

INDEPENDENT ASSESSMENT OF DEVELOPMENT APPLICATION No. 64/2021

ADDENDUM REPORT

Construction of a Sport and Recreation Facility

Property:

**Various Lots
No. 180 River Road, Lane Cove**

Applicant:

Lane Cove Council

Date:

February 2022

Prepared by:

tim shelley planning

ADDENDUM REPORT TO SYDNEY NORTH PLANNING PANEL – DA 64/2021 180 RIVER ROAD, LANE COVE

APPLICATION DETAILS

Proposed Development:	Demolition of existing structures and construction of a two-storey/part three-storey sports and recreational facility
Address:	No. 180 River Road, Lane Cove
Properties:	Various lots (see table below)
DA No:	64/2021
Date Lodged:	3 rd June, 2021
Cost of Work:	\$51,968,392

Cadastral and Ownership Details:

LOT DESCRIPTION	No. of Lots	OWNER
Lots 1 – 6 DP 8423	6	Lane Cove Council
Lots 1-12 DP 21129	12	Lane Cove Council
Lots 3-5 DP 858170	3	Lane Cove Council
Lots 1, 2, 4 & 6 DP 20230	4	Lane Cove Council
Lot 26 DP 4454	1	Lane Cove Council
Lot A DP 380914	1	Lane Cove Council
Part McMahons Road (unformed)	1	Lane Cove Council
Part Osbourne Road (unformed)	1	Lane Cove Council

Applicant: Lane Cove Council

ZONE	RE1 – Public Recreation (some peripheral parts of the above lots partly zoned E2 but proposed development wholly contained within RE1 zone)
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?	Yes Site of proposed development wholly contained within RE1 zone
IS THE PROPERTY A HERITAGE ITEM?	No. The site is not listed as a heritage item in Lane Cove Local Environmental Plan 2009.
IS THE PROPERTY WITHIN A CONSERVATION AREA?	No
IS THE PROPERTY ADJACENT TO BUSHLAND?	Yes
BCA CLASSIFICATION	Class 9b (Multipurpose Hall, Multifunction Room & Associated Facilities) Class 10a (Structure) Class 7a (Carpark)
STOP THE CLOCK USED?	Yes
NOTIFICATION	Original period notification was between 3 rd and 30 th June 2021 This was extended until 14 th July 2021 following a number of requests from the public to provide additional time

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BACKGROUND TO REPORT

Tim Shelley Planning (TSP) was engaged by Lane Cove Council to undertake an Independent Assessment of DA No. 64-2021 (the DA). The DA proposed the demolition of existing structures and construction of a two-storey/part three-storey sports and recreational facility on the Lane Cove Golf course site at 180 River Road, Lane Cove. An assessment report for the DA was prepared by TSP and submitted to the Sydney North Planning Panel (the Panel) on 7th December, 2021 recommending as follows:

- 1. That a staged consent be granted to DA No. 64/2021 for the demolition of existing structures and construction of a two-storey/part three-storey sports and recreational facility subject to the draft conditions listed in Attachment 1.*
- 2. That the “Plan of Management for the Lane Cove Golf Course” be updated to specifically reflect and include the proposed development. The process for the amendment of the Plan of Management is to be commenced by Council during construction of the proposed development and completed as soon as practicable following completion of the proposed development.*
- 3. That those that made a submission in response to the application be advised of SNPP’s decision.*

A copy of this Independent Assessment is provided as Attachment 1 to this report.

In relation to recommendation 1, the two stages proposed were as follows:

- o Stage 1 – demolition of existing buildings and preparation of the Detailed Site Investigation (DSI) and Remedial Action Plan (RAP); and*
- o Stage 2 – construction of the multi-purpose sports and recreational facility.*

The requirement for a DSI and RAP – and a HAZMAT Survey – were recommendations of the Preliminary Site Investigation (PSI) prepared by Douglas Partners submitted with the DA.

To facilitate these recommendations, the following draft conditions were proposed to be included for Stage 1.

- Upon completion of all demolition works, the applicant is to complete a DSI and RAP in accordance with the provisions SEPP 55. The DSI and RAP are to be reviewed by an NSW EPA Accredited Site Auditor and an Audit statement submitted to Council’s Environmental Health Officer for review and approval prior to commencement of remediation works identified under the RAP.*
- Upon completion of all works identified under the RAP, a Validation Report is to be submitted in accordance with the provisions of SEPP 55 by an appropriately qualified environmental consultant confirming that all works have been satisfactorily completed and the site is suitable for the proposed development. This report is to be submitted to and approved by Council’s Environmental Health Officer prior to construction works commencing on Stage 2 of the development as detailed under this consent.*

Granting a staged consent in this manner was recommended to allow the existing golf club buildings to be removed as part of Stage 1, with the required DSI, HAZMAT Survey and RAP to then be prepared and any remediation works undertaken before moving onto Stage 2 construction works in order to satisfy the consent authority that the site was suitable for the proposed development, as required by Clause 7 of SEPP 55 – *Contaminated Lands*.

