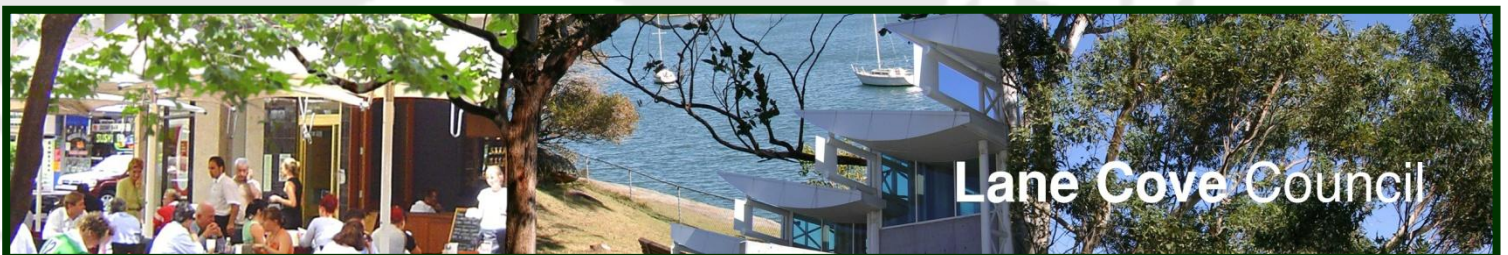


Agenda
Lane Cove Local Planning Panel Meeting
23 June 2026



Lane Cove Council

Notice of Meeting

Dear Panel Members,

Notice is given of the Lane Cove Local Planning Panel Meeting, to be held in the Council Chambers on Tuesday 23 June 2026 commencing at 5pm . The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Louise Kerr
General Manager

Lane Cove Local Planning Panel Meeting Procedures

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

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

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

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

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

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

DECLARATIONS OF INTEREST

APOLOGIES

NOTICE OF WEBCASTING OF MEETING

LANE COVE LOCAL PLANNING PANEL REPORTS

1. 126 AND 130-134 PACIFIC HIGHWAY GREENWICH..... 4

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

Item No: LPP10/26
Subject: 126 and 130-134 Pacific Highway Greenwich
Record No: DA25/91-01 - 43772/26
Division: Planning and Sustainability Division
Author(s): Mecone Group

Property:	126 and 130-134 Pacific Highway, Greenwich and northern portion of Anglo Road
DA No:	DA91/2025
PAN Number	PAN-561135
Date Lodged:	25/09/2025
Cost of Work:	\$94,216,100.00
Owner:	Thjian Pty Ltd, The Owners Strata Plan No. 20585, Lane Cove Council
Applicant:	The Trustee for CE Greenwich Trust No. 2

Description of the proposal to appear on determination	Demolition of all existing structures, site preparation works, and construction of 2 x eight (8) storey buildings comprising seniors living (59 x independent living units) and associated basement car parking, landscaping, and services, as well as a new public open space over Anglo Road and dedication of land adjoining Anglo Lane for road widening.
Zone	E2 Commercial Centre
Is the proposal permissible within the zone	No – (However Housing SEPP 2021 overrides LEP)
BCA Classification	Class 2, Class 6, Class 7a, Class 9b
Clause 4.6 requests	Two Clause 4.6 requests: FSR Building Height
List of all relevant s4.15(1)(a) matters	<p>Relevant Planning Instruments</p> <ul style="list-style-type: none"> • SEPP (Housing) 2021 - Chapter 3 – Diverse Housing – Division 5 Housing for seniors and people with a disability with an associated - Clause 4.6 Request for Height; • SEPP (Housing) 2021 - Chapter 4 - Design of residential apartment development • SEPP (Resilience and Hazards) 2021 • SEPP (Biodiversity and Conservation) 2021 • SEPP (Transport and Infrastructure) 2021 • SEPP (Building Sustainability Index) 2004; and • Lane Cove Local Environmental Plan 2009. <ul style="list-style-type: none"> • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority - N/A • relevant development control plan

Notification	The application was notified between 25/09/25 and 22/10/25 and 15 unique submissions were received. All submissions have been sent to the LPP for consideration.
Recommendation	Approval

Report prepared by	Mecone Group (Independent Planning Consultant)
Report date	16 June 2026

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Yes**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

REASON FOR REFERRAL

Referral to Lane Cove Council Planning Panel is required as the development is partly located on land for which Lane Cove Council (**Council**) is the landowner. Additionally, the development involves a departure from the height of buildings and floor space ratio development standards by more than 10% and the development is the subject of more than 10 unique submissions by way of objection.

EXECUTIVE SUMMARY

- On 25 September 2025, Council received the subject development application which seeks consent for demolition of all existing structures and construction of a mixed-use development comprising seniors living (58 x independent living units), ground level retail, and associated car parking, landscaping, and new public open space over Anglo Road.
- In parallel with this development application, the Applicant has progressed discussions with Council to purchase the northern portion of Anglo Road (**the Anglo Road land**).

- The application was notified in accordance with Council's notification policy from 25 September 2025 to 22 October 2025. A total of 15 unique submissions were received during this time. The submissions are summarised and addressed in this report.
- On 05 November 2025, a Request for Information (RFI) was issued to the Applicant. The RFI raised several concerns, including matters relating to building height, overshadowing, Apartment Design Guide compliance, active street frontages, ecological sustainable development, traffic and parking, landscaping, public open space and safety, engineering, and waste management.
- On 15 December 2025, the Applicant provided a response to the RFI, including revised architectural plans. The number of proposed independent living units was increased from 58 to 59 units, the number of car parking spaces was reduced from 134 to 81 spaces, and the retail tenancies were removed. The resultant improvements to the bulk and scale of the development significantly improve the acceptability of the proposal with respect to the relevant environmental planning instruments.
- On 30 January 2026, a further RFI was issued to the Applicant. The RFI raised concerns relating to the clause 4.6 written requests, residential amenity, sustainability, traffic and parking, landscaping, public open space and safety, engineering, and waste management.
- On 13 February 2026, the Applicant provided a response to the RFI.
- On 06 March 2026, Council advised the Applicant to withdraw the application due to uncertainty surrounding whether the sale of the Anglo Road land would proceed.
- Following further development on the sale of the Anglo Road between Council and the Applicant, a further RFI was issued to the Applicant on 15 April 2026. The RFI raised concerns relating to the clause 4.6 written requests, solar access, and public open space and safety.
- On 28 April 2026, the Applicant provided a response to the RFI to the satisfaction of Council officers.
- The development application is referred to the Lane Cove Council Planning Panel as the development is partly located on land for which Council is the landowner. Additionally, the development involves a departure from the height of buildings and floor space ratio development standards by more than 10% and the development is the subject of more than 10 unique submissions by way of objection.
- The proposal has been assessed against section 4.15 of the *Environmental Planning and Assessment Act 1979*. A detailed assessment of the proposal against the relevant environmental planning instruments, including *State Environmental Planning Policy (Housing) 2021*, *Lane Cove Local Environmental Plan 2009*, and *Lane Cove Development Control Plan 2010*, is provided in this report.
- The submitted written requests to vary the height of buildings and floor space ratio development standards pursuant to clause 4.6 of *Lane Cove Local Environmental Plan 2009* are considered to be well founded in that they demonstrate that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variations.

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

- Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the suitability of the site for the proposed development has been adequately demonstrated.
- Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is in the public interest.
- The proposal will deliver 59 seniors independent living units that directly respond to the demonstrated housing needs of Lane Cove's ageing population, while also providing new public open spaces that enhance the amenity, activation, and permeability of the Pacific Highway corridor.
- It is therefore recommended that the Lane Cove Planning Panel grant deferred commencement consent to the development application.

SITE

The site is located at 126 and 130-134 Pacific Highway, Greenwich is legally described as Lot 100 in DP594391 (No. 126) and SP20585 (No. 130-134). Refer to **Figure 1**.

The site also comprises the northern portion of Anglo Road between the two (2) properties (**the Anglo Road land**). This land is owned by Lane Cove Council and an in-principle agreement for the sale of the Anglo Road land to the Applicant has been reached with the Applicant and Council officers. Details of the sale being finalised are subject to separate commercial process and approval of Council. In granting development consent to this application, Council provides its owner's consent to this development application.



Figure 1: Aerial image of the site – subject site shown red and 'Anglo Road land' shown yellow (*Source: Mecone Mosaic*)

The site has frontages to the Pacific Highway (to the north) and Anglo Lane (to the east) and has a total area of 3,380.4m², comprising:

- 126 Pacific Highway (including road dedication area) – 1,231.9m².
- 130-134 Pacific Highway – 1,227.5m².
- Portion of Anglo Road land – 921m².

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

As shown in **Figures 2-4**, the site is currently occupied by a three (3) storey commercial building at No. 126 and a three (3) to four (4) storey commercial building at No. 130-134.



Figure 2: Existing building at 126 Pacific Highway (Source: Google Maps)



Figure 3: Existing building at 130-134 Pacific Highway (Source: Google Maps)



Figure 4: The Anglo Road land (Source: Google Maps)

As shown in Figure 5, the surrounding locality comprises a mix of commercial and residential development of varying architectural style and era. To the north of the site, on the opposite side of the Pacific Highway is the Gore Hill Memorial Cemetery. Development to the south of the site comprises one (1) to three (3) storey residential properties. A recently approved eight (8) storey seniors living development (known as Akoya Greenwich) is located to the south-west, at 2 Greenwich Road.

Immediately to the west of the site, at 154 Pacific Highway, is a multi-storey commercial building. Immediately to the east of the site, at 118-120 Pacific Highway, is a multi-storey commercial building.



Figure 5: Context analysis plan (Source: Marchese Partners)

SITE APPLICATION HISTORY

Previous Development Application

A previous development application (DA154/2024) was lodged on 22 January 2024 for two (2) eight-storey mixed-use buildings comprising seniors living (59 x independent living units), ground level retail, and associated car parking and landscaping.

On 25 February 2024, Council advised the Applicant to withdraw the application for the following reasons:

- *The current proposal lacks sufficient information to enable a full assessment of the development application.*
- *Council raises concerns with the proposed development as detailed below.*
- *The significant design changes required in order to implement the recommendations of the Design Review Panel would result in a new development application.*
- *The Clause 4.6 variation lacks sufficient planning grounds / justification and it is unclear on the Public Benefit offer that is being proposed. This should be notified in conjunction with the development application notification period for clarity.*

Noting the minimum site area requirements for seniors housing pursuant to section 87(2) of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), Council advised that the Applicant is required to purchase a portion of Anglo Road to ensure that the development lots are contiguous. Council advised that a future application should incorporate the Anglo Road land by way of a high-quality landscaped pedestrian / public open space.

The application was subsequently withdrawn by the Applicant on 04 April 2025.

Purchase of Anglo Road

A consolidated discussion of the status of the Anglo Road land and its implications for this application is warranted, as this matter is fundamental to the assessment of the proposal.

The Anglo Road land is a portion of a public road, owned by Lane Cove Council, located between the two (2) lots at 126 Pacific Highway and 130–134 Pacific Highway. The proposal seeks to deliver a new public open space on this land.

At the Ordinary Council meeting of 24 July 2025, Council resolved:

Item 9 PROPOSED LAND SALE - ANGLO ROAD, ST LEONARDS

155 RESOLVED on the motion moved by Councillor Roenfeldt and seconded by Councillor Bennison that Council:

1. *receive and note the Report;*
2. *delegate authority to the General Manager to commence the negotiation of sale and the Road Closure process under the Roads Act;*
3. *receive a further report on the outcome of the Community Consultation pertaining to road closure for its consideration prior to finalising any sale; and*
4. *shall include in any agreement for the sale of Anglo Road, St Leonards, a condition precedent that the DA has been determined by the relevant authority and consent has been granted.*

*For the Motion were Councillors Southwood, Bennison, Bryla, Flood, Greenwell, Kennedy, Little, Roenfeldt and Taylor (Total 9).
Against the Motion was Nil (Total 0).*

An in-principle agreement for the sale of the Anglo Road land to the Applicant has been reached with the Applicant and Council officers. Details of the sale are being finalised via a separate commercial process and approval of Council.

Should the application be approved, a deferred commencement condition will be imposed requiring the sale and transfer of land from Council to the Applicant prior to the consent becoming active.

In granting development consent to this application, Council provides its owner's consent to this development application.

Planning Proposal

In 2025, a Planning Proposal (PP44) was submitted by the Applicant to Council to amend *Lane Cove Local Environmental Plan 2009 (LCLEP)* to allow an Additional Permitted Use of Seniors Housing on the land at 126 and 130-134 Pacific Highway, Greenwich, including the ability to strata subdivide.

At the Ordinary Council meeting of 20 November 2025, Council resolved not to support the Planning Proposal proceeding to a Gateway Determination. The Planning Proposal is now subject of a Rezoning Review (refer RR-2025-19), which was lodged on 09 December 2025.

On 09 April 2026, the Strategic Planning Panel of the Sydney North Planning Panel resolved that the Planning Proposal should be submitted for a Gateway Determination, subject to the Panel's review and endorsement of the following additional information:

Investigate whether the proposal's intended outcome of facilitating a subdivided seniors housing development could still be achieved through an alternate approach such as rezoning the subject site, which may include the MU1 Mixed Use or E1 Local Centre zones.

Notwithstanding the above, the proposal has been amended following lodgement to remove subdivision works from the proposed scope.

PROPOSAL

The proposal (as amended) seeks consent for demolition of all existing structures, site preparation works, and construction of 2 x eight (8) storey buildings comprising seniors living (59 x independent living units) and associated basement car parking, landscaping, and services, as well as a new public open space over Anglo Road and dedication of land adjoining Anglo Lane for road widening.

As shown in **Figures 6-8**, the proposal (as amended) comprises:

- Demolition of all existing structures and site preparation works.
- Construction of two (2) buildings, including:
 - Three (3) levels of basement parking, loading, plant, and services.
 - Reception / lobby and communal areas at ground floor level. The communal areas are intended for communal wellness-based amenities such as sauna, steam room, gym, and pilates/yoga room.

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

- 59 x independent living units (ILUs) across eight (8) storeys, comprising 29 x 2-bed units and 30 x 3-bed units.
- Rooftop communal area, including swimming pools.
- Public open space at ground level (on the Anglo Road land) to be managed by the Applicant.
- Dedication of a 176m² portion of land on the eastern boundary to Council for road widening of Anglo Lane.
- Associated landscaping and servicing.

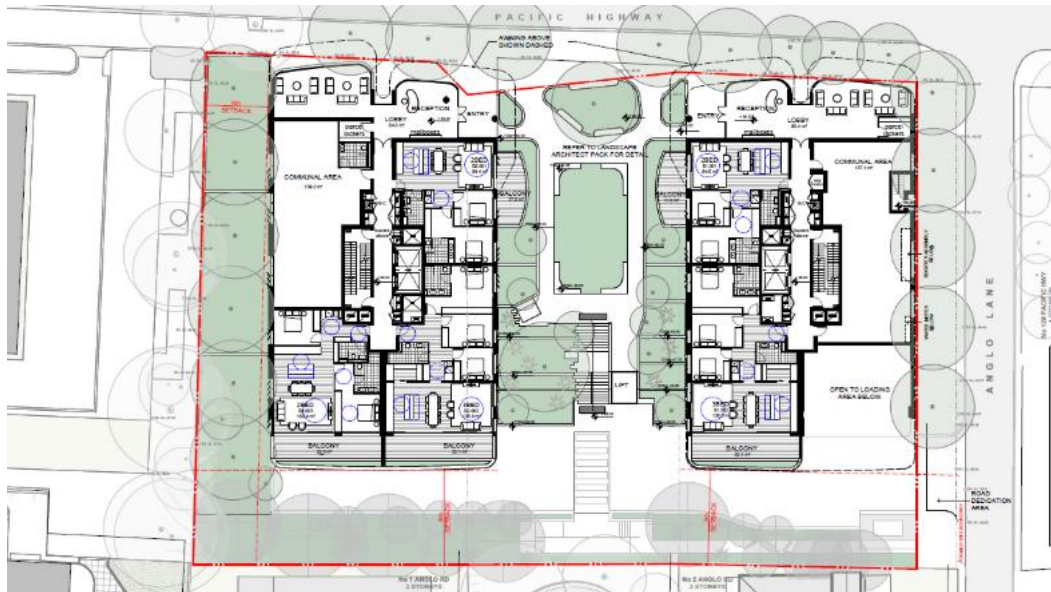


Figure 6: Proposed ground floor plan (Source: Marchese Partners)



Figure 7: Proposed north elevation plan (Source: Marchese Partners)

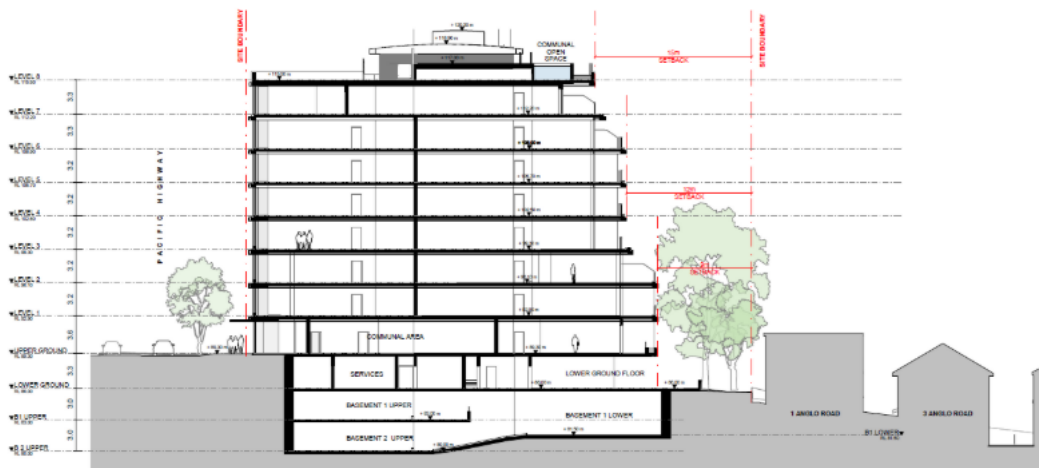


Figure 8: Proposed section plan (Source: Marchese Partners)

PROPOSAL DATA/POLICY COMPLIANCE

Lane Cove Local Environmental Plan 2009 (LCLEP)

The site is zoned E2 Commercial Centre pursuant to *Lane Cove Local Environmental Plan 2009 (LCLEP)*. Development for the purpose of seniors housing is prohibited under LCLEP in the E2 zone.

Further assessment of the proposal in terms of permissibility and compliance with relevant development standards is provided below. Notwithstanding, it is considered that the proposal is consistent with the objectives of the E2 zone, for the following reasons:

- The proposal incorporates active uses along the Pacific Highway frontage, contributing to active and diverse street frontages consistent with the vision for vibrant pedestrian-focused streets.
- The development represents a significant private investment in a purpose-built seniors living facility, generating construction employment and ongoing operational activity, and contributing to the economic renewal of the Pacific Highway corridor.
- The proposal delivers a pedestrian through-site link and publicly accessible open space, creating a high level of pedestrian amenity and permeability through the site.
- The proposal supports the role of St Leonards as a health and education precinct by providing purpose-built independent living accommodation within 400m of Royal North Shore Hospital and allied health services, responding to the demonstrated need for seniors housing in proximity to health infrastructure.
- The site is located approximately 500m from St Leonards train station and is served by bus routes along Pacific Highway. The proposed through-site link and active frontages improve pedestrian conditions and support reduced car dependency.

Permissibility

Pursuant to section 81 of *State Environmental Planning Policy (Housing) 2021 (the Housing SEPP)*, development for the purposes of seniors housing may be carried out with consent on land to which Part 5 applies, including land in the E2 zone.

