

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-352
DA Number	DA22/147
LGA	Lane Cove
Proposed Development (Original Description)	Demolition of existing structures and construction of a (part two and part three storey/mezzanine) sports and recreation facility.
Street Address	180 River Road Lane Cove
Applicant/Owner	Sebastian Stivala (on behalf of LCC) / Lane Cove Council
Date of DA lodgement	30 November 2022
Number of Submissions	72 Submissions (43 objections, 17 support & 12 neutral)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Total Cost of the Development is \$61,912,148.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Lane Cove Local Environmental Plan 2009 • Lane Cove Development Control Plan 2009
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Architectural Plans Attachment 2 – Draft Conditions Attachment 3 - Questions from SNPP Briefing
Report prepared by	Robert Montgomery, Principal Montgomery Planning Solutions (Independent Consultant)
Report date	3 May 2023

Summary of s4.15 matters**Yes**

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

Legislative clauses requiring consent authority satisfaction**Yes**

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 summarized, in the Executive Summary of the assessment report?

Clause 4.6 Exceptions to development standards**No**

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?

Special Infrastructure Contributions**Not Applicable**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions**Yes**

Have draft conditions been provided to the applicant for comment?

Declaration by Author

This Assessment Report was prepared by Robert Montgomery, Principal, Montgomery Planning Solutions.

Other than being engaged as an independent consultant by Lane Cove Council, I have no association with the applicant or their professional consultants. Also, I do not carry out any private consultancy work within the Lane Cove local government area.

I am an expert member of the Lane Cove Local Planning Panel

I hereby state that I have no conflict of interest in the preparation of this Assessment Report.



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May 2023

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1. Executive Summary

Montgomery Planning Solutions has been engaged by Lane Cove Council to provide an independent assessment of Development Application DA22/147.

The land is owned by Lane Cove Council, is zoned RE1 Public Recreation and currently provides local sporting facilities in the form of five (5) floodlit synthetic tennis courts, Lane Cove Country Club building, various outbuildings, a greenkeepers cottage and carparking. The land comprises a number of lots which includes the adjoining golf course. It is proposed to consolidate all lots and re-subdivide to create a lot of 2.006ha, which will contain the proposed recreation centre.

The development application proposes the demolition of the existing buildings and construction of a part two and part three-storey multi-purpose sports facility comprising the following:

- indoor sports hall (3,221m²);
- Bistro (including servery and golf trophy display area) (277m²)
- Outdoor Dining Terrace (204m²);
- multipurpose space shared between 4 rooms (654m²);
- lounge space (118m²);
- office space(64m²) ;
- meeting room (56m²);
- construction of four new outdoor multi-purpose courts (3,665m² GFA);
- Cut, fill, relevelling and construction of lower ground parking level with 248 parking spaces;
- Landscaping works including extensive tree planting; and

Access to River Road will be via a new signalised intersection which is to be constructed prior to operation of the new facilities. The intersection work does not form part of this development application and is subject to separate approval under Part 5 of the *Environmental Planning & Assessment Act, 1979*.

The main issues for this assessment are:

- Whether the information supplied by the applicant in relation to potential site contamination is sufficient for the consent authority to be satisfied under the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021;
- Whether the development is satisfactory pursuant to the *Biodiversity Conservation Act 2016 and Regulation 2017*;
- Potential traffic impacts and access to River Road;
- Potential noise impacts on nearby residences from the operation of the facility; and
- Whether the bulk and scale of the proposed development is acceptable in terms of its relationship to adjoining land.

The following table summarises the recommendations in relation to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Table 1: Summary of Relevant Matters for Consideration and Legislative Requirements

Provisions	Matters for consideration	Comment	Recommendation
SEPP (Planning Systems) 2021	The development is listed as regionally significant development.	The consent authority is the Sydney North Planning Panel	Approval recommended.
SEPP (Resilience and Hazards) 2021	Consent authority must be satisfied that the land is suitable for the proposed development, either in its contaminated state or following remediation.	A Preliminary Environmental Site Assessment, detailed site investigation and remedial action plan were submitted with the DA. The reports conclude that the site can be rendered suitable for the proposed development.	A condition is recommended which requires compliance with the remediation action plan.
SEPP (Biodiversity and Conservation) 2021	Chapter 2 (Vegetation in Non-Rural Areas) provides that vegetation must not be cleared without approval. The SEP refers to the requirements of the Biodiversity Conservation Act, 2016	The DA is accompanied by a BDAR prepared in accordance with the Biodiversity Conservation Act 2016. The proposal will result in the removal of 0.41ha of native vegetation.	Conditions requiring compensatory planting are recommended.
SEPP (Transport & Infrastructure) 2021	The development is "traffic generating development" under the SEPP and was referred to Transport for NSW for comment as required.	Transport for NSW raises no objection to the development subject to certain conditions relating to the installation of the signalised intersection with River Road	Conditions required by Transport for NSW are included in the draft conditions attached to this report.
Lane Cove LEP 2009	Objectives, land use table and clauses 5.23 public bushland, 6.1A earthworks and 6.3 riparian land.	The development is permissible with consent and is consistent with the objectives of the RE1 zone. It is considered that the proposal responds to these clauses appropriately.	The proposal is consistent with the provision of Lane Cove LEP 2009.

