

17 October 2018

Ms Rosie Majer  
Senior Project Manager  
TSA Management

Dear Rosie,

**DA/2018/56 -ALTERATIONS AND ADDITIONS TO GREENWICH  
PUBLIC SCHOOL (SOUTH CAMPUS)- AT 72A GREENWICH  
ROAD, GREENWICH**

I refer to the above development, and the email sent from Lane Coves Council, Mr Michael Stephens on 13 September 2018 that attached draft recommended conditions of consent for this development.

Clause 4.33 of the Environmental Planning and Assessment Act 1979 states that:

- (1) A consent authority (other than the Minister) must not:*
- (a) refuse its consent to a Crown development application, except with the approval of the Minister; or*
- (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

In accordance with this clause, Council has provided draft conditions of consent.

As requested, I have reviewed the draft conditions of consent and provide comments on them in the following table.

PROPOSED CONDITION	COMMENT	POSSIBLE REVISED CONDITION
Condition 1 that contains a list of proposed plans and documents	It would be appropriate for GHD/TSA to confirm that the proposed documents are the most current versions of the plans/documents.	Update references if required
52. Bond on Council Infrastructure. The applicant shall lodge with Council a \$10,000 bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and	Bonds are typically imposed to provide security and certainty that works or repairs can occur if a	A dilapidation report is required to be prepared prior to any work commencing. The dilapidation report is required to document/record any

<p>gutter drainage or other assets as a result of the development. The bond will be released upon issuing of the Completion Certificate. If Council determines that damage has occurred as a result of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required prior to the issue of the Crown Certificate.</p> <p>Reason: To maintain public infrastructure.</p>	<p>developer becomes insolvent etc during the development process.</p> <p>In this case as the proponent is the NSW Department of Education, that is a state government department there is not a risk of the proponent becoming insolvent.</p> <p>Accordingly it is considered more appropriate that either the condition be modified to not require a bond or alternatively conditions be imposed requiring a dilapidation report to be prepared prior to works commencing and after works have been completed.</p>	<p>existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontages bounding the site up to and including the centre of the road.</p> <p>Prior to the issue of a final Completion Certificate the applicant shall prepare a post construction dilapidation report. This report is to ascertain whether the construction works created any damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontages bounding the site up to and including the centre of the road. If damage did occur, it is to be rectified by the proponent prior to the issue of the final completion certificate.</p>
<p>53. Bond on Council Street Trees:</p> <p>Pursuant to Section 4 17(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant must, prior to the issue of the construction certificate, provide security in the amount of \$50,000 (by way of cash deposit with the Council, or a guarantee satisfactory to the Council) for the payment of the cost of making good any damage caused, as a consequence of the works to which this development consent relates, to four Queensland Brushbox trees (<i>Lophostemon confertus</i>) adjoining the land subject of this development consent (Wardrop Street). This bond may be forfeited in the event of damages to any of these trees as a result of the development works as determined by Council's Tree Management Officer; at a minimum the cost of replacing the tree including labour will be deducted from the bond. The applicant shall contact Council to have the street tree inspected following issue of the Completion Certificate.</p>	<p>Bonds are typically imposed to provide security and certainty that works or repairs can occur if a developer becomes insolvent etc during the development process.</p> <p>In this case as the proponent is the NSW Department of Education, that is a state government department there is not a risk of the proponent becoming insolvent.</p> <p>Accordingly it is considered more appropriate that either the condition be modified to not require a bond or alternatively a condition requiring any tree that dies as a result of construction activity to be replaced.</p>	<p>Prior to the issue of a final Completion Certificate the projects arborist should confirm that the four Queensland Brushbox trees (<i>Lophostemon confertus</i>) adjoining the land subject of this development consent (Wardrop Street) remain healthy. If they have died as a result of construction activity, replacement street trees are to be planted.</p>



Reason: To ensure that Council's Street Trees are adequately protected		
<p>56 Construction Traffic Management Plan: A Construction Traffic Management Plan is to be submitted to Council for approval prior to the issue of the Crown Certificate. The CTMP is to be prepared in accordance with Clause 7 of PART R - Traffic, Transport and Parking in the Lane Cove Development Control Plan 2009</p> <p>As a part of the preparation of the CTMP consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required</p> <p>Reason: To ensure construction traffic does not adversely impact the safety and efficiency of traffic movements surrounding the site.</p>	<p>The condition requires a Construction Management Plan to be approved by Council. It is considered that DOE in conjunction with the crown certifier is capable of ensuring that the plan is consistent with the DCP.</p>	<p>Construction Traffic Management Plan: A Construction Traffic Management Plan is to be prepared in accordance with Clause 7 of PART R - Traffic, Transport and Parking in the Lane Cove Development Control Plan 2009 to the satisfaction of the Principal Certifier</p> <p>As part of the preparation of the CTMP consultation with Lane Cove Council NSW Police, RMS and Transport for NSW / Sydney Buses is required.</p> <p>Reason: To ensure construction traffic does not adversely impact the safety and efficiency of traffic movements surrounding the site</p>
<p>67 Replacement Tree Planting: Trees removed in order to facilitate the development must be replaced at a ratio of no less than 1:1 and all plantings/landscaping must comply with Part J Landscaping of the Lane Cove Development Control Plan 2010 and be installed prior to the issue of the Completion Certificate. All replacement trees are to be of a minimum height of 4 metres from ground level at the time of installation</p> <p>Reason: to retain the landscaped amenity of the school and surrounding area</p>	<p>The current landscaped plan provides for the planting of 16 trees on the site. Given that the development proposes the removal of only 12 trees, this condition is not necessary as the approved landscaping plan in condition 1 facilitates this.</p>	<p>This condition should be deleted.</p>
Numbering	<p>The numbering of the draft conditions is out of sequence. E.g. condition 56 is followed by condition 16.</p>	<p>The conditions should be renumbered in sequence order.</p>

The above review is based on my town planning expertise and it may be appropriate to seek advice on the proposed conditions from experts such as engineers, architects



and landscapers to ascertain whether the proposed conditions are acceptable to these experts.

I also note that the draft conditions provided are the proposed Council staff conditions. There is a chance that this application is required to be determined by the Lane Cove Council Local Planning Panel or the regional planning panel. (I have sought advice on the proposed determination body and am currently awaiting advice from Council)

If the application is to be determined by either of these panels, they can seek to impose alternate or additional conditions to that recommended by Council staff. Although the alternate or additional conditions cannot be imposed without the applicant's agreement, it would be appropriate to have staff with appropriate expertise and delegation at any future local planning meeting to reduce the risk of the project being further delayed.

Should you require any further information, I can be contacted on 9687 8899 or 0405 530 095.

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