In this regard, the proposed seniors housing development is permitted with consent at the site.

Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH

Floor space ratio

LCLEP prescribes a maximum floor space ratio (FSR) of 3:1 for the site.

Section 87(2)(a) of the Housing SEPP permits an increased maximum FSR of 15% resulting in a maximum FSR of 3.45:1 for seniors housing (comprising independent living units) in the E2 zone, subject to the site meeting the minimum area of 1,500m².

Noting that the site has a combined area greater than 1,500m², section 87(2)(a) applies.

The proposed development results in a minor variation to the development standard for the lot at 126 Pacific Highway, as detailed in the below table. Inclusive of the road dedication area, the extent of variation is limited to 3.26%.

It is noted that the proposed development results in a total FSR of 2.66:1 across the consolidated site area (inclusive of the land dedication area), which complies with the maximum permissible control of 3.45:1.

Site	Area	Control	Proposed	Compliance
126 Pacific Highway <i>(excl. road dedication)</i>	1,055.9m ²	3.45:1 (3,642.86m ²)	4.16:1 (4,388.80m ²)	No (20.48%)
126 Pacific Highway <i>(incl. road dedication)</i>	1,231.9m ²	3.45:1 (4,250.10m ²)	3.56:1 (4,388.80m ²)	No (3.26%)
130-134 Pacific Highway	1,227.5m ²	3.45:1 (4,234.88m ²)	3.34:1 (4,095.20m ²)	Yes
Anglo Road land	921 m ²	N/A	513m ²	N/A
TOTAL <i>(incl. road dedication)</i>	3,380.4m ²	3.45:1 (11,662.38m ²)	2.66:1 (8,997m ²)	Yes

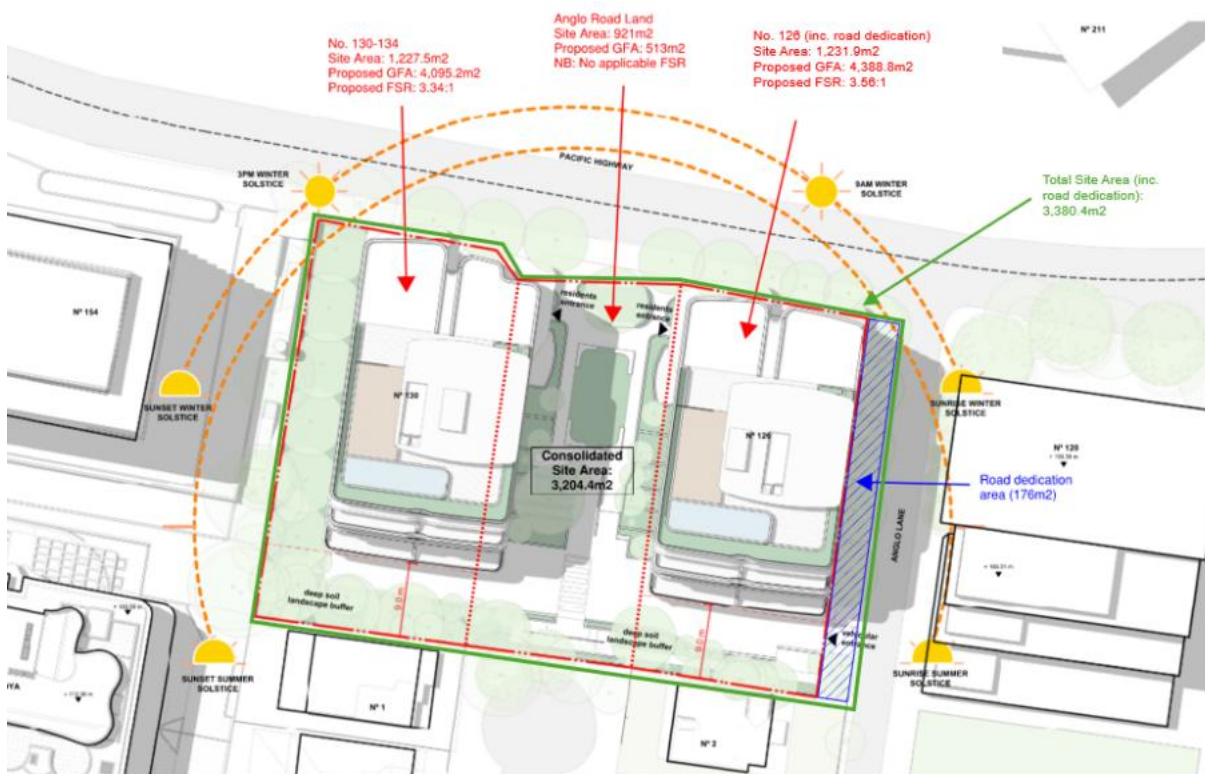


Figure 9: Proposed site plan – with site annotations added (*Source: Marchese Partners*)

Clause 4.6 assessment

Clause 4.6 of LCLEP provides a mechanism for a consent authority to grant development consent notwithstanding a contravention of a development standard, where the Applicant demonstrates, pursuant to clause 4.6(3), that:

- *Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- *There are sufficient environmental planning grounds to justify the contravention.*

A revised clause 4.6 written request (dated 12 December 2025) was prepared by Planning & Co in support of the development application. The clause 4.6 statement has been prepared on the basis of a site area for 126 Pacific Highway inclusive of the road dedication area.

With reference to the tests established in *Wehbe v Pittwater Council [2007] NSWLEC 827*, the clause 4.6 written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as summarised below:

- *The minor exceedance of 3.26% will be imperceptible in the circumstances.*
- *The proposed bulk and scale of the proposed development is compatible with the character of the locality comprising a high density, mixed-use typology comprising a combination of ground-floor retail, commercial office, and residential development in buildings of varying heights, styles, and ages.*
- *The proposed bulk and scale of the development is reflective of the built form in the immediate vicinity along the Pacific Highway, characteristic of a commercial envelope that would ordinarily be expected.*
- *The total FSR over the whole site area is compliant at 2.81:1, with the bulk and scale broken up by the proposed new open space, in between.*
- *The transitional zone between urban characters from the Pacific Highway to lower density residential has been adequately addressed by providing more than sufficient rear setbacks to the proposed buildings, in accordance with ADG design guidance, to maximise transitional space. Further, the lands south of the site are subject to the Low and Mid-rise provisions of the Housing SEPP and could be redeveloped to higher forms of development.*

With reference to the objects of the EP&A Act, the clause 4.6 written request has also demonstrated that there are sufficient environmental planning grounds to justify the contravention, as summarised below:

- The additional floor space above the base 3:1 FSR is used exclusively for independent living units, directly responding to the demonstrated commercial and social need for diverse seniors housing in Lane Cove.
- The site's location proximate to Royal North Shore Hospital, St Leonards train station, and allied health services makes it particularly suitable for seniors housing, and the FSR variation enables the delivery of a viable and functional development in this location.
- The proposed development is permitted with consent in the E2 zone under the Housing SEPP, which was specifically amended in 2021 to incentivise the delivery of seniors housing in well-located, accessible sites, reflecting a clear state government policy intention to facilitate this form of development.
- The FSR exceedance does not result in any unacceptable adverse environmental impacts, with the proposed built form consistent with the bulk and

scale of the E2 zone and the established character of the Pacific Highway corridor.

- The proposal promotes the orderly and economic use of land by replacing underutilised commercial tenancies in a precinct experiencing declining commercial demand with a purpose-built seniors living facility that supports the St Leonards health and education precinct.
- The development delivers good design and amenity outcomes, supported by compliance with the ADG, together with meaningful public benefits including a new publicly accessible open space and road widening dedication.

Building height

LCLEP prescribes a maximum building height of 25m for the site.

Section 87(2)(b) of the Housing SEPP permits an additional 3.8m above the maximum permissible building height, resulting in a total maximum building height of 28.8m for seniors housing in the E2 zone, subject to the site meeting the minimum site area of 1,500m².

Noting that the site has a combined area of 3,204.4m² (excluding road dedication area), section 87(2)(b) applies.

The proposed development results in a minor variation to the development standard, with a maximum building of 32.9m for Building 1 and 32.1m for Building 2. The proposal results in a maximum exceedance of 4.1m, representing a 14.2% variation to the development standard.

Clause 4.6 assessment

Clause 4.6 of LCLEP provides a mechanism for a consent authority to grant development consent notwithstanding a contravention of a development standard, where the Applicant demonstrates, pursuant to clause 4.6(3), that:

- *Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- *There are sufficient environmental planning grounds to justify the contravention.*

A revised clause 4.6 written request (dated 28 April 2026) was prepared by Planning & Co in support of the development application.

With reference to the tests established in *Wehbe v Pittwater Council [2007] NSWLEC 827*, the clause 4.6 written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as summarised below:

- *The height exceedance is predominantly as a result of access to the rooftop communal open space areas, that will deliver high amenity spaces to all residents. Some rooftop spaces are also over the height control. Refer to **Figure 10**.*

- The height exceedance is confined to the lift overrun, stair core, and rooftop communal open space and facilities. No habitable or net sellable floor space exceeds the height control. This directly enables the provision of high-amenity rooftop communal areas that the NSROC Design Review Panel expressly supported. The provision of communal open space at the rooftop that is accessible to all residents is a better planning outcome than if compliance were to be achieved and this area to be removed.
- The proposed height promotes the economic and social welfare of the community by supporting the delivery of 59 seniors independent living units proximate to Royal North Shore Hospital and the St Leonards health and education precinct, responding to a demonstrated commercial and social need for diverse housing in Lane Cove.
- The development is permitted with consent in the E2 zone under the Housing SEPP, which was specifically amended in 2021 to incentivise seniors housing in well-located sites, reflecting clear state government policy intent to facilitate this form of development notwithstanding minor variations to development standards.
- The proposed development meets all BASIX requirements and is designed with sustainable materials, demonstrating that ecologically sustainable development outcomes are achieved notwithstanding the height exceedance.
- The height exceedance does not result in unreasonable impacts on neighbouring development in terms of solar access, privacy, or view loss, with overshadowing impacts no greater than would be expected from a compliant commercial redevelopment of the site.
- The redevelopment of underutilised commercial premises in a precinct experiencing declining commercial demand promotes the orderly and economic use of land, consistent with the intent and objectives of the E2 zone.

REFERRALS

Tree Officer

No objection, subject to conditions, including a minor design amendment to the awning along the Pacific Highway to ensure the retention of Tree 49.

Heritage Advisor

No objection, subject to conditions.

Traffic and Transport Manager

No objection, subject to conditions.

Building Surveyor

No objection, subject to conditions.

Environmental Health Officer

No objection, subject to conditions.

Waste Coordinator

No objection, subject to conditions.

Community Services Officer

No objection, subject to conditions.

Landscape Architect

No objection, subject to conditions, including a requirement to reconfigure the driveway to achieve 15% deep soil provision.

As discussed in this report, minor numeric non-compliance with the 15% deep soil requirement is acceptable on merit, and as such, the imposition of a condition is not deemed necessary in this instance.

Water NSW

No objection, subject to General Terms of Approval.

Ausgrid

No objection, subject to conditions.

Transport for NSW

No objection, subject to conditions.

ASSESSMENT – ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Lane Cove Local Environmental Plan 2009

The site is zoned E2 Commercial Centre pursuant to *Lane Cove Local Environmental Plan 2009 (LCLEP)*. Development for the purpose of seniors housing is prohibited under LCLEP in the E2 zone.

Further assessment of the proposal in terms of permissibility and compliance with relevant development standards is provided in the previous sections of this report.

Clause 5.10 – heritage conservation

The site is not identified as a heritage item nor within a heritage conservation area.

However, it is noted that the site directly adjoins a heritage item – No. 13 “House” at 2 Anglo Road. The Gore Hill Memorial Cemetery, located on the opposite side of the Pacific Highway, is a State heritage item.

The submitted Heritage Impact Statement confirms that the proposed development will have minimal impact to these nearby heritage items. No objection was raised by Council’s heritage officer.

State Environmental Planning Policy (Housing) 2021

The *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* was published on 26 November 2021 and aims to incentivise the supply and ensure the effective delivery of diverse housing. The Housing SEPP was amended to incentivise the delivery of housing for seniors and the subject application seeks to benefit from these seniors housing incentives.

Chapter 3, Part 5 – Housing for seniors and people with a disability

An assessment of the proposal against the relevant sections of Chapter 3, Part 5 of the Housing SEPP is provided in the below table.

Section	Provision	Comment
Part 5 Housing for seniors and people with a disability		
Division 3 Development standards		
84 Development	(1) <i>This section applies to development for the purposes of seniors</i>	

standards—general	<i>housing involving the erection of a building.</i>	
	<p><i>(2) Development consent must not be granted for development to which this section applies unless—</i></p> <p><i>(a) the site area of the development is at least 1,000m², and</i></p> <p><i>(b) the frontage of the site area of the development is at least 20m measured at the building line, and</i></p> <p><i>(c) for development on land in a residential zone where residential flat buildings are not permitted—</i></p> <p><i>(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</i></p> <p><i>(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m, the servicing equipment must—</i></p> <p><i>(A) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i></p> <p><i>(B) be limited to an area of no more than 20% of the surface area of the roof, and</i></p> <p><i>(C) not result in the building having a height of more than 11.5m, and</i></p> <p><i>(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</i></p>	<p>Complies – The site area (3,204.4m² excluding road dedication area) achieves the minimum 1,000m² requirement and the site frontage (approximately 61m at the building line) achieves the 20m requirement.</p> <p>The development is not located on land in a residential zone.</p>
85 Development standards for hostels and independent living units	<p><i>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</i></p>	<p>Complies – the submitted Access Report confirms that the development can achieve compliance with the relevant accessibility standards.</p>

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

87 Additional floor space ratios	<p><i>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—</i></p> <p><i>(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5, Chapter 6 or another environmental planning instrument, or</i></p> <p><i>(b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.</i></p> <p><i>(2) Development consent may be granted for development to which this section applies if the site area of the development is at least 1,500m², and the development will result in a building with one or more of the following—</i></p> <p><i>(a) a maximum permissible floor space ratio plus—</i></p> <p><i>(i) for development involving independent living units—up to an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or</i></p> <p><i>(ii) for development involving a residential care facility—up to an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or</i></p> <p><i>(iii) for development involving independent living units and residential care facilities—up to an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, or</i></p> <p><i>(b) a height of not more than 3.8m above the maximum permissible building height.</i></p>	<p>Does not comply – refer to building height discussion and Clause 4.6 assessment in this report.</p>
88 Restrictions on occupation of seniors housing	<p><i>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</i></p> <p><i>(a) seniors or people who have a disability,</i></p>	<p>Complies – the proposal seeks consent for the construction of accommodation for the people listed in subsection (1). Suitable conditions are recommended to be imposed for avoidance of doubt.</p>

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

	<p><i>(b) people who live in the same household with seniors or people who have a disability,</i></p> <p><i>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</i></p> <p><i>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</i></p>	
89 Use of ground floor of seniors housing in business zones	<p><i>(1) This section applies to a building used for the purposes of seniors housing on land in a business zone.</i></p>	
	<p><i>(2) Development consent must not be granted for development under this Part unless the part of the ground floor of the building that fronts a street will not be used for residential purposes.</i></p>	Complies – the ground floor of the building that fronts the Pacific Highway comprises lobby areas and other non-residential uses (i.e. communal rooms).
	<p><i>(3) Subsection (2) does not apply to a part of a building that—</i></p> <p><i>(a) faces a service lane that does not require active street frontages, or</i></p> <p><i>(b) is used for 1 or more of the following purposes—</i></p> <p><i>(i) a lobby for a residential, serviced apartment, hotel or tenanted component of the building,</i></p> <p><i>(ii) access for fire services,</i></p> <p><i>(iii) vehicular access.</i></p>	Complies – the eastern elevation fronts Anglo Lane, which is a service lane that does not require an active street frontage.
	<p><i>(4) Subsection (2) does not apply if another environmental planning instrument permits the use of the ground floor of the building for residential purposes.</i></p>	Not applicable.
90 Subdivision	<p><i>(1) Development consent may be granted for the subdivision of land on which development is carried out under this Part.</i></p> <p><i>(1A) Development consent for the subdivision of land may be granted at any time, including before the development under this part is carried out.</i></p> <p><i>(2) Development consent must</i></p>	Not applicable – the application initially sought consent for subdivision; however, this element has since been removed from the scope of proposed works.

	<i>not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.</i>	
91 Fire sprinkler systems in residential care facilities	<i>(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.</i>	Complies – the proposal can accommodate a fire sprinkler system. Suitable conditions are recommended to be imposed for avoidance of doubt.
Division 4 Site-related Requirements		
93 Location and access to facilities and services— independent living units	<p><i>(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services—</i></p> <p><i>(a) by a transport service that complies with subsection (2), or</i></p> <p><i>(b) on-site.</i></p> <p><i>(2) The transport service must—</i></p> <p><i>(a) take the residents to a place that has adequate access to facilities and services, and</i></p> <p><i>(b) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City—</i></p> <p><i>(i) not be an on-demand booking service for the transport of passengers for a fare, and</i></p> <p><i>(ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and</i></p> <p><i>(c) for development on other land—be available both to and from the site during daylight hours at least once each weekday.</i></p> <p><i>(3) For the purposes of subsections (1) and (2), access is adequate if—</i></p> <p><i>(a) the facilities and services are, or the transport service is, located at a distance of not more</i></p>	<p>Complies – The site benefits from a transport service which provides adequate access to facilities and services as defined in this section.</p> <p>The site is serviced by frequent bus services on the Pacific Highway (113,119, 144, 252, 254, 265, 267, 286,87, 290, and 291) which are available to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.</p> <p>The bus stops for the above-mentioned services are located along the Pacific Highway, approximately 100m-200m walking distance from the residential lobbies of the site via a suitable sealed pathway.</p>

	<p><i>than 400m from the site, and</i> <i>(b) the distance is accessible by means of a suitable access pathway, and</i> <i>(c) the gradient along the pathway complies with subsection (4)(c).</i></p>	
95 Water and sewer	<p><i>(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—</i> <i>(a) be connected to a reticulated water system, and</i> <i>(b) have adequate facilities for the removal or disposal of sewage.</i> <i>(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority—</i> <i>(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or</i> <i>(b) if reticulated services are not available—must satisfy the responsible authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.</i></p>	Complies – the submitted documentation confirms that suitable services and facilities can be accommodated.
Division 5 Design Requirements		
97 Design of seniors housing	<p><i>(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.</i></p>	Complies – The submitted Design Report indicates that the proposal generally accords with the <i>Seniors Housing Design Guide</i> .
	<p><i>(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.</i></p>	Complies – The submitted Design Report indicates that the proposal generally accords with the design principles for seniors housing set out in Schedule 8.

Division 7 Non-discretionary development standards		
108 Non-discretionary development standards for independent living units—the Act, s 4.15	(2) <i>The following are non-discretionary development standards in relation to development for the purposes of independent living units—</i> (a) <i>no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</i> (b) <i>servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</i> (i) <i>is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i> (ii) <i>is limited to an area of no more than 20% of the surface area of the roof, and</i> (iii) <i>does not result in the building having a height of more than 11.5m,</i>	Does not comply – refer to building height discussion and Clause 4.6 assessment in this report.
	(c) <i>the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</i>	Does not comply – refer to FSR discussion and Clause 4.6 assessment in this report.
	(d) <i>a minimum landscaped area that is the lesser of—</i> (i) <i>35m² per dwelling, or</i> (ii) <i>30% of the site area,</i>	Complies – the proposal delivers 1,015.88m ² of landscaped area, equating to 31.7% of the site area.
	(f) <i>a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i>	Does not comply – the proposal provides 454.29m ² (14.17%) of deep soil area. Refer to detailed discussion in this report.
	(g) <i>at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</i>	Complies – 49 out of 59 units (83%) of proposed dwellings will receive at least 2 hours of direct solar access between 9am and 3pm midwinter.
	(h) <i>for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—</i>	Complies – all ground level dwellings have access to a suitably sized private open space area, ranging in size from 17.8m ² to 22.1m ² , with minimum 3m dimensions.