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At the meeting held with the Panel on Tuesday 7th December, the Panel did not support the staged consent approach and instead requested the DSI, HAZMAT Survey and RAP be undertaken prior to the application coming back to the Panel for determination. In this regard, the Panel advised as follows:

“The Panel (as the consent authority for this application) is of the opinion that as the land is potentially contaminated, a DSI and a HAZMAT Survey, as recommended by Douglas Partners, are required to evaluate the degree and extent of any contamination and to assess whether the site can be made suitable for the proposed use.

The Panel request that, should the DSI and HAZMAT Survey recommend site remediation is necessary, a Remediation Action Plan be developed and submitted to Council staff for endorsement prior to the application being reported to the Panel again.”

Accordingly, the applicant was requested to undertake the necessary DSI and HAZMAT Survey and if necessary, prepare a Remediation Action Plan (RAP) and submit same to Council for further assessment and re-submission back to the Panel.

ADDITIONAL SUBMITTED DOCUMENTS

In response to the request from the Panel, the applicant submitted the following documents on 11th February:

1. Sampling and Analysis Quality Plan prepared by Douglas Partners
2. Stage 1 Detailed Site Investigation (Contamination) prepared by Douglas Partners
3. Remediation Action Plan prepared by Douglas Partners
4. Hazardous Building Material/Asbestos Register
5. Site Auditor's report prepared by Senversa Pty Ltd

ASSESSMENT OF ADDITIONAL DOCUMENTATION

Council's Manager of Development Assessment has reviewed the above documentation and advised as follows:

Following review of the assessment documents submitted by the applicant, the following comments are provided:

Detailed Site Investigation

The applicant has submitted the following documents:

1. Sampling and Analysis Quality Plan prepared by Douglas Partners dated January 2022. This report has been prepared to set out the proposed scope of works for the Stage 1 Detailed Site Investigation (DSI).
2. Stage 1 Detailed Site Investigation (Contamination) (Stage 1 DSI) prepared by Douglas Partners dated February 2022.

The assessment of contamination is being conducted in two stages as follows:

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- Stage 1 – Assessment works completed prior to the demolition of the existing buildings and infrastructure.
- Stage 2 – Further assessment works proposed to be completed after the demolition of the existing buildings and infrastructure.

The Stage 1 DSI was carried out across the site for the proposed new sporting facility and amenities around the existing buildings, whilst Stage 2 works are proposed to be completed post-demolition of the existing buildings, once the site is handed over for construction works.

The Stage 1 DSI concludes that the site can be made suitable for the proposed development subject to implementation of the following recommendations:

- *Scoping the Stage 2 DSI (post demolition) via preparation of a Stage 2 Sampling and Analysis Quality Plan (SAQP) for review and endorsement by the Site Auditor;*
- *A hazardous building material survey prior to the demolition of any structures on site, followed by the removal of hazardous building materials in accordance with current regulations, and clearances by a qualified occupational hygienist;*
- *Further assessment of the ground conditions from a geotechnical perspective in regard to the consideration of low groundwater pH values measured at BH207, BH7 and BH4 and ramifications for concrete / piling foundation for the proposed development.*
- *Further assessment of the dewatering requirements for the site with respect to measured groundwater levels and final excavation depth, and assessment of whether management measures (e.g., CEMP or GMP) are required;*
- *Implementation and reporting on the Stage 2 DSI, which will include a holistic assessment of the data obtained through the Stage 1 and Stage 2 DSI;*
- *Development and implementation of a Remediation Action Plan (RAP), endorsed by the Site Auditor, outlining the remediation strategy for identified contamination risks at the site; and*
- *Preparation of a validation report, endorsed by the Site Auditor, confirming completion of works in accordance with the RAP.*

Remediation Action Plan

A Remediation Action Plan prepared by Douglas Partners dated February 2022 has been prepared. It is proposed that a Stage 2 DSI will be undertaken post-demolition and clearance, at which point the potential risk associated with asbestos and other potential hazardous building materials in building demolition waste can most effectively be assessed.

