 - 5. Composting
 - 6. Green roofs or walls
 - ii. Ongoing maintenance plans should be prepared
 - iii. Microclimate is enhanced by:
 - 1. appropriately scaled trees near the eastern and western elevations for shade
 - 2. a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter
 - 3. shade structures such as pergolas for balconies and courtyards
 - iv. Tree and shrub selection consider size at maturity and the potential for roots to compete (see Table 4)
- b. Objective 4.O-2 Landscape design contributes to the streetscape and amenity
 - i. Landscape design responds to the existing site conditions including:
 - 1. Changes of levels
 - 2. Views
 - 3. Significant landscape features including trees and rock outcrops.

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

- a. Objective 4P-1 - Appropriate soil profiles are provided
- b. Objective 4P-2 – Plant growth is optimised with appropriate selection and maintained
- c. Objective 4P-3 -Planting on structures contributes to the quality and amenity of communal and public open spaces

72. The Applicant must ensure that planting on structures provides for adequate soil depth, volume and a suitable soil profile to support the number of trees and shrubs indicated on the approved DA plans in accordance with the table provided in DCP Part J 1.10 – Planting on Structures.

- A detailed landscape plan showing the construction methods of the proposed planter boxes shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate and should include the following:
 - Type of wall;

- Dimensions of wall;
- Levels for both top of wall and bottom of wall;
- Materials used for the wall;
- Drainage information;
- Waterproofing information;
- Soil profile and depth for each plant type;
- Proposed soil volume;
- Sections and elevations clearly illustrating the design intent and how it pertains to the human scale;
- Plant materials specified for each of the planter boxes; and
- Certification from a practicing Structural Engineer

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.

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

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

74. A copy of the agreed maintenance schedule of all site landscaping shall be submitted by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation.

75. All landscaping areas shall have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants. The watering times and frequencies are to be adjusted seasonally to account for the different watering requirements for the temperatures and hours of sunlight for each season and maintained for the life of the development. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance period.

76. A qualified practising landscape architect or landscape designer is to certify that the proposed subsoil drainage and any associated waterproofing membrane, have been installed in accordance with the details shown on the landscape working drawings and specification. Works are not to progress until the principal certifying authority has confirmed that this condition has been satisfied;

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

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

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

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

Environmental Health conditions

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