	<p><i>(i) at least 15m² of private open space per dwelling, and</i> <i>(ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,</i> Note— <i>The open space needs to be accessible only by a continuous accessible path of travel, within the meaning of AS 1428.1, if the dwelling itself is an accessible one—see Schedule 4, section 2.</i></p>	
	<p><i>(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and—</i> <i>(i) an area of at least 10m², or</i> <i>(ii) for each dwelling containing 1 bedroom—an area of at least 6m²,</i></p>	<p>Complies – all dwellings have access to a suitably sized balcony and/or winter garden, ranging in size from 10m² to 33.7m².</p>
	<p><i>(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.</i></p>	<p>Complies – the proposal comprises a total of 148 bedrooms, equating to a requirement of at least 74 car parking spaces.</p> <p>A total of 81 car parking spaces is provided within the basement levels, which complies with the minimum requirements.</p>

Chapter 4 – Design of residential apartment development

Chapter 4 of the Housing SEPP applies to the proposal as it comprises a mixed-use development with a residential accommodation component.

Section 147 of the Housing SEPP states:

(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,

Officer comment: The proposal is consistent with the design principles set out in Schedule 9 of the Housing SEPP.

In terms of context and built form (Principles 1 and 2), the 2 x eight (8) storey buildings are designed to respond to the existing and future character of the Pacific Highway corridor, with a stepped building form that transitions sensitively to the lower-density residential area to the south, generous side and rear setbacks, and active uses at street level that activate the Pacific Highway frontage.

As demonstrated in this report, the proposal is an appropriate density (Principle 3) and delivers good amenity outcome for future residents, supported by the site's proximity to public transport, employment, and community facilities including St Leonards train station, the Royal North Shore Hospital, and the St Leonards strategic centre.

In respect of sustainability and landscape (Principles 4 and 5), the design achieves 83% solar access and 97% cross-ventilation across the 59 independent living units and incorporates adequate landscaped area, deep soil area, and communal open space. The proposal also includes publicly accessible open space through a pedestrian through-site link. The use of natural and tactile materials, together with generous landscaping buffers, contributes positively to the streetscape and micro-climate.

Resident amenity (Principle 6) is supported by the design of the wintergardens addressing traffic noise on the northern façade, passive surveillance over public and communal areas (Principle 7), and a purpose-built design tailored to the needs of senior residents with accessible layouts, diverse communal spaces, and connections to recreational facilities (Principle 8). The architectural composition employs a varied palette of materials, colours, and organic facade articulation that responds to the local residential character (Principle 9).

(b) the Apartment Design Guide,

Officer comment: Refer to below Apartment Design Guide (**ADG**) assessment table.

(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

Officer comment: The previously withdrawn application (DA154/2024) was considered by the Northern Sydney Regional Organisation of Councils (**NSROC**) Design Review Panel on 05 February 2025.

The NSROC Design Review Panel generally supported the development, but found the design required some revision, particularly to remove vehicle dominance from Anglo Road, improve setbacks, landscape, and public domain outcomes, and to better respond to site context and design quality principles.

As the proposed built form and design are substantially similar to those of the previously withdrawn application and suitably respond to the NSROC Design Review Panel's previous comments, Council considers that re-referral to the NSROC Design Review Panel is not required. A summary of how the current proposal has responded to the NSROC Design Review Panel comments is provided in the below table.

NSROC Design Review Panel Comment	Proposed Development
Principle 1 Context and Neighbourhood Character	
Site analysis of local context and Country was insufficient.	Sufficient detail is provided in the submitted Design Report.
The leafy landscape character and harbour views are key elements that must be informed both the built form and public domain response.	These matters are suitably addressed in the submitted Design Report.

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

The vision of a connected precinct with active public domain is not reflected in the current proposal.	The amended proposal delivers a publicly accessible pedestrian through-site link, activated ground-floor uses, and generous landscaped communal open space, collectively delivering a connected and active public domain.
Removing vehicle access from Anglo Road is a missed opportunity. Servicing via Anglo Lane should be explored instead, unlocking Anglo Road's northern portion as public space with tree canopy, retail activation and community program.	The amended proposal removes vehicular access from Anglo Road and delivers an activated public open space area. The proposal also dedicates a portion of land to Council to allow for the widening of Anglo Lane.
Subject to a VPA with Council, the Panel supports the applicant purchasing and closing Anglo Road.	
Anglo Lane would need to be widened to accommodate two-way traffic in accordance with relevant Australian Standards and Austroads Design Guidance.	
Principle 2 Built Form and Scale	
Proposed height of 32.3m is supported.	Noted.
Proposed FSR is supported, however winter gardens do not appear to be included in FSR calculations.	The submitted GFA plans and calculations accord with the Standard Instrument definition.
An additional 1–2 storeys along the Pacific Highway frontage is supported, which would allow building mass to step back from the southern boundary, increase private balconies and regional views, and reduce overshadowing to properties to the south.	Noted. The amended proposal redistributes floor area to an additional storey to allow the building mass to step back from the southern boundary.
Anglo Road closure should be used to explore a connected basement between the two sites, limited to under the Anglo Road alignment to maximise deep soil zones.	The amended proposal provides for a connected basement.
The Panel are not supportive of the colonnade design in its current form.	The colonnade design has been removed in the amended proposal.
The Panel are satisfied with the setback to Anglo Lane given the existing commercial use and definition of built form to street edge.	Noted. The setback to Anglo Lane is retained in the amended proposal.
The Panel note that the lack of setback to the west [sic] will shift these to any future development on 154 Pacific Highway. Whilst a strong built form edge to the west [sic] is supported the Panel raise the lack of setback as a potential planning issue	Refer to detailed discussion in this report relating to visual privacy.
The Panel do not support the lack of setback to upper levels along the southern boundary noting the increased impact of overshadowing to adjacent residential lots.	The amended proposal provides an increased setback to the southern boundary.
Principle 3 Density	
The Panel support an increased FSR as a result of an increase in built form to the Pacific Highway frontage.	Noted.
Principle 4 Sustainability	
The following aspects of the proposal that require greater detail: rainwater, façade detail, and materiality.	Sufficient information is provided in the submitted documentation.

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

Principle 5 Landscape	
The Panel generally support the arrangement of Communal Open Space on rooftops.	Noted. The rooftop communal open spaces are retained in the amended proposal.
The Panel does not support the current landscape design at ground level with Anglo Road dominated by vehicle servicing resulting in limited activation, deep soil and tree canopy.	Vehicular access has been removed from Anglo Road.
The Panel are generally supportive of the proposed tree removal, with the exception of T35, T36 and T37.	Council's Tree Officer has reviewed the proposal and raises no concerns, subject to conditions, including Tree 49 on Pacific Highway being retained. Refer to referral comments.
The Panel request that a minimum 30% landscaped area be achieved.	The amended proposal delivers 31.7% of landscaped area.
The Panel request that a minimum 15% deep soil area be achieved.	The amended proposal delivers 14.17% of deep soil area. The proposed 0.83% shortfall is acceptable on merit, as detailed in this report.
Principle 6 Amenity	
Consider re-arranging community / commercial spaces and residential apartments at ground level.	The ground level arrangement has been revised in the amended proposal and is considered suitable.
Reconsider the retail offer at ground level.	The retail tenancies have been removed from ground level in the amended proposal.
All waste servicing to be off street and integrated into basement entries.	The basement has been reconfigured to allow for waste servicing.
Further develop northern façade arrangements to optimise quality daylight access.	The façade arrangements have been revised to optimise daylight access.
Several bathrooms on external walls do not have access to natural air or light.	Windows are provided to bathrooms on external walls in the amended proposal.
Review the internal visual amenity when a north and south bay window are facing each other.	The amended proposal incorporates louvered screens to prevent direct overlooking between windows.
Principle 7 Safety	
Safety items within landscape zones and built form should be considered in future phases of the design.	The amended proposal is considered acceptable with regard to safety.
Principle 8 Housing Diversity and Social Interaction	
The Panel support the proposed use of seniors living.	Noted. The proposed seniors use has been retained in the amended proposal.
Principle 9 Aesthetics	
Reconsider the detail, height, materiality and form of the colonnade.	The colonnade design has been removed in the amended proposal.

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

Provide greater detail on what finishes are being proposed.	Sufficient details of materials and finishes is provided in the submitted documentation.
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Section 148(2) of the Housing SEPP states:

(2) The following are non-discretionary development standards—

(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,

Officer comment: The proposal compromises a total of 148 bedrooms, equating to a requirement of at least 74 car parking spaces pursuant to section 108(2)(k) of the Housing SEPP. A total of 81 car parking spaces is provided within the basement levels, which complies with the minimum requirements and is therefore considered acceptable.

(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,

Officer comment: The internal area of proposed units comply with the minimum requirements at Part 4D of the ADG.

(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Officer comment: The proposed ceiling heights (minimum 2.7m) comply with the requirements at Part 4C of the ADG.

An assessment of the proposal against the ADG is provided in the table below.

Section	Provision	Comment
Part 3 Siting the Development		
3D Communal Open Space	<i>Communal open space has a minimum area equal to 25% of the site.</i>	Complies – 49.1% of communal open space is provided at ground and rooftop levels. A portion of the ground level communal open space will be available for public use.
	<i>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)</i>	Complies – 55% of the communal open space would achieve at least 2hrs sunlight between 9am and 3pm midwinter.

3E Deep Soil Zones	<i>Deep soil zones are to meet the following requirements:</i>			Complies – 14.17% of the site is provided as deep soil area. Refer to detailed discussion in deep soil section this report.
	<i>Site area</i>	<i>Minimum dimensions</i>	<i>Deep soil zone (% of site area)</i>	
	<i>Less than 650m²</i>	-	7%	
	<i>650m² – 11500m²</i>	3m		
	<i>Greater than 1500m²</i>	6m		
<i>Greater than 1500m² with significant existing tree cover</i>	6m			
3F Visual Privacy	<i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i>			Complies – refer to detailed discussion in visual privacy section of this report.
<i>Building Height</i>	<i>Habitable Rooms and Balconies</i>	<i>Non-habitable rooms</i>		
<i>Up to 12m</i>	6m	3m		
<i>Up to 25m</i>	9m	4.5m		
<i>Over 25m</i>	12m	6m		
3J Bicycle and Car Parking	<p><i>For development in the following locations:</i></p> <ul style="list-style-type: none"> • <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i> • <i>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i> <p><i>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</i></p>			<p>Complies – LCDCP does not contain car parking rates for seniors housing. As such, it is considered appropriate to use the rates prescribed by Chapter 3, Part 5 of the Housing SEPP.</p> <p>The proposal compromises a total of 148 bedrooms, equating to a requirement of at least 74 car parking spaces.</p> <p>A total of 81 car parking spaces is provided within the basement levels, which complies with the minimum requirements and is therefore considered acceptable.</p>
Part 4 Designing the Building				
4A Solar and Daylight Access	<i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid Winter.</i>			Complies – 49 out of 59 units (83%) will receive at least 2hrs sunlight between 9am and 3pm, midwinter.
	<i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</i>			Complies – No units will receive no sunlight.
4B Natural Ventilation	<i>At least 60% of apartments are naturally cross ventilated in the first nine storeys of</i>			Complies – 57 out of 59 units (97%) are naturally cross

	<i>the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i>	ventilated.															
	<i>Overall depth of a cross-over or cross through apartment does not exceed 18m, measured glass line to glass line.</i>	N/A – no cross-over apartments are proposed.															
4C Ceiling Heights	<p><i>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i></p> <ul style="list-style-type: none"> • <i>Habitable Rooms – 2.7m</i> • <i>Non-habitable – 2.4m</i> • <i>Attic spaces – 1.8m at edge with min 30 degree ceiling slope</i> • <i>Mixed use areas – 3.3m for ground and first floor These minimums do not preclude higher ceilings if desired.</i> 	Complies – 2.7m ceiling heights are provided.															
4D Apartment Size and Layout	<p><i>Apartments are required to have the following minimum internal areas:</i></p> <ul style="list-style-type: none"> • <i>Studio - 35m²</i> • <i>1 bedroom - 50m²</i> • <i>2 bedroom - 70m²</i> • <i>3 bedroom - 90m²</i> 	Complies – minimum internal areas are provided as follows: <ul style="list-style-type: none"> • 2-bed – 94.4m² • 3-bed – 167.3m² 															
4E Private open space and balconies	<p><i>All apartments are required to have primary balconies as follows:</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Dwelling type</th> <th style="text-align: left;">Minimum area</th> <th style="text-align: left;">Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bed</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bed</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bed</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p><i>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</i></p>	Dwelling type	Minimum area	Minimum depth	Studio	4m ²	-	1 bed	8m ²	2m	2 bed	10m ²	2m	3+ bed	12m ²	2.4m	Complies – minimum balcony areas are provided as follows: <ul style="list-style-type: none"> • 2-bed – 10m² (>2m depths) • 3-bed – 31.9m² (>2.4m depths)
Dwelling type	Minimum area	Minimum depth															
Studio	4m ²	-															
1 bed	8m ²	2m															
2 bed	10m ²	2m															
3+ bed	12m ²	2.4m															
4F Common Circulation and Spaces	<i>The maximum number of apartments off a circulation core on a single level is eight.</i>	Complies – maximum 4 apartments per lift core.															
4G Storage	<p><i>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</i></p> <ul style="list-style-type: none"> • <i>Studio apartments - 4m³</i> • <i>1 bedroom apartments - 6m³</i> • <i>2 bedroom apartments - 8m³</i> • <i>3+ bedroom apartments -</i> 	Complies – the proposed apartments are capable on providing the required storage areas.															

	10m ³	
	<i>At least 50% of the required storage is to be located within the apartment.</i>	

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)* requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

A Preliminary Site Investigation has been submitted to confirm that the site is suitable for the proposed use. Council's Environmental Health Officer has reviewed the application and raises no concern, subject to conditions.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)* seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW.

The proposal does not involve the removal of any significant trees on the site, and as such, no further consideration of the Biodiversity and Conservation SEPP is required.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Pursuant to section 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*, the application was referred to Ausgrid. No objection was raised, subject to conditions.

Section 2.119 of the Transport and Infrastructure SEPP is applicable as the site has a frontage to a classified road. The submitted Traffic Impact Assessment confirms that the proposal is consistent with the requirements of section 2.119 and will not compromise the effective and ongoing operation and function of the Pacific Highway.

Section 2.121 of the Transport and Infrastructure SEPP is applicable as the site involves excavation of land adjacent to the Pacific Highway. The application was referred to Transport for NSW, and no objection was raised, subject to standard conditions.

Section 2.120 of the Transport and Infrastructure SEPP is applicable as the site is adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles. The submitted Noise Impact Assessment confirms that the proposal is consistent with the requirements of section 2.120 subject to suitable mitigation measures, such as façade design. No objection was raised by Council's Environmental Health Officer, subject to conditions.

Section 2.122 of the Transport and Infrastructure SEPP is not applicable as the proposal does not constitute traffic-generating development. The proposal does not meet the 75 dwelling criteria pursuant to Schedule 3 of the Transport and Infrastructure SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX certificate has been submitted in accordance with the requirements of the *State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)*.

Roads Act 1993

Pursuant to section 138 of the *Roads Act 1993*, the application was referred to Transport for NSW. Concurrence was granted for the proposed pedestrian awning over the footway of the Pacific Highway (classified road) and the kerb and gutter works on the Pacific Highway, subject to standard conditions.

Lane Cove Comprehensive Development Control Plan 2010 (LCDCP)

The Lane Cove Comprehensive Development Control Plan 2010 (**LCDCP**) applies to the site.

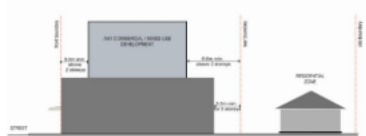
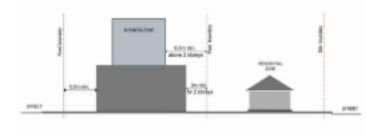
The proposal generally complies with the provisions of Part F (Access and Mobility), Part J (Landscaping and Tree Preservation), Part O (Stormwater Management), Part Q (Waste Management and Minimisation), Part R (Traffic, Transport and Parking), and Part S (Environmental Sustainability).

An assessment of the proposal against relevant provisions of Part B (General Controls) and Part D (Commercial and Mixed Use Development) is provided in the below table.

Section	Provision	Comment
Part B – General Controls		
B.3 Site Amalgamation and Development on Isolated Sites	<p><i>a) To provide for a development that achieves the required employment and dwelling yields.</i></p> <p><i>b) To encourage the promotion and co-ordination of the orderly and economic use and development of land.</i></p> <p><i>c) To encourage site consolidation of allotments for development in order to promote the desired urban design outcomes and the efficient use of land and to avoid the creation of isolated sites.</i></p> <p><i>d) To encourage the development of existing isolated sites in a manner that responds to the desired built form pattern, site context and maintains a satisfactory level of amenity.</i></p>	Complies – the proposal would not result in site isolation.
B.4 View Sharing	<p><i>a) To ensure that public view corridors between buildings or along streets are retained and enhanced from streets or public spaces.</i></p> <p><i>b) To minimise the impact of new development on existing public and private views and vistas.</i></p> <p><i>c) To preserve or fairly share water views for foreshore residents.</i></p>	Complies – the proposal is unlikely to obstruct any existing significant view corridors and/or vistas.
B.7 Development near Road and Rail Corridors	<p><i>a) To ensure an appropriate acoustic amenity can be achieved for development near transport corridors, particularly residential development and other noise sensitive land uses.</i></p> <p><i>b) To provide additional acoustic design or mitigation measures that may be necessary.</i></p>	Complies – suitable measures have been included in the building design to mitigate any road noise impacts, including the use of wintergardens at Levels 1 and 2. Council's Environmental Health Officer has reviewed the application

		and raises no concerns, subject to conditions.
B.8 Safety and Security	<p><i>a) Address safety, security and crime prevention requirements in the planning and design of development.</i></p> <p><i>b) Reduce opportunities for crime through environmental design and the provision of natural and technical surveillance opportunities.</i></p> <p><i>c) Control access through the provision of physical or implied barriers which can be used to attract, channel or restrict the movement of people.</i></p> <p><i>d) Implement territorial reinforcement by encouraging community ownership of public space.</i></p> <p><i>e) Promote space management by ensuring that public open space is effectively utilised and maintained.</i></p>	Complies – refer to discussion relating to public open space and safety in this report.
B.9 Heritage	<i>a) A Heritage Impact Statement is to be prepared as part of any DA for development “in the vicinity of a heritage item”.</i>	Complies – the application is supported by a Heritage Impact Statement.
Part D.1 – General Provisions		
1.1 Building Form	<p><i>a) For developments within zones E1, E2 and MU1 (and see Section 1.1.6 below)-</i></p> <p><i>I. New buildings are to have street frontages built predominantly to the street alignment</i></p> <p><i>II. Street setback of maximum 2.0m is permitted for suitable use such as outdoor seating for a cafe</i></p>	Complies – the proposed front setback generally aligns with the street alignment of the Pacific Highway.
	<p><i>a) Street and lane frontage uses should incorporate one, or a combination of, the following at street level:</i></p> <p><i>I. Entrances to residential and commercial occupying less than 50% of the street frontage</i></p> <p><i>II. Retail shop front, cafés or restaurants, if accompanied by an entry from the street</i></p> <p><i>III. Active office uses, such as reception, if visible from the street</i></p> <p><i>IV. Civic or community building if accompanied by an entry</i></p> <p><i>V. Allow for visual interest on the external face of fire escapes, service doors and equipment hatches.</i></p>	<p>Complies – the proposed ground level uses, comprising reception / lobby areas, will provide suitable activation to the Pacific Highway. The skilful design of the street frontages provides suitable visual interest.</p> <p>The proposed public open space area and through-site link will attract further activation.</p>
	<p><i>b) For Mixed Use Developments:</i></p> <p><i>I. The maximum horizontal dimension of the residential component parallel to the street frontage is to be 40m.</i></p>	Complies – the maximum horizontal dimension of the residential component parallel to the street frontage is approximately 11m.
		On merit – refer to discussion relating to building height