Based on the findings of the Stage DSI, the RAP outlines a remediation strategy which generally involves the following:

- a) Management of asbestos impacted fill by placement and/ or retention at depth so as to minimise future disturbance and exposure. This management strategy would comprise the construction of a barrier between site users and the contaminant of concern and preparation of a Long-Term Environmental Management Plan (LTEMP) to prevent future inadvertent exposure of the contaminated fill to site users. If, following delineation, it is determined that the only impact is at depth, and provided proposed earthworks do not impact within 0.5 m (vertically) of the find, the impacted soils will be retained in situ and documented in the LTEMP.
- b) Removal of total recoverable hydrocarbons (TRH) contaminated fill and disposal off-site.

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The Remediation Action Plan concludes:

“It is concluded that the site can be rendered suitable for the proposed development subject to appropriate remediation, management, and validation in accordance with this RAP.

The success of the remediation is to be validated and reported as outlined herein.

If there are any proposed changes to the remediation approach outlined herein due to the results of the Stage 2 DSI or other reasons (e.g. changes in development, construction process, site observations, etc.), this RAP must be updated in consultation with the relevant parties.”

Auditor’s Review

The reports have been reviewed by Jason Clay, Accredited Site Auditor who has stated:

“Based on the information provided, the auditor considers the DSI to be generally revised to address the auditor’s comments from IAA#5 dated 9 February 2022. The supplementary information provided to the auditor on 11 February 2022 about the groundwater elevation at BH207 was noted.

The auditor concurs with recommendations of the Stage 1 DSI and the approach adopted in the Remedial Action Plan (RAP) that a holistic assessment of the contamination status of the site is required after the completion of Stage 2 DSI. This will include a full evaluation of the data and remediation acceptance criteria as well as revision of the RAP.

Overall, the Stage 1 DSI is noted to be prepared in accordance with relevant EPA guidelines and is sufficient to support the preparation of the RAP.”

Hazardous Building Material Survey/Asbestos Register

The applicant has advised that the “Hazards building material/asbestos register” submitted is Council’s “operational HAZMAT report for the asset” and covers the tennis club, green keeper’s shed and golf course cottage. As recommended by the DSI, a hazardous building material survey on all the structures will be undertaken prior to their demolition, followed by the removal of any hazardous building materials in accordance with current regulations and clearances by a qualified occupational hygienist. This requirement has been included in the draft conditions.

SUMMARY

Given the above and based on the additional level of investigation that has been carried out, it is considered that the site can be made suitable for the proposed development subject to appropriate conditions of consent requiring compliance with the recommendations of the DSI and RAP. These conditions have been included in the amended set of draft conditions provided as Attachment 2 to this report. On this basis, the requirements of Clause 7 of SEPP 55 have been satisfied such that consent can be granted to the application.

CONCLUSION

The development application has been assessed in accordance with the matters for consideration outlined in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of this assessment, it is considered that:

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- The proposed development is permissible on the land and complies with all relevant provisions of Lane Cove LEP 2009 and all relevant SEPPs.
- The proposed development is consistent with the *Liveable Lane Cove Community Strategic Plan 2035*.
- The proposed development complies with the relevant requirements of Lane Cove Development Control Plan 2010.
- The site is – or can be made – suitable for the proposed development in accordance with the requirements of SEPP 55.
- Upon the undertaking of external roadworks by Council as a pre-requisite to the proposed development, satisfactory vehicular access will be provided into the site.
- The issues raised in submissions against the proposal are not considered to warrant refusal or further modification of the proposal, but rather have been addressed in the design of the development, the documentation submitted with or following lodgement of the application or can be addressed via conditions of consent.
- Subject to the implementation of mitigation measures identified in the submitted documentation and specialist's reports – which are cross-referenced in or covered by conditions of consent where necessary – the proposed development is not considered likely to result in a significant adverse impact upon nearby residences or the surrounding locality.
- The proposed development is in the broader public interest.

On this basis, it is recommended that consent be granted to DA 64/2021 subject to the draft conditions listed in Attachment 2.

RECOMMENDATION

1. That development consent be granted to DA No. 64/2021 for the demolition of existing structures and construction of a two-storey/part three-storey sports and recreational facility subject to the draft conditions listed in Attachment 2.
2. That the "*Plan of Management for the Lane Cove Golf Course*" be updated to specifically reflect and include the proposed development. The process for the amendment of the Plan of Management is to be commenced by Council during construction of the proposed development and completed as soon as practicable following completion of the proposed development.
3. That those that made a submission in response to the application be advised of the Panel's decision.

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180 RIVER ROAD, LANE COVE**

Report Prepared by:

Tim Shelley

Director – Tim Shelley Planning

Bachelor Urban and Regional Planning, University of New England



Attachments:

1. Original DA Assessment Report dated November 2021 as presented to SNPP 7/12/21
2. Draft Conditions of Consent (Rev E dated February 2022)
3. Submissions Summary Table to Accompany Original DA Assessment Report dated November 2021