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

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<p>1.2 Excavation</p>	<p>a) All development is to relate to the existing topography of the land at the time of the adoption of this DCP.</p> <p>b) Excavation for major development is to be contained within the footprint of the development.</p>	<p>Complies – the proposed development generally relates to the existing topography of the site. Excavation is required to accommodate car parking and is generally contained within the development footprint. The basement has been designed to ensure a consolidated car park for the entire development.</p>																																														
<p>1.3 Design and Location of On-</p>	<p>1. Minimise the impact of vehicle access points and driveway crossovers on</p>	<p>Complies – vehicle access to the car park is provided via a</p>																																														

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

Site Parking	<p><i>streetscape amenity, pedestrian & cyclist safety and the quality of the public domain by;</i></p> <p><i>a) Designing vehicle access to required safety and traffic management standards,</i></p> <p><i>b) Integrating vehicle access with site planning, streetscape requirements, traffic patterns, cycle routes and</i></p> <p><i>c) Minimising potential conflict with pedestrians & cyclists.</i></p> <p><i>2. Minimise the size and quantity of vehicle and service crossings to retain streetscape continuity and reinforce a high quality public domain.</i></p>	<p>single crossover from Anglo Lane, minimising conflict with pedestrians along the Pacific Highway frontage and Anglo Road. The access point has been designed in accordance with relevant traffic and safety standards, and its location and configuration integrate with the broader site planning and streetscape objectives for the precinct.</p>
1.5 Awnings	<p><i>1 To increase pedestrian amenity by the provision of weather protection.</i></p> <p><i>2 To create a protected transition area between internal and external spaces for public and commercial buildings.</i></p>	<p>Complies – the proposal incorporates awnings along the Pacific Highway, providing a sheltered transition between internal and external spaces and improving pedestrian amenity.</p>
1.6 Reflectivity	<p><i>a) Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.</i></p> <p><i>b) Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians, cyclists or motorists may be required.</i></p>	<p>Complies – the proposed material palette utilises natural, tactile finishes with low reflectivity.</p>
1.8 Landscaping	<p><i>a) Locate basement car parking predominately under the building footprint to maximize opportunities for landscaped area.</i></p> <p><i>b) Deep soil zones in atria, courtyards and boundary setbacks are encouraged.</i></p>	<p>Complies – basement parking is located predominantly beneath the building footprint, maximising opportunities for landscaped area at ground level. Deep soil zones are provided within the boundary setbacks, totalling 14.17% of the site area.</p>
1.9 Planting on Structures	<p><i>a) Areas with planting on structures should be irrigated with recycled water and appropriate drainage provided.</i></p> <p><i>b) Provide sufficient soil depth and area to allow for plant establishment and growth.</i></p>	<p>Complies – planting on structures is provided with appropriate soil depth, drainage, and irrigation.</p>
1.10 Solar Access	<p><i>a) Commercial and mixed use developments are not to reduce sunlight to dwellings in the adjacent or same zone below a minimum of 3 hours of sunlight on a portion of the windows of the habitable rooms between 9am and 3pm on 21 June.</i></p>	<p>On merit – refer to discussion relating to solar access in this report.</p>
1.11 Access and Mobility	<p><i>a) Any new development must comply with the relevant Australian Standards for Design for Access and Mobility, Adaptable</i></p>	<p>Complies – the submitted documentation confirms that relevant Australian Standards</p>

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

	<i>Housing, Parking Facilities, Lifts, Escalators, Moving Walks and with Part F of this DCP – Access and Mobility.</i>	can be achieved.
Part D.4 – Development within (E2) Commercial Centre Zone		
4.3 Built Form	<i>a) New development along the southern side of Pacific Hwy across the St Leonards Station is to comply with the block diagrams provided.</i>	Not applicable.
	<i>b) The development for major blocks is to be a tower and podium form to mitigate against wind impacts and achieve a human scale at the street.</i>	Complies – the proposal addresses the street edge along Pacific Highway and provides an activated, human-scale interface with the public domain.
	<i>c) Blocks located at ‘gateway’ corners as indicated in the block plans are not required to provide podium bases but should respect the alignment of the adjoining podiums in the design of the architecture. These towers are to create an entry statement into the centre.</i>	Not applicable.
	<i>d) Tower forms are to be generally oriented with their long axis running north south. This is to minimise the visual impact of the towers to Pacific Highway and ensure separation between the towers to allow view sharing, solar access and wind movement to the south.</i>	Complies – the two buildings are oriented with their long axis running generally north-south, minimising the visual bulk to Pacific Highway, maximising separation between the towers to facilitate view sharing and solar access to the south, and allowing for adequate wind movement.
4.4 Separation	<i>a) Separation is to be provided between all towers. Minimum distances are provided within the block plan tables. These separation distances are an average separation but no tower should be located closer than 12m from an adjacent tower or potential tower. Separation of towers is imperative to avoid a continuous secondary street wall extending the length of the block along the highway.</i>	Complies – the two buildings are separated by the Anglo Road corridor, providing a compliant 18m separation distance.
4.5 Public Open Space	<i>a) Two new public open spaces are to be provided adjacent to the rail corridor to the east and west of the rail line. The space to the west is to be landscaped as a softer green space with connection back to Canberra Avenue. The closure of Canberra Ave will form part of this public open space.</i>	Not applicable.
	<i>b) The eastern public open space is to be created partially by making part of Lithgow Street as shared way and partly on private land as part of a major redevelopment of</i>	Not applicable.

	<i>that block. This open space is to be the major public urban space and heart for the southern side of St Leonards.</i>	
4.6 Colonnades	<i>a) Colonnades are to be provided to development along the Pacific Highway as shown in the block plans.</i>	Not applicable.
	<i>b) The depth and height of colonnades is to be sufficient to allow for footpath seating whilst still allowing clear pedestrian access adjacent to the shopfronts and to achieve high quality amenity and spaciousness for the colonnade with reasonable visual exposure to the highway (see Diagram 8).</i>	Not applicable.
	<i>c) All development is to provide footpath and public domain upgrades, including landscaping, to Council's specifications as part of the development. A minimum of 4m wide footpath is to be provided from the property boundary for the southern side of Pacific Highway.</i>	Not applicable.

IMPACTS OF DEVELOPMENT (Section 4.15(1)(b))

Building Separation and Setbacks

Objective 3F-1 of the ADG prescribes minimum building separation distances to protect visual privacy and residential amenity. The ADG requires 6m (habitable) and 3m (non-habitable) setbacks up to 12m building height, 9m (habitable) and 4.5m (non-habitable) setbacks up to 25m building height, and 12m (habitable) and 6m (non-habitable) above 25m building height.

Along the eastern boundary, Building 1 achieves a setback of approximately 5.25m to the centreline of Anglo Lane (including proposed road widening). In their review of the previously withdrawn DA, the NSROC Design Review Panel was satisfied with the setback to Anglo Lane given the existing commercial use and definition of built form to the street edge. In this regard, minor numeric non-compliance is considered acceptable on merit.

Along the western boundary, Building 2 achieves a combined separation of approximately 24m to the commercial building at 154 Pacific Highway across all storeys. While this exceeds the ADG minimum of 18m for buildings up to 25m and complies with the ADG minimum of 24m for buildings above 25m, the separation relies on the combined gap across both properties and the intervening public domain, rather than setbacks contained wholly within the development site. In review of the previously withdrawn DA, the NSROC Design Review Panel noted that the lack of setback will require any future development at 154 Pacific Highway to be shifted towards the west.

In response, the Applicant notes that the building at 154 Pacific Highway currently exceeds FSR and height controls for the site and is unlikely to be redeveloped close to the eastern boundary due to potential overshadowing impacts to the Akoya development. No objection is raised on this basis, and as such, minor numeric non-compliance is considered acceptable on merit.

Along the southern boundary, both buildings provide setbacks that exceed the ADG minimums, incorporating the additional 3m setback required by ADG design guidance 3F-1 for buildings adjacent to zones permitting lower density residential development. Balcony extents have been reduced to achieve compliance with the ADG rear setback guidance. The combination of tiered setbacks, louvred screening, and planting along the rear boundary ensures that direct overlooking

to the residential properties to the south is minimised and that the interface between the E2 and R2 zones is sensitively addressed.

Privacy louvres (refer to renders at **Figure 11**) are provided to the proposed buildings to further mitigate any potential overlooking impacts.

In this regard, the proposed building separation distances, setbacks, and privacy treatments are considered suitable.



Figure 11: Renders of proposed elevations, showing louvres (*Source: Marchese Partners*)

Public Open Space and Safety

The proposal includes the provision of a new publicly accessible open space over the Anglo Road land, positioned centrally between the two (2) proposed buildings. This open space is intended to function as a through-site link and public plaza, accessible from both the Pacific Highway and Anglo Lane. The Applicant has confirmed that the public open space area will be publicly accessible at all times (24-hours a day).

Concerns were previously raised regarding the interface between the proposed public open space and the ground-floor residential units. In response, the Applicant has confirmed that the private open spaces will be separated by a 450mm wall with a 1350mm palisade on top of the wall, i.e. 1800mm high in total. The fence will be semi-permeable, utilising angled battens, with screened planting between the fence and the plaza. This arrangement will allow for suitable security and privacy, as well as allowing for passive surveillance.

In this regard, the proposal achieves acceptable safety and CPTED requirements for the public open space area.

Solar Access

Part D.1.10(a) of LCDCP requires that commercial and mixed use developments not reduce sunlight to adjacent dwellings below a minimum of 3 hours between 9am and 3pm on 21 June (winter solstice). Where adjacent dwellings already receive less than the standard, Part D.1.10(b) requires that solar access be maintained where practicable. Part D.1.10(e) permits Council to accept a reduction in solar access where topography and lot orientation make the standard unreasonable.

In addition, Objective 3B-2 of the Apartment Design Guide (ADG) requires that where an adjoining property does not currently meet the required solar access standard, the proposed development must not reduce solar access to that property by more than 20%.

A detailed solar impact analysis has been undertaken comparing the existing scenario, the compliant commercial envelope scenario, and the proposed scheme on 21 June (winter solstice). The analysis demonstrates the following:

- The two public spaces affected by the proposal are the new Anglo Road open space and Portview Reserve. The proposed open space receives solar access to at least 50% of its area for 2.5 hours between 11am and 1.30pm at midwinter, complying with LCDCP Part B.6.1. The impact to Portview Reserve is consistent with the existing scenario, and that reserve is heavily vegetated with dense canopy cover and functions primarily as a pedestrian through-site link rather than a passive recreation space.
- For adjacent dwellings, the solar analysis demonstrates that the majority of properties either maintain compliant solar access or experience impacts consistent with a compliant commercial envelope scenario. Properties at 8, 9, and 11 Anglo Road and 7 Portview Road maintain at least 3 hours of solar access at midwinter under the proposed scheme, achieving compliance. No. 1 Anglo Road receives no solar in both the existing and proposed scenarios, a neutral outcome. No. 2 Anglo Road gains solar access under the proposed scheme.
- Where non-compliant outcomes arise at Nos. 3, 4, 6, and 7 Anglo Road and 5 Portview Road, the shortfalls are minor and largely consistent with the compliant commercial envelope scenario, reflecting the inherent constraints of the steeply sloping, south-facing, east-west aligned lots and their adjacency to the E2 zone. Having regard to Part D.1.10(e), it is considered reasonable to accept a minor reduction in solar access in these circumstances.
- With respect to the Akoya development at 2 Greenwich Road, it is noted that the Akoya does not currently meet the ADG Objective 4A-1 solar access criteria, a position accepted at the time of its approval on the basis of the building's orientation toward significant southerly harbour views. In this context, Objective 3B-2 of the ADG is the applicable standard, requiring that the proposed development not reduce solar access to the Akoya by more than 20%. The proposed scheme maintains 23 of 40 units (57.5%) achieving 2 hours of solar access at midwinter, identical to the compliant commercial envelope scenario and to the Akoya development's approved performance. The proposed scheme increases the number of units receiving no solar access by 4 units relative to the existing scenario (from 7 to 11 units, an increase of approximately 14%). This outcome is no worse than what would be expected from a compliant commercial redevelopment of the site.
- Critically, the increase in units receiving no solar access under the proposed scheme, when measured against the existing as-built scenario, does not exceed the 20% threshold prescribed by Objective 3B-2. The proposed development will have no impact on the significant southerly harbour views that informed the Akoya's approved solar access performance.

The extent of overshadowing resulting from the development is consistent with that which is envisaged under the relevant planning controls for the site. The proposal reflects the desired future character of the locality (which is currently undergoing built form transition) and is compatible with the scale of development in the wider locality. The extent of proposed overshadowing is largely dictated by the orientation and sloping topography of the subject and adjoining sites and the subdivision pattern of the urban block.

Consistent with established planning best-practice, solar access has been assessed at the winter solstice (21 June), which represents the worst-case condition due to the lowest sun angle of the year. This methodology ensures that the analysis captures the most stringent possible assessment scenario. Accordingly, affected neighbouring properties will experience improved solar access for the remainder of the year beyond this baseline.

Having regard to of the above, the solar access impacts of the proposed development are considered acceptable in the circumstances.

Deep Soil Area

Section 107(2)(f) of the Housing SEPP requires a minimum deep soil zone of 15% of the site area, with each zone having minimum dimensions of 3m. The proposal achieves 14.17% deep soil area.

The shortfall in deep soil area is minor, a deficit of approximately 26.6m². The shortfall arises primarily from the constraints of the site configuration, the need to provide a connected basement across the two lots, and the requirement to widen Anglo Lane for access. The Applicant investigated further reductions to the basement footprint along the southern and western boundaries during the RFI process, and achievable reductions were incorporated into the revised scheme. A further reduction to the Anglo Lane driveway entry was also investigated however was found to be infeasible due to resultant traffic impacts.

Notwithstanding minor numerical non-compliance, the proposal delivers 31.7% landscaped area, exceeding the 30% minimum, and provides a net increase of 249m² of canopy cover across the site. The proposal also delivers a new publicly accessible open space over the Anglo Road land, which provides additional deep soil planting opportunities and tree canopy at the ground plane. Deep soil zones are provided within the boundary setbacks with minimum 3m dimensions consistent with the ADG criteria. The non-discretionary nature of the 15% deep soil standard means that, while a consent authority cannot impose more onerous requirements where it is met, it does not preclude consent, provided the overall landscape outcome is acceptable. Having regard to the constraints of the site and the significant improvements to deep soil and landscaped area achieved during the RFI process, the minor shortfall is considered acceptable on merit.

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

Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the site is considered suitable for the proposed development.

The site is located within the E2 zone, within 500m of St Leonards train station and in close proximity to Royal North Shore Hospital and a wide range of allied health, retail, and community services. The site's location, accessibility, and proximity to health infrastructure make it particularly well suited to the delivery of seniors independent living units.

The combined site area satisfies the minimum site area requirements for seniors housing under the Housing SEPP. The site is capable of accommodating the proposed built form, including basement levels, without unreasonable impacts on the surrounding area.

All relevant referral agencies have confirmed no objection to the proposal, subject to conditions. A Preliminary Site Investigation confirms the site is suitable for the proposed use, and a BASIX certificate confirms the development can achieve the required sustainability outcomes. Additionally, the proposal will not result in any unreasonable flooding, contamination, or infrastructure constraints.

On this basis, it is considered that the site suitable for the proposed development.

SUBMISSIONS (Section 4.15(1)(d))

The application was notified between 25 September 2025 and 22 October 2025. A total of 15 unique submissions were received. A response to each of the concerns raised is provided in the table below. All submissions have been sent to the LPP for consideration.

The amended plans were not renotified, as provided by Council’s Notification of Development Applications Policy, which states:

Amended plans that address those concerns raised by objectors and that are considered not to be significantly different from the original proposal, or amended plans that are considered to have a reduced impact, no significant impact on the enjoyment of the adjoining land may not be renotified to neighbouring property owners or occupiers.

The amended plans reduced the building envelope extent and are considered to have a reduced impact compared to the previously notified design. As such, renotification was not required.

Concern	Comment
Overshadowing impacts.	The overshadowing impacts of the proposed development have been assessed in detail in this report. The impacts are, in most cases, no greater than would result from a compliant commercial redevelopment of the site. Having regard to the site-specific attributes of the adjoining properties, including their steeply sloping, south-facing, east-west aligned lots and their adjacency to the E2 zone, the assessed solar impacts are considered acceptable in this instance. In this regard, the proposal is not considered to result in any significant adverse overshadowing impacts.
Visual bulk and scale impacts.	The proposed development comprises 2 x eight (8) storey buildings with a maximum height of 32.9m, which is consistent with the height previously supported by the NSROC Design Review Panel. The buildings are oriented with their long axis running north-south, minimising visual bulk. The building mass is stepped back from the southern boundary to provide a transition to the lower density residential zone. The bulk and scale of the development is not out of character with the existing and emerging character of the Pacific Highway corridor and is therefore considered acceptable.
Privacy impacts.	The proposal incorporates louvred screens and window screen treatments along sensitive boundaries to mitigate direct overlooking, consistent with ADG design guidance. Rear setbacks exceed the ADG minimums, and balcony extents at Levels 3 to 7 have been reduced to achieve ADG compliance. Planting is proposed along the rear boundary as an additional landscape buffer. In this regard, the proposal is not considered to result in any significant adverse privacy impacts.

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

Traffic impacts and loss of parking.	The submitted Traffic Impact Assessment confirms that the proposal will not generate unreasonable traffic impacts. Vehicle access is consolidated to a single crossover from Anglo Lane, and 81 car parking spaces are provided, exceeding the minimum requirements under the Housing SEPP. The relatively low traffic generation of a seniors living development is noted and no objection was raised by Council's Traffic and Transport Manager, subject to conditions.
Loss of public access and vegetation.	The proposal replaces the existing vehicular road with a new publicly accessible open space, representing an improvement to public amenity. The open space will be accessible 24-hours a day. The proposal results in a net increase of 249m ² of tree canopy coverage. Council's Tree Officer raised no objection to the proposed tree removal, subject to conditions, including minor design amendments to the awning along the Pacific Highway to ensure the retention of Tree 49. Condition C.1C requires that the Pacific Highway frontage must contain a total of 9 x large trees (either existing or replacement), each with a projected canopy dimension of at least 6m.
General amenity impacts and overdevelopment of the site.	The proposal has been assessed against all relevant planning instruments and development standards. While variations to height and FSR are sought, the clause 4.6 written requests are considered well founded and the development delivers a high-quality built form outcome that responds to the site context. The proposal is not considered to represent overdevelopment of the site.
Incorrect calculation of building height.	Building height has been calculated using the extrapolation approach established in Bettar v Council of the City of Sydney [2014] NSWLEC 1070, which has previously been accepted by Council in the assessment of a prior application on this site. This approach is appropriate given the site is fully occupied by existing buildings and the topography slopes significantly.
Excessive building height and non-compliance with controls.	The proposed building heights of 32.9m (Building 1) and 32.1m (Building 2) exceed the 28.8m standard by 4.1m and 3.3m respectively. However, the height exceedance is confined to the lift overrun, stair core, and rooftop communal open space and facilities, with no habitable floor space above the height control. A clause 4.6 written request has been submitted and is considered well founded, as detailed in this report.
Inconsistency with commercial zoning of the site.	The proposed development is permissible with consent in the E2 Commercial Centre zone pursuant to section 81 of the Housing SEPP. The proposal is consistent with the objectives of the E2 zone, as detailed in this report.
Prohibited land use.	Seniors housing is prohibited under LCLEP in the E2 zone. However, section 81 of the Housing SEPP

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

	enables seniors housing to be carried out with consent on E2 zoned land. The Housing SEPP prevails over the LCLEP to the extent of any inconsistency. Therefore, the proposed use is permissible with consent.
Non-compliant building setbacks.	Building setbacks have been assessed against the ADG and DCP requirements and are found to be acceptable. Refer to detailed discussion in this report.
Concerns regarding Anglo Road land transfer.	An in-principal agreement for the sale of the Anglo Road land has been reached between the Applicant and Council. Council resolved at its Ordinary Meeting of 24 July 2025 to commence the negotiation of sale and road closure process. A deferred commencement condition will be imposed requiring the transfer to occur prior to the consent being active.
Inadequate infrastructure.	Relevant service authorities have confirmed no objection to the proposal. Suitable conditions are recommended to ensure that adequate servicing infrastructure is provided onsite.
Heritage impacts.	The submitted Heritage Impact Statement confirms that the proposed development will have minimal impact on the nearby heritage items, including the house at 2 Anglo Road and the Gore Hill Memorial Cemetery. No objection was raised by Council's Heritage Advisor, subject to conditions.
Acoustic impacts.	The submitted Noise Impact Assessment confirms that the proposal can achieve acceptable acoustic amenity for residents at the subject and neighbouring sites. No objection was raised by Council's Environmental Health Officer, subject to conditions.
Construction impacts.	A Construction Management Plan will be required as a condition of any Construction Certificate, including details of traffic and parking arrangements and dust and noise monitoring.

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

Pursuant to section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest.

The proposal would not have an unreasonable impact on neighbouring properties or the public domain and is generally consistent with the planning controls contained in relevant environmental planning instruments.

The proposed development delivers a number of tangible public benefits that weigh in favour of approval. The new publicly accessible open space over the Anglo Road land will provide a high-quality pedestrian through-site link between the Pacific Highway and Anglo Lane, improving permeability through the block and providing a new landscaped plaza for the benefit of both residents and the broader community.

The open space will be accessible 24-hours a day and will be embellished with landscaping, seating, and activation from the adjacent ground floor lobby uses. The dedication of a

176m² portion of land on the eastern boundary of the site to Council for the widening of Anglo Lane will improve pedestrian and vehicle movement along this service lane. These public benefits, together with the delivery of 59 purpose-built seniors independent living units in a highly accessible location, represent a meaningful contribution to the public interest.

CONCLUSION

Having regard to the matters for consideration under section 4.15 of EP&A Act, it is recommended that the Lane Cove Local Planning Panel grant deferred commencement consent to Development Application DA91/2025.

The proposed development represents a well-considered and responsive design that has evolved significantly through the assessment process, incorporating amendments to building bulk, landscaping, deep soil provision, façade design, and public domain outcomes. The result is a development that delivers 59 purpose-built seniors independent living units in a highly accessible location, responding directly to the demonstrated and growing need for seniors housing in the Lane Cove local government area.

The variations to the height of buildings and floor space ratio development standards are suitably founded, with the height exceedance confined to the lift overrun and rooftop communal areas, and the FSR exceedance used exclusively for independent living unit floor space as contemplated by the Housing SEPP. The proposal delivers meaningful public benefits including a new publicly accessible open space, a pedestrian through-site link, road widening of Anglo Lane, and a significant improvement in the quality of the public domain along the Pacific Highway corridor.

A deferred commencement condition should be imposed on the consent, requiring the sale and transfer of the Anglo Road Land from Council to the Applicant and the dedication of the 176m² portion of land adjoining Anglo Lane from the Applicant to Council for road widening purposes.

Having regard to all of the matters considered under section 4.15 of the EP&A Act, the proposal is considered to be acceptable and is recommended for approval, subject to conditions.

RECOMMENDATION

That pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, the Lane Cove Local Planning Panel at its meeting of 23 June 2026, exercising the functions of Council as the consent authority, approve the proposed variations to the floor space ratio and height of buildings development standards prescribed by sections 87(2)(a) and 87(2)(b) of *State Environmental Planning Policy (Housing) 2021*, respectively, as it is satisfied that the submitted written requests have adequately addressed the matters required to be demonstrated by clause 4.6 of the *Local Cove Local Environmental Plan 2009*.

AND

That pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, the Lane Cove Local Planning Panel at its meeting of 23 June 2026, exercising the functions of Council as the consent authority, **GRANT** deferred commencement consent to Development Application DA91/2025 for demolition of all existing structures, site preparation works, and construction of 2 x eight (8) storey buildings comprising seniors living (59 x independent living units) and associated basement car parking, landscaping, and services, as well as a new public open space over Anglo Road and dedication of land adjoining Anglo Lane for road widening, subject to the following

ANNEXURE 1: DRAFT CONDITIONS

PART A: DEFERRED COMMENCEMENT CONSENT:

That pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Council grants a deferred development consent to Development Application 91/2025 for Demolition of all existing structures, site preparation works, and construction of 2 x eight (8) storey buildings comprising seniors living (59 x independent living units) and associated basement car parking, landscaping, and services, as well as a new public open space over Anglo Road and dedication of land adjoining Anglo Lane for road widening at 126 and 130-134 Pacific Highway Greenwich.

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. The northern portion of Anglo Road, Greenwich (the Anglo Road Land) (as shown in Dwg. No DA1.00, Revision AB, dated 05/12/2025, prepared by Marchese Partners) has been formally closed in accordance with the *Roads Act 1993* (NSW), and
2. The sale and transfer of the Anglo Road Land from Lane Cove Council to the Applicant has been completed, and
3. The title to the Anglo Road Land has been registered in the name of the Applicant with NSW Land Registry Services, and
4. The Applicant has dedicated to Lane Cove Council, the 176m² portion of land (3.8m wide) adjoining Anglo Lane, Greenwich (as shown in Dwg. No DA1.00, Revision AB, dated 05/12/2025, prepared by Marchese Partners) for road widening purposes.

This information is to be submitted to the Council’s Manager Development Assessment within 24 months of the granting of this deferred commencement consent. Commencement of the approval cannot commence until Council has confirmed in writing that all matters under part A above have been provided and are satisfactory.

Pursuant to Section 76(5) of the Regulations under the Act, Council will notify you in writing if Part A of this consent has been satisfied and the date from which this consent operates.

Information that address the above under Part A above are to be submitted to Council within 24 months of the granting of this deferred commencement consent. Commencement of the approval cannot commence until Council has confirmed in writing that all matters under Part A above have been provided and are satisfactory.

PART B: – GENERAL CONDITIONS

1. A.1 - Approved plans and supporting documentation

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

Plan No	Revision	Plan Title	Drawn By	Dated
Architectural Plans				
DA1.00	AB	Revised Overall Site Boundary	Marchese Partners	05/12/25
DA1.12	AB	Demolition Plans	Marchese	05/12/25

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

			Partners	
DA2.02	AC	Basement 2	Marchese Partners	06/02/26
DA2.03	AC	Basement 1	Marchese Partners	06/02/26
DA2.04	AC	Lower Ground Floor	Marchese Partners	06/02/26
DA2.05	AC	Upper Ground Floor	Marchese Partners	06/02/26
DA2.06	AC	Level 1	Marchese Partners	06/02/26
DA2.07	AC	Level 2	Marchese Partners	06/02/26
DA2.08	AC	Level 3	Marchese Partners	06/02/26
DA2.09	AC	Level 4	Marchese Partners	06/02/26
DA2.10	AC	Level 5	Marchese Partners	06/02/26
DA2.11	AC	Level 6	Marchese Partners	06/02/26
DA2.12	AB	Level 7	Marchese Partners	05/12/25
DA2.13	AB	Roof Terrace	Marchese Partners	05/12/25
DA2.14	AB	Roof	Marchese Partners	05/12/25
DA3.01	AC	Site Elevation – North	Marchese Partners	06/02/26
DA3.02	AB	Site Elevation – South	Marchese Partners	05/12/25
DA3.03	AC	Site Elevation – 130 Pacific Highway – West	Marchese Partners	06/02/26
DA3.04	AB	Site Elevation – 130 Pacific Highway – East	Marchese Partners	05/12/25
DA3.05	AB	Site Elevation – 126 Pacific Highway – West	Marchese Partners	05/12/25
DA3.06	AC	Site Elevation – 126 Pacific Highway – East	Marchese Partners	06/02/26
DA4.01	AB	Site Section –	Marchese	05/12/25

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

		Section A-A	Partners	
DA4.02	AB	Site Section – Section B-B	Marchese Partners	05/12/25
DA4.03	AB	Site Section – Section C-C	Marchese Partners	05/12/25
DA4.04	AB	Public Open Space Section	Marchese Partners	05/12/25
DA4.05	AB	Carpark Ramp and Carpark Entry Ramp	Marchese Partners	05/12/25
DA4.06	AB	Loading Dock	Marchese Partners	05/12/25
DA5.01	AB	Adaptable Units 01	Marchese Partners	05/12/25
DA5.02	AB	Adaptable Units 02	Marchese Partners	05/12/25
DA5.03	AB	Adaptable Units 03	Marchese Partners	05/12/25
DA5.04	AB	Adaptable Units 04	Marchese Partners	05/12/25
DA5.05	AB	Adaptable Units 05	Marchese Partners	05/12/25
DA6.01	AB	Material Board	Marchese Partners	05/12/25
SW101	04	Stormwater Management Basement 2	Integrated Group Services	06/02/26
SW102	04	Stormwater Management Basement 1	Integrated Group Services	06/02/26
SW103	04	Stormwater Management Lower Ground Floor	Integrated Group Services	06/02/26
SW104	04	Stormwater Management Upper Ground Floor	Integrated Group Services	06/02/26
SW105	04	Stormwater Management Level 8 Plan	Integrated Group Services	06/02/26
SW106	04	Stormwater Management Level 8 Plan & Roof	Integrated Group Services	06/02/26

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

SW107	03	Stormwater Management Roof Plan	Integrated Group Services	06/02/26
SW202	03	Stormwater Management OSD, RWT and Pit Detail	Integrated Group Services	06/02/26
SW203	03	Stormwater Management Pump-out Pit	Integrated Group Services	06/02/26
Landscape Plans				
Project No. 24-1044	Rev M	Ground Floor Plan	Arcadia	06/02/26
Project No. 24-1044	Rev M	Ground Floor Section	Arcadia	06/02/26
Project No. 24-1044	Rev M	Rooftop Plan	Arcadia	06/02/26
Project No. 24-1044	Rev M	Masterplan Key Dimensions	Arcadia	06/02/26

Document Title	Version	Prepared By	Dated
Accessibility Design Review Report	1.4	ABE Consulting	25/07/25
Operational Waste Management Plan	G	Elephants Foot	04/02/26
Stormwater Management Report	3	Integrated Group Services	09/02/26
Landscape Concept Plans	M	Arcadia	06/02/26
Traffic and Parking Assessment Report	N/A	Varga Traffic Planning	12/02/26
Preliminary Geotechnical Assessment	1	EI Australia	22/11/24
Environment Management Plan	4	Central Element	04/08/25
Construction and Demolition Waste Management Plan	C	Elephants Foot	21/07/25
BASIX Compliance Report	01	E-Lab Consulting	25/07/25
Preliminary Site Investigation	0	EI Australia	27/11/24
Noise Impact Assessment	4	Acoustic Logic	24/07/25
Statement of Heritage Impact	3	Heritage 21	23/07/25
BCA Compliance Report	1	New Crown Consulting	22/07/25
Arboricultural Report	B	Naturally Trees	24/07/25

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

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

2. A.2 - Design amendments

Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments (and the requisite Council approval of amendments where relevant) to the approved plans and supporting documentation stamped by Council, including but not limited to those specified with the following:

(i) Amend Awning to Retain 49.

The *Melaleuca quinquenervia* known as Tree 49 in the Arborist Report is to be retained and protected. To accommodate retention of tree 49, the awning fronting the Pacific Highway is required to be modified. Refer to Figure 1 below.

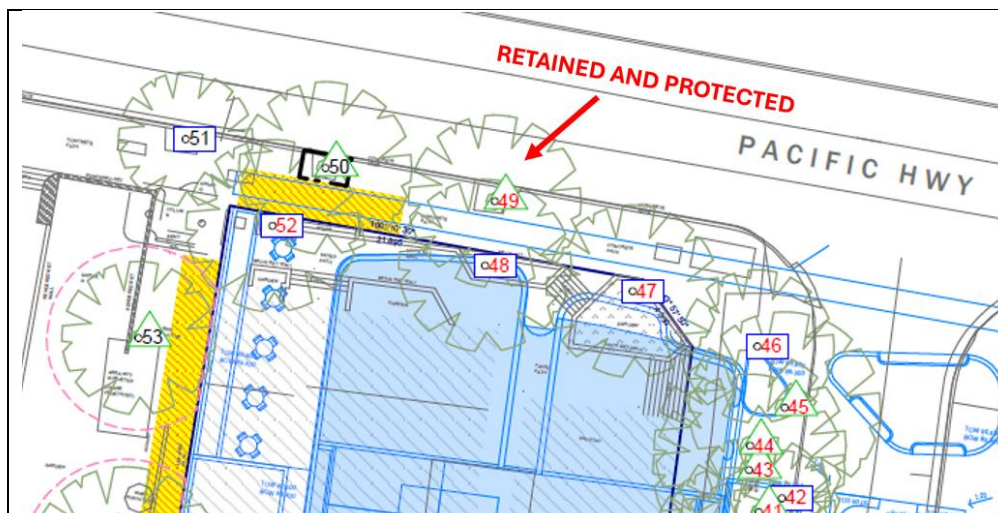


Figure 1:

(ii) Parking Allocation: The proposed parking allocation is amended to require:

- 10 additional visitor spaces (3 + 10) = **13 Total visitor spaces (12 regular + 1 disabled)**
- 1 additional car wash bay = **1x total car wash bay**
- 11 less residential spaces (78-11) = **67 residential spaces**

Reason: The applicant has reduced the number of visitor parking substantially. The Guide to Transport Impact Assessment (GTIA) from TfNSW (Nov 2024) provides rates of 1 visitor parking space per 5 units for independent living units. This results in a requirement of 12 visitor parking spaces for 59 units. Applicant has provided 78

residents spaces. This far exceeds the GTIA rates of 2 spaces per 3 units, requiring 39 resident spaces. Applicant to rebalance the parking supply to provide for 12 visitor parking spaces. Lane Cove DCP also specifies that residential developments near St Leonards Train Station shall be 1x car wash bay and 1x disabled space for visitors. Applicant has sufficient capacity to provide for this.

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

3. Plan of Management

Before the issue of a construction certificate, a Plan of Management, relating to the management and operation of the public open space area, shall be submitted to and approved by Council's Manager Development Assessment. The Plan shall include details of security, access, lighting, and ongoing maintenance.

Reason: To ensure public safety and amenity.

4. A.3 - Payment of security deposits and fees (if applicable)

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

Security deposit	Cost
Council owned Trees	\$70,000.00
Infrastructure Bond	\$43,200.00
Civil Reconstruction Work	
Kerb and Gutter-(Pacific Hwy, Anglo Rd and Anglo Lane)	\$66,500.00
Footpath	\$21,000.00
Road resealing	\$211,500.00
Turfing	\$4,500.00
Pram Ramps (4) (Additional ramps will be decided later)	\$8,000.00
Drainage pits (2)	\$9,000.00
Pipe Laying	\$20,000.00
Total:	\$453,700.00

Inspection Fee (non-refundable) (\$230.00 per visit) (13 inspections) (can be paid later) of **\$2990.00**

A payment of **\$453,700.00** shall be lodged with Council to cover the satisfactory construction of the above requirements.

The mode of payment shall only be Non-cash payments (Credit card, Bank cheque, EFT) or Bank Guarantee lodged with Council.

The payments will be used for the cost of:

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

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

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

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

The following items are to be inspected:

- proposed stormwater drainage improvements on Anglo Road.
- All footpath, kerb/gutter and landscaping works; and
- any adjustment works in Council's Road reserve.

A schedule of all inspections is to be agreed between the applicant and Council prior to the issue of a Construction Certificate.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

5. A.4 - Payment of building and construction industry long service levy

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

Reason: To ensure the long service levy is paid.

6. A.5 - Payment of Section 7.11 development contributions

- (i) Before the issue of the first construction certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (ii) (below) must be paid.

- (ii) The applicant must pay the following contributions to Council. The Section 7.11 Contribution is calculated as the follows:

The proposed development would receive an existing credit for the commercial space currently occupying the site.

The reforms to Local Development Contributions have a cap of \$20,000 per residential lot or per dwelling limitation on local development contributions. A calculation of the development has been provided in **Table 22** below.

Table 22 - 7.11 Contribution table			
Type	Cost per unit	Number of Units	Total
2 bedroom	\$24,915 (capped at \$20,000)	29	\$580,000.00
3 + bedroom	\$31,472.70 (capped at \$20,000)	30	\$600,000.00
Total			\$1,180,000.00
Existing Credits	\$165.39 per sqm (retail/commercial development)	Commercial GFA existing 2245m ²	\$371,300.55
Total Payable 7.11			\$808,699.45

The total payable 7.11 contribution after applying the credits is **\$808,699.45**

The final total amount payable will be calculated at the time the payment is made, in accordance with the provisions of the Section 7.11 Development Contributions Plan.

A copy of the development contributions plan is available for inspection on the Lane Cove Council's website.

Payment method: Payment must be in the form of a bank cheque. Personal cheques or bank transfers will not be accepted.

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

7. A.7L -Tree preservation and approved landscaping works
The following trees shall be retained:

Tree No.	Species	Location	Dimension (metres)
1	<i>Eucalyptus scoparia</i>	Neighbouring property	12 x 10
2	<i>Melaleuca quinquenervia</i>	Council verge	10 x 8
3	<i>Melaleuca quinquenervia</i>	Council verge	10 x 8
4	<i>Melaleuca quinquenervia</i>	Council verge	10 x 8
5	<i>Melaleuca quinquenervia</i>	Council verge	10 x 8
6	<i>Eucalyptus scoparia</i>	Neighbouring property	10 x 9
7	<i>Callistemon spp</i>	Neighbouring property	5 x 3
8	<i>Callistemon spp</i>	Neighbouring property	5 x 3
9	<i>Magnolia grandiflora</i>	Neighbouring property	5 x 2
10	<i>Magnolia grandiflora</i>	Neighbouring property	5 x 2
11	<i>Magnolia grandiflora</i>	Neighbouring property	5 x 2
12	<i>Murraya paniculata</i>	Anglo Lane	4 x 4
17	<i>Callistemon spp</i>	Rear southeastern corner	8 x 5
18	<i>Callistemon spp</i>	Rear southeastern corner	8 x 5
19	<i>Callistemon spp</i>	Rear southeastern corner	8 x 5
20	<i>Callistemon spp</i>	Rear southeastern corner	8 x 5
22	<i>Casuarina cunninghamiana</i>	Anglo Road	10 x 5
25	<i>Melaleuca quinquenervia</i>	Anglo Rd cul-de-sac	16 x 10
35	<i>Melaleuca quinquenervia</i>	Pacific Highway	8 x 4
36	<i>Melaleuca quinquenervia</i>	Pacific Highway	8 x 4
37	<i>Melaleuca quinquenervia</i>	Pacific Highway	8 x 4
49	<i>Melaleuca quinquenervia</i>	Pacific Highway	10 x 7
53	<i>Lophostemon confertus</i>	Neighbouring property	9 x 6
54	<i>Syzygium spp</i>	Neighbouring property	12 x 9
55	<i>Syzygium spp</i>	Neighbouring property	9 x 6
56	<i>Syzygium spp</i>	Neighbouring property	9 x 6
57	<i>Lophostemon confertus</i>	Neighbouring property	16 x 12
58	<i>Syzygium spp</i>	Neighbouring property	9 x 6
59	<i>Syzygium spp</i>	Neighbouring property	9 x 6

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

60	<i>Syzygium spp</i>	Neighbouring property	10 x 8
61	<i>Syzygium spp</i>	Neighbouring property	10 x 8

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

Tree No.	Species	Location	Dimension (metres)
13	<i>Pittosporum undulatum</i>	Rear southeastern corner	7 x 5
14	<i>Casuarina cunninghamiana</i>	Rear south eastern corner	7 x 2
15	<i>Casuarina cunninghamiana</i>	Rear south eastern corner	7 x 2
16	<i>Casuarina cunninghamiana</i>	Rear south eastern corner	9 x 3
21	<i>Allocasuarina littoralis</i>	Rear centre of property	9 x 4
23	<i>Casuarina cunninghamiana</i>	Anglo Rd cul-de-sac	14 x 8
24	<i>Casuarina cunninghamiana</i>	Anglo Rd cul-de-sac	14 x 8
-	<i>Banksia integrifolia</i>	Anglo Rd Cul De Sac	7 x 5
-	<i>Strelitzia nicholii</i>	Anglo Rd Cul De Sac	7 x 6
26	<i>Viburnum odoratissimum</i>	Anglo Road	5 x 5
27	<i>Callistemon sp</i>	Anglo Road	3 x 2
28	<i>Viburnum tinus</i>	Anglo Road	3 x 2
29	<i>Casuarina cunninghamiana</i>	Anglo Road	8 x 3
30	<i>Allocasuarina littoralis</i>	Anglo Road	9 x 4
31	<i>Allocasuarina littoralis</i>	Anglo Road	9 x 4
32	<i>Casuarina cunninghamiana</i>	Anglo Road	7 x 3
33	<i>Melaleuca quinquenervia</i>	Pacific Highway	8 x 4
34	<i>Melaleuca quinquenervia</i>	Pacific Highway	8 x 4
38	<i>Casuarina cunninghamiana</i>	Anglo Road	18 x 12
39	<i>Melaleuca quinquenervia</i>	Anglo Road	9 x 3
40	<i>Melaleuca quinquenervia</i>	Anglo Road	9 x 3
41	<i>Melaleuca quinquenervia</i>	Anglo Road	9 x 3
42	<i>Casuarina cunninghamiana</i>	Anglo Road	9 x 3
43	<i>Casuarina cunninghamiana</i>	Anglo Road	14 x 8
44	<i>Casuarina cunninghamiana</i>	Anglo Road	14 x 8
45	<i>Casuarina cunninghamiana</i>	Anglo Road	14 x 8
46	<i>Casuarina cunninghamiana</i>	Anglo Road	6 x 3

**Lane Cove Local Planning Panel Meeting 23 June 2026
126 AND 130-134 PACIFIC HIGHWAY GREENWICH**

47	<i>Melaleuca quinquenervia</i>	Front of property	8 x 4
48	<i>Melaleuca quinquenervia</i>	Front of property	8 x 4
52	<i>Melaleuca quinquenervia</i>	Front of property	8 x 4

This consent gives approval to carry out the following works in Tree Protection Zones:

Tree No.	Species	Location	Permitted Works within TPZ
17	<i>Callistemon spp</i>	Rear southeastern corner	Driveway works, new access path
18	<i>Callistemon spp</i>	Rear southeastern corner	Driveway works, new access path
19	<i>Callistemon spp</i>	Rear southeastern corner	Driveway works, new access path
20	<i>Callistemon spp</i>	Rear southeastern corner	Driveway works, new access path
25	<i>Melaleuca quinquenervia</i>	Anglo Rd cul-de-sac	OSD and Landscaping
35	<i>Melaleuca quinquenervia</i>	Pacific Highway	Surface treatments, construction of new building
36	<i>Melaleuca quinquenervia</i>	Pacific Highway	Surface treatments, construction of new building
37	<i>Melaleuca quinquenervia</i>	Pacific Highway	Surface treatments, construction of new building
49	<i>Melaleuca quinquenervia</i>	Pacific Highway	Surface treatments, construction of new building
53	<i>Lophostemon confertus</i>	Neighbouring property	Demolition of existing structures. Construction of new building elements and landscaping
54	<i>Syzygium spp</i>	Neighbouring property	Demolition of existing structures. Construction of new building elements and landscaping
55	<i>Syzygium spp</i>	Neighbouring property	Demolition of existing structures. Construction of new building elements and landscaping
56	<i>Syzygium spp</i>	Neighbouring property	Demolition of existing structures. Construction of new building elements and landscaping
57	<i>Lophostemon confertus</i>	Neighbouring property	Demolition of existing structures. Construction of new building

			elements and landscaping
58	<i>Syzygium spp</i>	Neighbouring property	Demolition of existing structures. Construction of new building elements and landscaping
59	<i>Syzygium spp</i>	Neighbouring property	Demolition of existing structures. Construction of new building elements and landscaping
60	<i>Syzygium spp</i>	Neighbouring property	Demolition of existing structures. Construction of new building elements and landscaping
61	<i>Syzygium spp</i>	Neighbouring property	Demolition of existing structures. Construction of new building elements and landscaping

No tree pruning is permitted as part of this consent unless otherwise conditioned. Any tree pruning requires a formal Tree Works Authority Application to be made to Council along with a **Tree Pruning Specification from the Project Arborist**.

Tree removal may only occur upon issue of a Construction Certificate

Advisory Note: The protection of trees in Lane Cove is regulated under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP) parts 2.2 and 2.3 which prohibits the clearing of vegetation without the authority conferred by a permit granted by Council. Clearing under the SEPP is defined as:

- a) Cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the tree
- b) vegetation, or
- c) lop or otherwise remove a substantial part of the vegetation.

The clearing of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW).

The maximum penalty that may be imposed in respect to any such offence is \$1,100,000 per individual and \$5,500,000 per corporation.

Reason: To ensure the protection of trees to be retained and to confirm trees removed for pruning/removal.

8. A.8 - Drainage plans amendments

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by IGS, reference No: EN-N24_234, revision: 3 and dated 24/07/25. This amended plan shall satisfy *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.

Anglo Rd drainage system

- 1) A plan with longitudinal section of the proposed pipe system from the site to the existing Council pit in Anglo Road, with relevant calculations, underground service details, levels and specifications are required for further assessment and/or approval. This plan should confirm that the pipe system satisfies *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.

- 2) The proposed kerb inlet pit in Anglo Road shall be 2.4m kerb opening with 900*450mm galvanised grate as per Council's standard drawing No: SWD.1.1.1(on grate), SW.1.2.1 (sag).
- 3) The proposed pipe system in Anglo Road must be Class 4, RCP and minimum size of 375mm.
- 4) The applicant has to get Section 138 of Road Act 1993 approval from Lane Cove Council to do any works on Pacific Highway, Anglo Lane and Anglo Road. The amended plan showing all asset improvement works on Pacific Highway, Anglo Lane and Anglo Road shall be submitted to Council with Section 138 application.
- 5) Any drainage pit within a road reserve shall be constructed of cast in situ concrete and in accordance with *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.
- 6) Installation of pipe system near the Council's and protected trees must be assessed and approved by Council Tree Officer.

Proposed Site drainage system

- 1) All new down pipes shall be connected to appropriate pipe system.
- 2) All inlet pits are to be 450mm*450mm size in minimum.
- 3) Proposed drainage system should show pipe sizes and invert levels up to the connection point; confirming pipe system satisfies *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009.
- 4) Sediment control fence shall be placed around the construction site and shown in plan.
- 5) Subsoil seepage agg-line drainage system satisfying Australian Standards is required around proposed retaining wall, dwelling, basement or as it is necessary and connected to proposed pump out system.
- 6) The Installation of rainwater tanks must comply with AS 3500.3.2
- 7) Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
- 8) Any driveway grated strip pit shall have minimum 200mm of depth and minimum 1% fall inside.
- 9) Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 of *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009 if charged system is used. The details of design level difference must be shown in plan.
- 10) All gutters and pipes in the system must be designed for a 1 in 100-year ARI storm event.
- 11) A MUSIC analyses shall be carried out and a Gross Pollutant Trap (GPT) suitable for this site needs to be designed. The details of this GPT shall be shown in stormwater plan.
- 12) The location of the GPT shall be inside the property boundary before connecting to Council's drainage system. A suitable access to the GPT is required for future maintenance.
- 13) The proposed rainwater reuse system to be installed in accordance with Section 7.3 in *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009 and relevant Australian standards. This tank shall have 100mm air gap on top and 100mm sludge zone at the bottom and installed satisfying Australian

standards.

- 14) Entire roof area to be connected to Rainwater tank as per section 7.3 in *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.
- 15) Only roof water shall be connected to rainwater tank.
- 16) The OSD calculation shall be based on the calculation shown in Appendix 14 in *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.
- 17) The detailed cross section of the OSD is required, showing levels, sizes, depths, widths volume, orifice size and overflow device.
- 18) A suitable overflow device shall be provided to OSD and the overflow from OSD shall be connected satisfactorily. The details of the overflow device such as levels, width and depth shall be shown in plan.
- 19) Orifice invert shall be shown in typical cross sections of the OSD.
- 20) Discharge control pits in OSD shall have sump(200mm)
- 21) Overflow weir details such as levels, width and depth shall be shown in OSD.
- 22) The proposed basement shall be constructed with water-proof walls around the basement zone.
- 23) A suitable pump out system is required inside the basement and shall satisfy section 5.4 of *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan and submitted to Council. This pump out system shall be located within basement car park area and designed for capturing runoff from driveway and seepage around basement.
- 24) The applicant must get full details of the required road reconstruction works on Pacific Highway from RMS and submitted to Council.
- 25) Concurrences from RMS are required due to the proximity of the development to the RMS owned Pacific Highway. The applicant must submit full report from Lane Cove Tunnel Authority

Certification from a suitably qualified engineer as to the matters below is to be provided to the Principal Certifying Authority, prior to the issue of any CC:

- (a) Compliance with the amendments detailed in this condition.
- (b) Compliance with *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.

Where a variation is sought, written approval is to be obtained from Council's Urban Services Division.

Reason: To ensure adequate stormwater management in accordance with Council's Part O - Stormwater Management of the Lane Cove Council Development Control Plan 2009.

9. A.10A – Special condition – Prepurchase of Replacement Trees

The applicant is to provide receipt of pre purchased trees from a registered nursery that will attain the prescribed dimensions of replacement trees as part of this consent. Purchased trees must also be of the nominated pot size conditioned as part of this consent. The receipt is to be provided to Council's Landscape and Tree department prior to the issue of a construction certificate. Purchased trees are to be grown in accordance with specifications outlined within AS2303:2018 *Tree Stock for Landscape Use*.

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

10. A.10B – Special condition – Tree Protection Plan

Prior to the issue of a construction certificate, a revised site-specific Tree Protection Plan to incorporate the retained trees on site, trees on neighbouring properties within 5m of the boundaries and trees located on the adjacent nature strip of the Council Road Reserve must be prepared by Australian Qualification Framework (AQF) Level 5 Arborist and submitted to Council's Principal Arborist for approval. The plan must be written and conform to all Arboricultural plan / report requirements outlined within Appendix 5 of the Lane Cove Development Control Plan Part J 2023 amendment and reflect conditions nominated within this consent. Plans are to be kept on site until the release of an occupation certificate.

Reason: Tree Protection Requirements

11. A.10 – NSW Police – Crime Prevention Through Environmental Design

Compliance with the following provisions is to be incorporated into the construction certificate drawings prior to the issue of the Construction Certificate to the satisfaction of the certifier:

1. The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
2. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
3. Bicycle parking should be in a secure area and covered with CCTV cameras.
4. Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.
5. If the site has storage cages they should be made of suitable secure materials that can't be cut open. The storage cage is to be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
6. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage.
7. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e. vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
8. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
9. Windows on the ground level of the site (being any level that has a finished floor level within 1.5m of the adjacent finished ground level) should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-

resistant film or laminated to withstand physical attacks.

10. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.

11. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.

12. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.

13. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could when mature, serve as screens or barriers to impede views.

14. The boundaries of the site is to be clearly identified to deter unauthorised persons from entering the site.

15. "Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.

16. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.

Reason: To ensure crime prevention is incorporated within multi-dwelling development.

12. A.14 – Compliance with Water NSW Requirements

Compliance with the General Terms of Approval (Ref: IDAS1164261) provided by Water NSW dated 23 February 2026 as relevant.

Reason: To ensure the proposal has regard to groundwater impacts.

13. A.15 – Cladding:

No external combustible cladding is permitted on the building.

Reason: To ensure fire safety

14. A.16 - 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

15. A.17 - Materials on Roads and Footpaths

Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application

form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

Reason: To ensure public safety and amenity

16. A.18 - 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

17. A.20 – 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

18. A.21 - 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

19. A.22 - 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

20. A.23 - 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 reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the stormwater line are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.

Reason: To protect public infrastructure

21. A.24 – 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

22. A.25 - Boundary Levels

The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping, driveway and stormwater drainage plans and shall be obtained prior to the issue of the Construction

Certificate. Note: The finished floor level of the proposed garage or carport shall be determined by Council. Applicant has to lodge Vehicular Crossing Application form with application fee as shown in the form.

Reason: To provide consistent street alignment levels

23. A.26 - Work Zone

A Construction Traffic 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

24. A.29 – Compliance with AUSGRID Requirements

Compliance with the following Ausgrid requirements are relevant as follows:

Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in Pacific Highway, Anglo Rd and Anglo Lane. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the “as constructed” minimum

clearances will not be encroached by the building development. However, it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in Pacific Highway, Anglo Rd and within the proposed development.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

Substation

There are existing electricity substation assets within the proposed development.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard

141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid’s Network Standard 143.

Should you have any further enquiries, please contact Ausgrid at Development@ausgrid.com.au

Reason: To ensure that the proposal within the proximity of existing electrical networks assets are protected and maintained.

25. A.30 – Dust Monitoring Plan

A Dust Monitoring Plan is to be provided to Council’s Manager Development Assessment for Approval Prior to the commencement of any demolition works or the issue of the Construction Certificate. This is to include, but not be limited to, the locations of dust monitoring devices on all boundaries or at appropriate location of the site so as to record, at half an hour intervals, level and composition of dust during the course of construction.

Reason: Protection of environment and amenity of the neighbouring residents

26. A.31 – Noise Monitoring Plan

A Noise Monitoring Plan is to be provided to Council’s Manager Development Assessment

for Approval Prior to the commencement of any demolition works or the issue of the Construction Certificate. This is to include, but not be limited to, the locations of noise monitoring devices on all boundaries or at appropriate locations of the site so as to record, at half an hour intervals, noise levels during the course of construction.

Reason: Protection of environment and amenity of the neighbouring residents

27. A.32 – Trades Personal Parking and logistics plan

A Trades Personal Parking and logistics plan is to be provided to Council's Manager Development Assessment for Approval, Prior to the commencement of any demolition works or the issue of the Construction Certificate. This plan shall detail the provisions of parking on site for workers and the existing basement should be utilised for trades personal parking to reduce the strain on local kerb side parking.

Reason: To reduce the traffic amenity impacts.

28. A.33 – TfNSW Conditions

1. All buildings and structures together with any improvements integral to the future use of the site (with the exception of pedestrian footpath awnings) are to be wholly within the freehold property unlimited in height or depth along the Pacific Highway boundary.
2. Any temporary and final kerb and gutter works on the Pacific Highway are to be designed and constructed in accordance with TfNSW requirements.
3. Detailed design plans of the proposed new kerb and gutter are to be submitted to TfNSW for approval prior to the issue of the Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.
4. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.
6. The developer is to submit all documentation for approval prior to the issue of the Construction Certificate and at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.
7. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
8. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.
9. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
10. The Applicant shall be responsible for all public utility adjustment/relocation works on Pacific Highway, necessitated by the approved development, and as required by the various public utility authorities and/or their agents. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/under boring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au.

nsw.gov.au .

11. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
12. The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for the works required by Conditions 2), 3), 4) & 5).
13. A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on Pacific Highway during construction activities. An ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf> .
14. A final Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to TfNSW for review and endorsement prior to the issue of a construction certificate.
15. The proposed awning along the Pacific Highway frontage shall be setback a minimum distance of 600mm away from the face of the kerb to protect against heavy vehicle overhang.

Reason: To ensure compliance with TfNSW requirements.

PART B – PRIOR TO DEMOLITION WORKS

29. B.13.L - Project arborist

Prior to the commencement of any works including demolition, a project arborist of minimum Australian Qualification Framework (AQF) Level 5 is to be appointed to oversee/monitor tree protection compliance during the construction process. A letter of engagement from the Project Arborist must be provided to Council **prior to issue of a construction certificate**. Compliance certificates (with photos) for each attendance and key stages must be provided to the Principal Certifier within 5 days of such and to Council upon request.

The project Arborist shall:

1. Certify all tree protection measures listed within this consent prior to demolition works
2. Clearly identify and tag trees (where appropriate) which are to be removed and which trees are to be retained as part of this consent
3. Oversee the installation of the permeable pathway within the TPZ of trees
4. Oversee tree replacement
5. Oversee any tree pruning authorised outside of this consent
5. Provide Monthly health and condition assessments on protected trees
6. Statement upon completion for the development that all retained trees have been maintained in a healthy, viable condition and replacement planting has been undertaken. The statement must also recommend remedial advice for trees post construction to mitigate any long-term construction impacts.

Reason: To ensure trees to be protected on the site.

30. B.14 - Special Condition - Tree Protection Measures Fencing

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

1. Tree Protection Fencing must be installed within the following locations:
 - a. Along the area marked within the tree protection plan encompassing trees 17 – 20, 25

2. The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 3 on page 16 of the Australian Standard 4970-2025 - *Protection of trees on development sites*.
3. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed.
4. A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.
5. Such fencing and signage must be erected **Prior to Demolition** including site preparation and remain in place for the duration of the construction work
6. Movement of Tree Protection Fencing must be overseen and approved by the project Arborist

Reason: To protect the natural environment

31. B.15 - Demolition Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a demolition traffic management plan (DTMP) and report shall be prepared by an Transport for NSW accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- (a) Make provision for all construction materials to be stored on site, at all times.
- (b) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- (c) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless a Works Zone is approved by Council.
- (d) Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- (e) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- (f) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council Street trees.
- (g) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- (h) Be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites”.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

32. B.16 - Asbestos removal, handling and disposal

The removal, handling and disposal of asbestos from building sites shall be carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal in accordance with this condition is to be submitted to the Principal Certifying Authority and Council's Environmental Health Section, prior to commencing any demolition works.

Reason: To ensure worker and public health and safety.

33. B.17 Pre-Construction Dilapidation report: Trees to be Retained (R3 & R4 Zoning)

Before the issue of a construction certificate, an Arborist with a minimum of an AQF level 5 qualification must prepare a pre-construction dilapidation report on the health of the trees to be retained and protected following a site visit with Council's Senior Tree Preservation Officer. The report shall be agreed upon by both parties and shall include photographs of each tree and any existing damage, defects or areas of concern well represented.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

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

34. B.18 Special Condition - Tree Protection Measures Trunk Protection

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

- A. The trunks of the following trees must be protected during the construction period by a trunk guard:
- B. Tree # 35, 36, 37, 49, 50, 51
- C. Timber Planks (50mmx100mm or similar) shall be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m.
- D. Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way.
- E. An example of suitable trunk protection can be found on page 17 within the Australian Standard 4970-2025 Protection of trees on development sites.
- F. Trunk and branch protection is to be installed **Prior to the issue of the construction certificate**.

Reason: To protect trees during construction

35. B.20 - Demolition work plan

A demolition work plan must be prepared for the development in accordance with Australian Standard AS2601-2001 by a licensed demolisher who is registered with the NSW WorkCover.

The demolition work plan must be submitted to the Certifying Authority, not less than 10 working days before commencing any demolition work. A copy of the demolition work plan must be maintained on site and be made available to Council officers upon request.

The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher / Asbestos

Removal Contractor.

- Details of hazardous materials (including asbestos).
- Method/s of demolition (including removal of any asbestos).
- Measures and processes to be implemented to ensure the health & safety of workers and community.
- Measures to be implemented to minimise any airborne dust and asbestos.
- Methods and location of disposal of any hazardous materials (including asbestos).
- Other relevant details, measures and requirements to be implemented.
- Details of re-use, recycling and disposal of waste materials.
- Date the demolition works will commence.

Reason: To ensure health and safety.

36. B.21 - Construction environmental management plan

Prior to the commencement of any demolition and remedial works, a construction environmental management plan (CEMP) must be prepared for the site and submitted to Council for written approval prior to the commencement of work. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions. All works must be undertaken onsite in accordance with the approved CEMP.

Reason: To ensure health and safety.

37. B.22 - Preliminary Contamination Assessment

The siteworks shall be undertaken in accordance with the approved Preliminary Site Investigation Rev 0 prepared by eiaustralia and dated 27 November 2024. Any new information which is identified during excavation, demolition or construction works that has the potential to alter previous conclusions about site contamination shall be notified to Council immediately in writing.

Reason: To ensure health and safety.

38. B.23 - General remediation requirement

Any contaminated land must be remediated to satisfy the relevant requirements of the Contaminated Land Management Act 1997 and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013 and details of compliance are to be provided to the site auditor and Council from a suitably qualified environmental consultant upon completion of the remediation works.

Reason: To ensure health and safety.

39. B.24- Project arborist

Prior to the commencement of any works including demolition, a project arborist of minimum Australian qualitative framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. The project Arborist shall:

- Certify tree protection measures prior to any works including demolition.
- Prescribe and oversee any tree pruning of trees on both public and private land. The

applicant is to ensure Council's Senior Tree Assessment Officer is also in attendance to monitor pruning supervision.

- Where works must take place within the Structural Root Zone of any tree to be retained, root mapping through hand digging shall take place and a report showing the findings shall be prepared and submitted to Council's Senior Tree Assessment Officer for approval prior to any works commencing in the SRZ.

Reason: To ensure trees to be protected on the site.

- 40. B.22 - 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 worksite pollutions are controlled accordingly to protect the environment

PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

41. C.1A Street Tree Planting – Utilities Investigation

Prior to the removal of any public street trees, or issue of any construction certificate, the applicant is to undertake and provide evidence of the following to Council's Open Space Manager for review and approval:

1. a feasibility investigation including a utilities survey and BYDA of all underground utilities (including depths) along all street frontages where trees are proposed,
2. potholing, hand trenching and road opening shall need to be completed by the applicant to ensure all services found are accurate and can either be relocated or can accommodate proposed tree plantings,
3. subsequent letters of permission to install trees within the street setback area acquired from each service provider.

Reason: To ensure adequate long term tree canopy

42. C.1B. Street Tree Planting – Structural Root Cell

Council requires all street tree planting species to be planted within strata cell or strata vault systems (by Citygreen), or a Council approved equivalent product, to ensure appropriate soil volume is provided for the proposed tree species in accordance with Table 1.4 of Section 3.7.2 Tree Planting Requirements of the LCC DCP 2009 Part J Landscaping and Tree Preservation.

Structural Root Cells can be installed around existing services and can accommodate proposed services.

Reason: To ensure successful succession planting.

43. C.1C Tree Planting – Size and Inspections

The Pacific Highway Frontage must contain a total of 9 x large trees (either existing or replacement) approved by Council's Manager Open Space, each with a projected canopy dimension of at least 6m.

Replacement trees along the Pacific Highway Frontage are to be a minimum height of 4 metres above finished ground levels at the time of planting and therefore covered by Council's Tree Preservation Policy.

All other supplied trees are to be a minimum pot-size of at least 100 litres and must comply

with AS 2303:2018 Tree Stock for Landscape Use.

All tree stock is to be inspected by Council's Tree Officer/Principal Arborist upon arrival to site prior to unloading from the delivery vehicle and refusal of stock is at the sole discretion of Council Staff.

Reason: To ensure adequate tree canopy.

44. C.1D. Replacement Tree Planting

Trees that are removed must be replaced on a 1:1 ratio to comply with provisions outlined within Part J Landscaping of the Lane Cove Council Development Control plan 2010 unless otherwise stated within this consent. Tree planting and installation is to be undertaken in conjunction with the approved Landscaping Plan and conditions as part of this consent. All landscaping documentation must be approved by Councils Manager of Open Space.

Prior to the issue of an Occupation Certificate, replacement trees must be installed as per the approved detail landscape documentation and verified by inspection of prepared planting beds by Council's Landscape Architect/Open Space Manager.

Reason: Replacement Planting

45. C.1E. Prepurchase of Replacement Trees

The applicant is to provide receipt of pre purchased trees from a suitably qualified and accredited nursery that will attain the prescribed height of replacement trees as part of this consent. The receipt is to be provided to Council's Landscape and Tree department prior to the issue of the relevant construction certificate. Purchased trees are to be grown in accordance with specifications outlined within AS2303:2018 Tree Stock for Landscape Use.

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

46. C. 1F. Tree Planting - Placement

Any tree that will attain a height greater than 8m as defined under section 4 - O and 4 - P. of the Apartment Design Guide must be planted a minimum 3m from any structure, service or excavation cut.

Reason: To ensure replacement trees will achieve their maximum future potential

47. C.1G. Planting on Structure

Prior to the issue of the construction certificate, all raised, on structure garden beds are to be individually designed and documented with soil volume calculations confirming compliance with the following "planting on structures" controls:

1. ADG 4P Planting on Structures
2. DCP Part J – Section 1.10 Planting on Structures

Reason: To ensure that rooftop planting is installed as specified with adequate soil volume and profile

48. C.1H. Soil Profiles

The project Landscape Architect is to document appropriate soil profiles for on structure and deep soil areas considering both the plants specified for each area and their growing environment.

This information must form part of the Construction Certificate information and be submitted to Council for assessment by Council's Landscape Architect.

Reason: To ensure the proposed planting has the correct soil profiles to stimulate

healthy growth for the life of the property.

49. C.1 - Construction site management plan

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

- Before commencement of any works, safety barrier or temporary fencing is to be provided covering work area. This fence is for the safety of pedestrians on the public footpath.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- 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*'.
- pedestrian and vehicular site access points and construction activity zones
- details of any bulk earthworks to be carried out.
- location of site storage areas and sheds
- equipment used to carry out all work.
- a garbage container with a tight-fitting lid
- 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.
- A Traffic Management Plan shall be prepared by a Transport for NSW accredited person and submitted to Council's Traffic Department for approval prior to commencing of any work.
- Protection measures of existing Council drainage system, trees and street assets.

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

Council Approvals

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
2. Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".
3. 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 require details of measures that will protect the public, and the surrounding environment, during site works and construction.

50. C.2 - Erosion and sediment control plan

Prior to any demolition works or clearing of any vegetation and before the issue of a

construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

51. C.3 - Waste management plan (WMP)

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- A. Council's Development Control Plan (*Part Q: Waste Management and Minimisation*).
- B. Where sites adjoin bushland (private or public):
 - the WMP shall detail measures to mitigate any rubbish or foreign materials from entering the bushland.
 - Access through parks, reserves and bushland to the site is not permitted.
- C. details the following:
 - the contact details of the person(s) removing the waste
 - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - the disposal and destination of all waste material spoil and excavated material

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

Reason: To ensure resource recovery is promoted and local amenity protected during construction.

52. C.4 - Utilities and services

Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- A. a letter of consent from **Integral Energy** demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- B. a response from **Sydney Water** as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water's infrastructure, and whether further requirements need to be met.
- C. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are

required to make the development satisfactory to them.

Reason: To ensure relevant utility and service providers requirements are provided to the certifier.

53. C.5 - Dilapidation report (applicable if excavation is greater than 1.0m)

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, public roads, public assets and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

This report is to specifically include, but is not limited to, the following areas:

- Pacific Highway public domain within 20m of the site boundaries
- The properties 120 Pacific Highway, 154 Pacific Highway, 1 Anglo Road, 2 Anglo Road.

Reason: To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.

54. C.6 - Adaptable units

Before the issue of the relevant construction certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of *AS 4299-1995 Adaptable Housing Standards*. In addition, the report is to certify the construction drawings demonstrate compliance with condition C.18.B of this consent.

Reason: To ensure adaptable units are designed in accordance with the Australian Standard.

55. C.7 - Car parking details

Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of *AS 2890 Parking Facilities- Off- Street Carparking* and Council's development control plan.

Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

56. C.8 - Car parking details and additional Council requirements

Additional Council car parking requirements are set out below:

1. The proposed car park design and access shall comply with AS 2890.1. This includes all parking spaces, ramps and aisles.
2. All accessible car parking spaces are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and height clearance.
3. All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.

4. All vehicles must front in/ front out to/ from the development.
5. Small car spaces must form no more than 10% of the overall parking provision in public car parks.
6. Small car parking, car share, car wash bay, motorcycle parking, retail parking, tenant parking, and resident parking to be sign posted and adequately line marked.
7. The garbage collection and holding area is to be clearly signposted and linemarked and provided in accordance with AS2890.2: 2002. On site garbage collection must be provided for with sufficient headroom and allow the vehicle to enter and exit in a forward direction.
8. All residential dwellings spaces are to be provisioned with cabling (and adequate electricity capacity provided) for electrical vehicle charging. That is, all dwellings allocated 1 or more car parking spaces are to have private cabling provision for a minimum of 1 car parking space. Certification is to be provided to the certifier prior to the issue of a Construction Certificate in relation to this requirement from a suitably qualified person. The cabling infrastructure is to be located in such a way that the installation of a car charger would not impact parking space dimensions (e.g. infrastructure raised on tracks or similar).
9. Install wheel stops on all car parking spaces to prevent any collision with structures or objects.

The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities within the site 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 comply with Council car parking requirements.

57. C.10 – Pedestrians / cycling

1. All bicycle racks and secure bicycle parking provided on-site shall comply with the minimum standards as outlined in Section 4.3 of *Part R: Traffic, Transport and Parking* of Lane Cove DCP 2009 and designed in accordance with AS 2890.3: 2015 *Bicycle Parking Facilities*. Alternative designs that exceed the Australian Standards will also be considered appropriate.
2. Basement bicycle parking is to be easily and safely accessible from the public domain, clearly labelled, and easily identifiable through appropriate way finding signage.

Reason: To ensure pedestrian safety and that bicycle parking facilities satisfy Council's requirements.

58. C.11 - Offsite disposal of contaminated soil

All contaminated material to be removed from the site will need to be assessed, classified, and managed in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines (2014). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Reason: To ensure health and safety.

59. C.12 - Hazardous or intractable wastes

Hazardous or intractable wastes arising from the site works, excavation and remediation process must be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

- Work Health and Safety Act 2011;
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- Protection of the Environment Operations Act 1997 (NSW);
- Protection of the Environment Operations (Waste) Regulation 2005;
- Waste Avoidance and Resource Recovery Act 2001; and
- NSW EPA Waste Classification Guidelines (2014).

The works must not cause any environmental pollution, public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or Work Health & Safety Act 2011 and Regulations.

Reason: To ensure health and safety

60. C.13 - Evidence of disposal of all waste, spoil and excavation material

As soon as practicable after demolition is completed, documentary evidence detailing the destination of waste materials in accordance with the Waste Management Plan is to be submitted to the Principal Certifying Authority.

Reason: To ensure waste is managed in accordance with the approved Waste Management Plan.

61. C.14 - Construction waste management plan

Prior to the commencement of any works on the subject site, a construction waste management plan (CWMP) must be prepared for the development by a suitably qualified person in consultation with the Council and be submitted for approval by Council's Manager Environmental Health.

The CWMP must address, but not be limited to, the following matters:

- Recycling of demolition materials including concrete.
- Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- Details of methods to be used to prevent spill, escape of any dust, waste or spoil from the vehicles or trailers used to transport waste or excavation spoil from the site.
- Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste (if present), particularly the method of containment and control of emission of fibres to the air, must be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- Provide details of truck routes and make appropriate notifications as required to comply with current regulations.

Reason: To promote resource recovery and environmental protection.

62. C.15 - Waste and Recycling, and Bulk Waste Storage Rooms

The construction certificate drawings shall detail compliance with the requirements of Part Q of Lane Cove DCP 2009 for all waste and recycling, and bulky waste storage room(s). As a minimum this shall include the following:

- Minimum clearance between bins of 300mm; Minimum door openings of 1700mm.
- Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
 - Concrete which is at least 75mm thick; or
 - Other equivalent material; and
 - Graded and drained to a floor waste which is connected to the sewer
- Floors finished to a smooth even surface, coved at the intersection of walls and floor.
- Walls constructed of solid impervious material and cement rendered internally to a smooth even surface coved at all intersections.
- Provision of adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.
- Constructed to prevent the entry of vermin.
- Provision of artificial light controlled by switches located both outside and inside the rooms.
- Clearly printed "No Standing" signs affixed to the external face of each waste/recycling and bulky waste storage room.

Reason: To ensure adequate waste and recycling storage and management in accordance with Councils DCP.

63. C.16 - Compliance with acoustic report

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the Noise Impact Assessment prepared by Acoustic Logic Project ID 20240758.1 Rev 4 and dated 24/07/2025. The Report is to include details of the specified AC plant and any other plant equipment.

Reason: To ensure acoustic mitigation measures adhere to relevant standards/requirements.

64. C.17 - Accessibility requirements

The construction drawings shall detail compliance with:

- A. relevant Disability (Access to premises – buildings) standards 2021 including AS1428.1 (as amended).

- B. Disability Discrimination Act 1992.
- C. Building Code of Australia; and
- D. recommendations contained in the approved Access Report including a minimum 20% adaptable and 80% visitable dwellings/units.

Reason: To ensure equitable access.

65. C.18 - Structural engineer's details

The Construction Certificate plans and specifications must include detailed professional structural engineering plans and/or specifications for the following:

- retaining walls.
- footings.
- reinforced concrete work.
- structural work.
- upper-level floor and roof framing.

and where relevant in accordance with any recommendations contained in an approved geotechnical report.

Reason: To ensure structural adequacy.

66. C.18A Construction methodology report

Where there are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations, a suitably qualified engineer must prepare a Construction Methodology Report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure.

The report must:

- be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate.
- include a geotechnical report to determine the design parameters appropriate to the specific development and site.
- include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.
- This shall include traffic management plan as well as storage and manoeuvring areas, impacts on public assets and appropriate remedial works on Council assets.

The development works are to be undertaken in accordance with the recommendations of the Construction Methodology report.

Reason: To protect neighbouring buildings.

67. C.19 - On-site stormwater detention requirements

Certification shall be obtained from a suitably qualified Engineer that:

- the on-site stormwater detention (OSD) system complies with the requirements under *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.
- OSD system must show correct dimensions, levels, overflow details, orifice size, minimum 1% of base slope, RH3030 mesh and accesses and

- the CC drawings and specifications indicate the following:
 - The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009. An approved plate may be purchased from Council's customer service desk.
 - All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt and installed as per Section 7.4.2 of *Part O - Stormwater Management* of the Lane Cove Development Control Plan 2009. Any tank greater than 1.2 m in depth must be fitted with step irons.

Reason: To ensure compliance with Council's requirements.

68. C.20 - Proposed vehicular crossing

The proposed vehicular crossing on Anglo Lane shall be constructed prior to the issue of the Occupation Certificate. The existing driveways shall be completely demolished and apart from the area of the new driveway shall be reinstated by standard kerb and gutter satisfying Council's standard. The new driveway shall be designed and complied with Council's standard drawing No: CIV.4.2, 3.1 and 3.2(Big development). The full section of vehicular crossing and driveway shall be designed and certified by qualified Traffic Engineer and approved by Traffic section of the Council.

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The applicant has to lodge Vehicular Crossing Application form and pay application fee as shown in this form to get these levels. This shall be done prior to Construction Certificate.
- b) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- c) Certification is to be provided by a suitably qualified traffic engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- d) An analysis of vehicle manoeuvring is required to confirm vehicle movement is safe in the proposed parking area.
- e) The excavation for the driveway and construction of driveway near any Council tree shall satisfy Council's Tree preservation Officer.
- f) The section of the driveway between fence line and kerb line shall be perpendicular to kerb or satisfying Council's supervising engineer.
- g) The following plans shall be prepared and certified by a suitably qualified engineer:
 - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping provisions of AS2890.1. The sections shall include details of all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 - Off Street Car Parking.
 - Transitional grades in accordance with AS2890. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.

- Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.

A 'Construction of Residential Vehicular Footpath Crossing' application, design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All works associated with construction of the crossing shall be completed prior to the issue of any Occupation Certificate.

Reason: To ensure the proposed vehicular crossing complies with Australian Standards and Council's requirements.

69. C.22 - Geotechnical Monitoring Program

Excavation works associated with the proposed development must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to the principle certifying authority prior to issue of a Construction Certificate for each stage. The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during construction.

The Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical Report and is to include

- Recommended hold points to allow for inspection by a suitably qualified engineer during the following construction procedures;
- Excavation of the site (face of excavation, base, etc)
- Installation and construction of temporary and permanent shoring/ retaining walls.
- Foundation bearing conditions and footing construction.
- Installation of sub-soil drainage.
- Location, type and regularity of further geotechnical investigations and testing.

Excavation and construction works must be undertaken in accordance with the Geotechnical and Monitoring Program.

Reason: To ensure adequate monitoring of excavation works to protect the environment and required for any excavation greater than 2m.

69A. C.24 - Design of Retaining Structures

All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Reason: To ensure the safety and viability of the retaining structures onsite

70. C.25 - Design of Pool Structure

The proposed concrete pool is to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Reason: To ensure structural stability and the proposed design is in accordance and comply with Australian Standard

71. C.27 - Pool Construction:

The pool design shall ensure that both during construction and upon completion, surface water is not to be directed or diverted to have an adverse impact upon adjoining properties.

If does not comply with current standards the subject element is to be redesigned and improved.

Reason: To ensure Council accepted stormwater management around the pool

72. C.28 - Pool Construction Stormwater: The stormwater runoff from the new impervious areas surrounding the pool shall be connected to the proposed drainage system in accordance with the requirements of *Part O - Stormwater Management* in the Lane Cove Development Control Plan 2009.

The certification is to be carried out by a suitably qualified engineer **prior to the issue of the Construction Certificate.**

Construction of drainage system associated with the proposed pool satisfy relevant Australian standards. Where a proposed system does not comply with current standards the subject element is to be redesigned and improved.

Reason: To ensure Council accepted stormwater management around the pool

73. C.29 -Council Construction Requirements:

The applicant shall construct / reconstruct the following to Council's satisfaction.

1. New footpath adjacent the entire frontage pacific Highway
2. New Kerb and Gutter along the entire frontage of Pacific Highway and Anglo Lane,
3. Reconstruct existing pedestrian access pram ramp at start of Anglo Rd and Anglo Lane
4. Construction of new street drainage system on Anglo Road as per submitted plan.
5. Reinstate all adjustments to the road surfaces on Pacific Highway, Anglo Lane and Anglo Road.
6. Reinstate all existing nature-strips with turf and soil on road reserve.
7. Reinstate all damages identified in dilapidation report.
8. Reinstate all damaged assets in Anglo Road, Anglo Lane and Pacific Highway

As described in section A.3, cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is required **prior to the issue of the Construction Certificate**. The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the issue of the Occupation Certificate and section 138 approval**. All costs associated with the construction of the above works are to be borne by the applicant.

Reason: In accordance with Council's requirements to restore site

PART D - BEFORE THE COMMENCEMENT OF BUILDING WORK

74. D.1 - Erosion and sediment controls in place

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

Reason: To ensure runoff and site debris donot impact local stormwater systems and

waterways.

75. D.2 - Tree protection measures (if applicable)

Before the commencement of any site or building work (including demolition), the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.

Reason: To protect and retain trees.

76. D.3 - Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason: Prescribed condition EP&A Regulation, clauses 98A (2) and (3).

77. D.6 - Notice regarding dilapidation report (if applicable)

Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 14 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

Reason: To advise neighbours and Council of any dilapidation report.

78. D.7 – Permit to Stand Plant

Where the applicant requires the use of construction plant on the public road reservation, an “**Application for Standing Plant Permit**” shall be made to Council. Applications shall be submitted and approved prior to the start of any related works. Note: allow 4 working days for approval.

Reason: To comply with Council’s requirements.

79. D.8 - Tree protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with:

- 1. The relevant conditions of this consent
- 2. The Construction Site Management Plan (CSMP) required under this consent (where applicable)
- 3. The relevant requirements of AS 4970-2025 Protection of trees on development

sites.

4. Any arborist's report approved under this consent (where applicable)
5. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
6. Specific conditions within this consent supersede any conflicting recommendations within an applicable CSMP or Arborist report.

Reason: To protect trees during construction.

80. D.25 - Special Condition – Construction of permeable Pathway within a Notional Root Zone

Construction of the permeable pathway within the Notional Root Zone / Structural Root Zone of trees 17-20 is to be conducted via the following means:

1. The new surface within the NRZ is to be constructed entirely above grade.
2. Permeable fill consisting of 20mm angular stone is to be required to level any undulating ground.
3. A geotextile fabric should then be used to separate the fill from a sand bedding layer.
4. A permeable treatment may then be placed on the layer of sand bedding. Level depths of subbase are to be determined by the landscape company.
5. Installation of the side pathway is to be overseen by the project arborist, no excavation is permitted within the Structural Root Zone of trees 17-20 for the installation of the hard surface.

Reason: To ensure water filtration is maintained to the root system of protected trees.

81. D.26 – Special Condition – Demolition of hard surface within the NRZ / SRZ of protected trees

Demolition of Council footpath on the Pacific Highway frontage may only occur upon completion of the proposed development during landscape phase. This is to ensure adequate ground protection and limit excess compaction within the Structural Root zone of retained trees for the duration of the build.

1. Once primary construction has been completed, the existing footpath must be removed via the use of hand tools only under the supervision of the project arborist.
2. Pneumatic breaker tools (IE. Jackhammer) may be used in the event the existing paving used a concrete subbase.
3. No roots shall be pruned during the demolition and construction of the footpath, with exposed roots protected in accordance with section 4.5.4 of AS4970-2025 - Protection of trees on development sites.

Reason: To ensure ground protection within the Protection Zone of retained trees is adequate throughout the construction phase.

82. D.28 – Special condition – Stockpiling of Materials

No stockpiling of materials, building equipment or additional activities listed in section 4.2 of AS4970-2025 - Protection of trees on development sites is to occur within designated tree protection areas or on the Council Owned Nature Strip. All building materials must be delivered and stored within the subject site.

Reason: To mitigate damage to Council land

83. D.29 – Special Condition – Installation of boundary walls within the NRZ of retained trees

The installation retaining walls within the Tree Protection Zone of retained trees 53-61:

1. Must be done so using an isolated pier and beam method or use existing footings under the supervision of the project arborist.
2. No roots greater than 40mm diameter are to be severed to facilitate the installation of the piers. A 200mm buffer must be given to roots greater than 40mm diameter.
3. Roots >40mm diameter must be bridged using a lentil
4. Roots less than 40mm diameter that conflict with the location of piers must be documented by the Project arborist, pruned with a sharp implement and recorded for compliance.
5. Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2025 Protection of trees on development sites
6. The excavated area adjoining the wall must be backfilled using a coarse (>20mm) aggregate and site soil. An Ag line must be installed at the base of the wall to ensure adequate drainage.

Reason: To mitigate damage to retained trees

PART E - WHILE BUILDING WORK IS BEING CARRIED OUT

84. E.1 - Hours of work

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

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

Monday to Friday (inclusive) 7am to 5.30pm

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

Saturday 8am to 12 noon

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

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

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

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

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

Reason: To protect the amenity of the surrounding area.

85. E.3 - Critical stage inspections

Critical stage inspections are to be carried out in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000. Where Lane Cove Council is appointed as the PCA, an inspection is to be booked for each of the following relevant stages during the construction process:

- a) retaining walls.
- b) footings.
- c) reinforced concrete work.
- d) structural work.
- e) upper-level floor and roof framing.

Reason: EP&A Act requirement.

86. E.4 - Implementation of the site management plans

While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

87. E.5 - Implementation of BASIX commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies, including the achievement of a 6-star NatHERS Rating.

Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

88. E.6 - Surveys by a registered surveyor

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —

- a) All footings/ foundations
- b) At other stages of construction – any marks that are required by the principal certifier.

Reason: To ensure buildings are sited and positioned in the approved location.

89. E.7 - Construction noise

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan (**refer to condition A.1 for approved Noise and Vibration Management Plan**).

Reason: To protect the amenity of the neighbourhood.

90. E.8 - Tree protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

91. E.9 - Responsibility for changes to public infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

92. E.10 - Shoring and adequacy of adjoining property

If the development involves any excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: Prescribed condition - EP&A Regulation clause 98E

93. E.13 - Waste management

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

94. E.14 – Works zones

Loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within an approved Works Zone. If a Works Zone is required, the developer must give the Council at least six (6) weeks written notice prior to the date upon which use of the Works Zone will commence. The duration of the Works Zone approval shall be taken to commence from that date. All vehicular unloading/loading activities on a public roadway/footway are to be undertaken within an approved Works Zone.

Reason: To ensure pedestrian and traffic safety.

95. E.15 – Heavy vehicle requirements

1. All contractors are to be notified of Council's requirements regarding truck cleanliness of vehicles leaving the site. A signed register of all notified contractors is to be kept. Failure to comply shall result in the contractor not being permitted re-entry to the site.
2. All vehicles transporting soil material to and from the site shall be covered by a tarpaulin or similar material in accordance with the *Protection of the Environment Operations (Waste) Regulation, 1996* (as amended). Any breach will result in a PIN being issued.
3. A truck shaker ramp is to be provided at the construction exit point. Any sediment tracked onto any public roadway is to be cleared immediately.

Reason: To protect the environment.

96. E.16 - Stockpiles

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

Reason: To mitigate adverse environmental impacts on the surrounding area.

97. E.17 - Storage and assessment of potentially contaminated soils

- a) All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.
- b) All stockpiles of potentially contaminated soils must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).

Reason: To mitigate adverse environmental impacts on the surrounding area.

98. E.18 - Environmental Impacts during construction

The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1977 or the NSW Occupational Health and Safety Act (2000) & Regulations (2001).

Reason: To protect the environment.

99. E.19 - No obstruction of public way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

Reason: To ensure public safety.

100. E.20 - Encroachments

1. No portion of the proposed structure shall encroach onto the adjoining properties and/or road reserve.
2. The proposed construction shall not encroach onto any existing Council drainage pipe or easement unless approved by Council. If a Council stormwater pipe is located at site during construction, Council is to be immediately notified. Where necessary the drainage line is to be reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the drainage pipe are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipelines without Council's approval.

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

101. E.21 - Drainage Construction: The stormwater drainage on the site is to be constructed generally in accordance with approved plan.

Certification by a suitably qualified engineer of the above plans is to be submitted to the Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the Construction Certificate.**

The Principal Certifying Authority is to satisfy themselves of the adequacy of the certified plans 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 maintain the stormwater management of the property

102. E.22 - Heavy Vehicle Duty Employee and Truck Cleanliness: The applicant shall

- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
- Keep a register of all contractors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
- Place an employee within close proximity of the site exit during site operation hours 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

103. E.23 - 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 pollutions are controlled accordingly to protect the environment

- 104. E.24 - 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

- 105. E.28 - Automatic irrigation system**

An automatic drip irrigation system is to be designed and installed to all garden bed areas that will ensure the ongoing health of the planting scheme for the life of the development. The automatic irrigation system is required to be designed and installed by a suitably qualified irrigation company to AS/NZS 3500.1:2018 (Water Services) for all planting areas on structure proposed. This system is to be connected to the OSD water source and use non-potable water when possible

Reason: To ensure adequate moisture levels are maintained for the 12-month establishment period eliminating the threat of plants dying due to lack of water during this time of in times of future drought.

- 106. E.29 - Raised planter boxes**

All raised planter boxes shall be waterproofed by a licensed professional in accordance with AS4654.1-2012 *Waterproofing membranes for external above-ground use*.

Reason: The ensure the structural integrity of the planter box and parking structure below are maintained and to ensure that no leaks occur in the raised planter box as installed.

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

- 107. F.00 - Restriction on Persons Accommodated**

The development shall be for the accommodation of the following only:

- A. Seniors or people who have a disability,
- B. People who live in the same household with seniors or people who have a disability, and/or
- C. Staff employed to assist in the administration and provision of services to the seniors housing within the development.

A restriction as to user is to be registered against the title of the property to which this consent relates prior to the issue of an Occupation Certificate, in accordance with Section 88E of the Conveyancing Act 1919, limiting use of any accommodation to the kinds of people referred to above. The restriction as to user is to include the definition of seniors and people with a disability contained within SEPP (Housing) 2021.

Reason: To ensure compliance with section 88 of SEPP (Housing) 2021.

108. F.0 - 88E Instrument for Public Access To Anglo Road

Prior to this issue of an Occupation certificate, an instrument under 88B of the conveyancing Act 1919 is to be created in favour of Council, for unrestricted 24-hour Public Access to the northern portion Anglo Road (linking the Pacific Highway and the southern portion of Anglo Road)

Part 1 of the 88E instrument shall contain itemised details such as identity of easements, restrictions and positive covenants and burdened and benefitted lots or bodies.

Part 2 of the 88E instrument shall contain a provision that any easements, rights of way, covenants shall not be extinguished or altered without the written consent of Council.

Reason: To maintain and ensure Public Access to Anglo Road

109. F.1 - Works-as-executed plans and any other documentary evidence

Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a. All stormwater drainage systems and storage systems
- b. The following matters that Council requires to be documented:
 - Compliance with *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
 - Compliance with AS-3500.
 - Certification from a suitably qualified hydraulic engineer that the approved stormwater pipe system, OSD System, rainwater tank and basement pump out system have been constructed in accordance with the approved plans.
 - Where relevant, registration of any positive covenants over the OSD system and basement pump out system are required.
 - Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
 - Evidence of removal of all redundant gutter and footpath crossings and reinstatement of all kerbs, gutter, turfing and footpaths, to the satisfaction of Council's Urban Services Division.
 - Certification from suitable engineer that the swimming pool has been constructed satisfying relevant Australian standards.
 - Certification from Stormwater Consultant who install GPT that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
 - Certificate from Park contractors that the whole park items installed public open space are Australian Standards and installed satisfying relevant standards.
 - Certification from suitable licenced contractor that all works have been constructed satisfying relevant Australian standards.

- Certification from qualified structural engineer that the proposed construction has been completed according to approved plan and structurally satisfied.
- A Works As Executed (WAE) survey plan of the new street drainage system on Anglo Road will need to be prepared and certified by qualified Engineer to demonstrate that the drainage system constructed is in accordance with the approved plan.
- A Works As Executed (WAE) plan for the OSD system to be prepared and certified by qualified Engineer to demonstrate that the OSD constructed is in accordance with the approved plan.

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

Reason: To confirm that the proposed works have been constructed satisfactorily as per approved plans

110. F.2 - Completion of public utility services

Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority, including undergrounding of services where required by this consent.

Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements before occupation.

111. F.A - Bulky Waste Collections

Prior to the issue of any Occupation Certificate, the operational Waste Management Plan (WMP) must be updated by the applicant to demonstrate the transfer of bulky wastes to Anglo Lane will be the responsibility of the caretaker/building management the evening before booked collections.

Reason: to ensure safe and efficient collection of wastes.

112. F.3 - Post-construction dilapidation report

Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from building work on the development site.

113. F.4 - Preservation of survey marks

Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

Reason: To protect the State's survey infrastructure.

114. F.5 - Repair of infrastructure

Restoration of disturbed Council land and assets is the responsibility of the applicant. Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified.

115. F. 6 - Removal of waste upon completion

Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

116. F.10 - Outdoor lighting

Outdoor lighting shall comply with Australian Standard AS 4282-1997 – *Control of the obtrusive effects of outdoor lighting*.

Reason: To protect the amenity of nearby residential properties.

117. F.11 - Waste collection / deed of indemnity

Prior to the issue of any Occupation Certificate, the applicant is to complete Council's Deed of Indemnity for its waste contractor to enter the premises to collect waste and recycling.

This is to be submitted to Council at least forty (40) days, prior to any occupation of the building.

Reason: To manage risk to any Council infrastructure.

- 118. F.16 - Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise.
The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of the Occupation Certificate.**

Reason: To ensure retaining walls are constructed according to approved plan

- 119. F.17 - 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 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, &
- 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

- 120. F.18 - Engineering Certification:** A suitably qualified engineer shall certify that following has been constructed in accordance with the approved plans and is within acceptable construction tolerances.

- Swimming Pool
- Pump out system
- Rainwater tank
- All repair works identified in Dilapidation report
- OSD
- All Civil works

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

Reason: Statutory requirement

- 121. F.18A Special condition - Post-Construction Dilapidation report: Trees to be Retained**

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

1. After comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, the post construction dilapidation report will document any damage to protected trees.
2. Where there has been damage to protected trees that it is a result of the building work approved under this development consent, remedial options / advice on how to best rectify any damage sustained to protected trees will be

provided too and approved by Council's Principal Arborist. This may include the on-going Tree Management Plan required to be adopted in perpetuity.

3. Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report together with certification from the project arborist that any approved rectification works have been completed to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

Reason: To identify damage to existing trees retained resulting from building work on the development site.

122. F.19A - Special Condition – Replacement Planting

1. Trees that are removed must be replaced on a minimum 1:1 ratio to comply with provisions outlined within Part J Landscaping of the Lane Cove Council Development Control Plan (LCCDCP) 2024 amendment unless otherwise stated within this consent.
2. Tree planting is to achieve canopy targets as outlined within LCCDCP Part J section 3.5 & 3.6
3. Trees must be replaced in accordance with Landscape Set revision M by Arcadia dated 6.2.26
4. In addition to the proposed landscape plan, to achieve targets outlined within LCCDCP Part J Section 3.5 and 3.6, Council require an additional 2 x 100L *Banksia integrifolia* (Coast Banksia) planted within the Anglo Rd Cul-de-sac between trees 22 and 25
(Applicable for r3 and r4 zoning for big developments)
5. Any tree that will attain a height greater than 8m as defined under section 4O and 4P of the Apartment Design Guide must be planted a minimum 3m from any structure, service or excavation cut.
6. Trees must be 4m at time of planting, indicative tree size can be found within LCCDCP Part J 3.7.2 table 1.4
7. Tree selected must be from a registered nursery and comply with provisions outlined within AS2303:2018 *Tree Stock for Landscape Use*.
8. All landscaped areas must have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants.
9. Trees must be installed and signed off by the project arborist **Prior to the issue of an Occupation Certificate.**

Reason: To achieve canopy targets as outlined within LCCDCP Part J section 3.5 & 3.6

123. F.19.B. Practical Completion Report - Landscape works

A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council 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.

Reason: To ensure the landscape works have been carried out in accordance with the stamped approved construction documents

124. F.19C. 12 Month Landscape Maintenance agreement

Prior to issue of the Occupation Certificate, the applicant must submit evidence of an agreement prepared by a qualified horticulturalist, landscape contractor or

landscape architect, for the maintenance of all site landscaping for a period of 12 months from the date of issue of the Occupation Certificate.

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

125. F. 19.D. Practical Completion Report - Landscape maintenance and establishment

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.

Council may elect to retain the Bond paid on street trees until satisfied that the intended landscape treatment meets the proposed design as represented on the stamped, approved plans.

Reason: To ensure the landscape works have been carried out in accordance with the stamped approved construction documents.

126. F.20 - Positive Covenants OSD and Pump Out System: Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property prior to the issue of the Occupation Certificate. The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

Reason: Statutory requirements and to protect stormwater infrastructure and confirm future maintenance

127. F.21 - Works as Executed Drawings for OSD: A works as executed survey of the onsite detention facility will need to be prepared and certified to demonstrate that the OSD system functions as per the intention of the approved design. A suitably qualified engineer must certify that the construction system is satisfactory.

Reason: Statutory requirements

128. F.22 - Redundant Gutter Crossing: All redundant kerb/gutter and footpath crossings shall be removed, and the kerb, gutter and footpath reinstated to the satisfaction of Council's Urban Services Division. These works shall be carried out prior to the issue of the Occupation Certificate.

Reason: To ensure Council's footpath and nature strip is free from potential vehicular or other obstructions.

PART H - OCCUPATION AND ONGOING USE

129. H.1 - Release of securities / bonds (if required)

When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities. Council may use part,

or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

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

130. H.2 - Annual fire safety certificate

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.

Reason: To satisfy Council's Engineering requirements to ensure annual checks on fire safety measures.

131. H.3 - Location of mechanical ventilation

During occupation and ongoing use of the building, all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.

Reason: To protect the residential amenity of neighbouring properties.

132. H.4 - Maintenance of wastewater and stormwater treatment device

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant.

Reason: To satisfy Council's Engineering requirements. To protect sewerage and stormwater systems.

133. H.5 - Regulated systems

Any air handling and water systems regulated under the Public Health Act 1991 must be installed, operated, and maintained in accordance with the requirements of the Public Health (Microbial Control) Regulation 2000. The premise is to be registered with Council together with payment of the approved fee, prior to occupancy of the building.

Reason: To satisfy Council's Engineering requirements and to ensure health and safety.

134. H.6 - Registration of waster cooling and warm water systems

Any water cooling and warm water systems regulated under the Public Health Act 1991 must be registered with Council's Environmental Services Unit within one month of installation.

Reason: To satisfy Council's Engineering requirements. Statutory requirement and to ensure health and safety.

135. H.8 - Property Numbering

Submit to Council for approval a schedule of unit numbers against lot numbers.

Reason: To ensure the numbering system is in accordance with Australian Standard AS/NZS 4819:2011, and the NSW Address Policy and User Manual.

136. H.9 - Access to Waste Collection Point

All waste must be collected on-site via on-site access by Council's garbage collection vehicles.

- The location(s) of waste and recycling rooms & bulky waste storage areas must be conveniently accessible for both occupants and Council's waste collection contractors.
- The minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste and recycling collection point and maneuvering area. This clearance must be kept free of any overhead ducts, services and other obstructions.
- The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:5 (20%). The turning area at the base of any ramp must be sufficient for the maneuver of a 6.0m rigid vehicle to enter and exit the building in a forward direction.
- Where security gates are proposed, a Council master key system must be installed to permit unimpeded access.

Reason: to ensure safe and efficient collection of waste materials.

ATTACHMENTS:

There are no supporting documents for this report.