Provisions	Matters for consideration	Comment	Recommendation
Lane Cove DCP 2010	Objectives and numerical requirements	Proposal satisfies the requirements of the DCP.	Conditions proposed to ensure various outcomes are achieved, eg tree planting.
Likely Impacts	Refer to Section 5.5 of report	Likely impacts have been adequately addressed	Acceptable
Suitability of the Site	Remediation, location & constraints	Site will be remediated Well located Design recognises constraints	The site is suitable for the development
Submissions Received	72 submissions received during notification period	Following close of exhibition, numerous submissions have been received. These are not counted for the purposes of this report.	The submissions are noted.
Public Interest	Whether approval is in the public interest	The proposal is a significant upgrade of the public recreational facilities which are currently provided on the site.	It is considered that approval is in the public interest

The application was notified to surrounding residents from 30 November 2022 until 23 January 2023, including a 10-day extension. 72 submissions were received, comprising 43 objections, 17 in support and 12 neutral.

It is considered that the proposal provides an appropriate design response to the site conditions and constraints. The proposal is the product of community needs studies completed on behalf of Lane Cove Council and a significant public consultation process carried out over many years. It is concluded that the proposal satisfies all relevant statutory requirements and represents a high quality design outcome.

The application is therefore recommended for approval subject to the conditions of consent listed in Attachment 2.

2. Background

The land is classified as community land, owned by Lane Cove Council, and is zoned RE1 Public Recreation. This development application is the product of earlier community needs studies completed on behalf of Lane Cove Council and a significant public consultation process carried out over many years.

A previous development application was lodged on 3 June 2021 for a similar proposal. This application was subsequently withdrawn for a number of reasons including insufficient information relating to potential site contamination, access to the site and the overall design. It is understood that following withdrawal of the DA, some significant design changes were made, access to River Road was resolved and further detailed environmental investigations were completed.

3. Site and Surroundings

The site, known as the Lane Cove Golf Course and Lane Cove Country Club, is located at 180 River Road, Lane Cove. The site is approximately 3km south of Chatswood CBD and 4km north west of North Sydney CBD.

River Road is classified as a regional road, which provides a connection between St Leonards in the east and Lane Cove in the West. Figure 1 below shows the location in the context of surrounding town centres and road network.

Figure 1: Location Source: NSW LPI SIX Maps

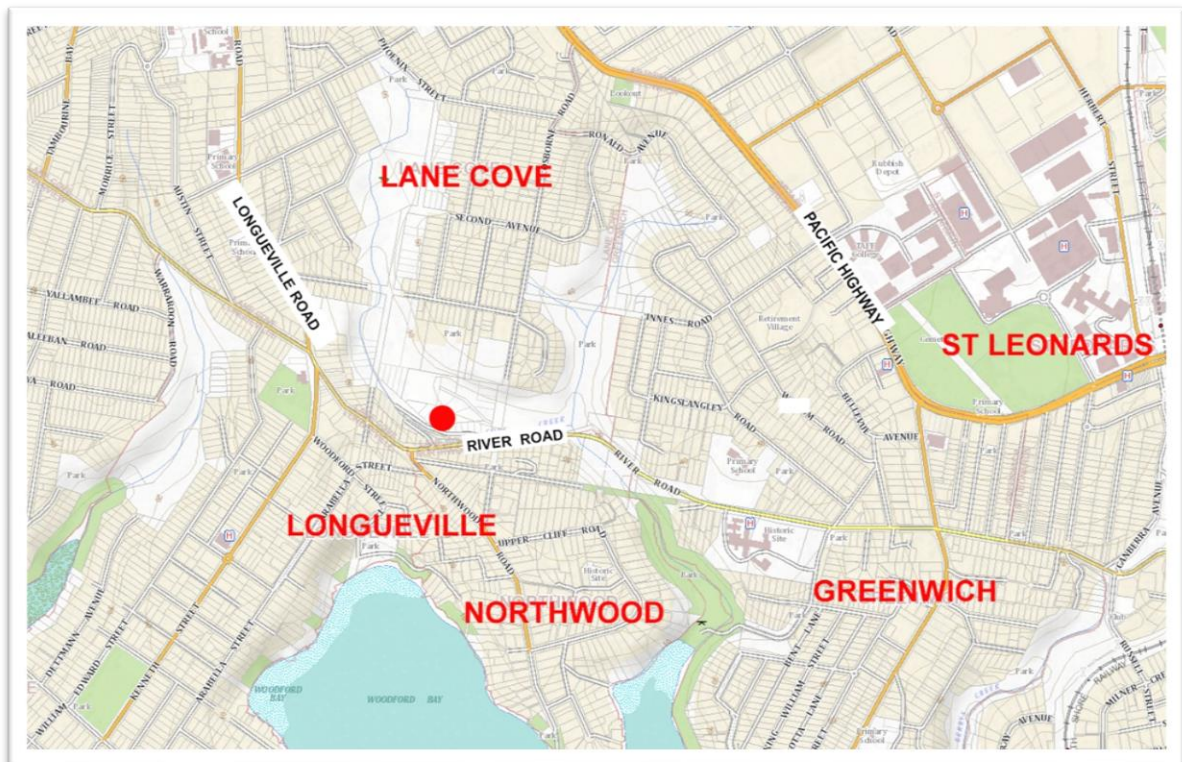


Figure 2: Satellite Image. Google Maps and Ethos Urban

The land currently provides local sporting facilities in the form of five (5) floodlit synthetic tennis courts, Lane Cove Country Club building, various outbuildings, a greenkeepers cottage and carparking. The land comprises a number of lots which includes the adjoining golf course. It is proposed to consolidate all lots and re-subdivide to create a lot of 2.006ha (proposed lot 1 in Figure 3 below), which will contain the proposed recreation centre.

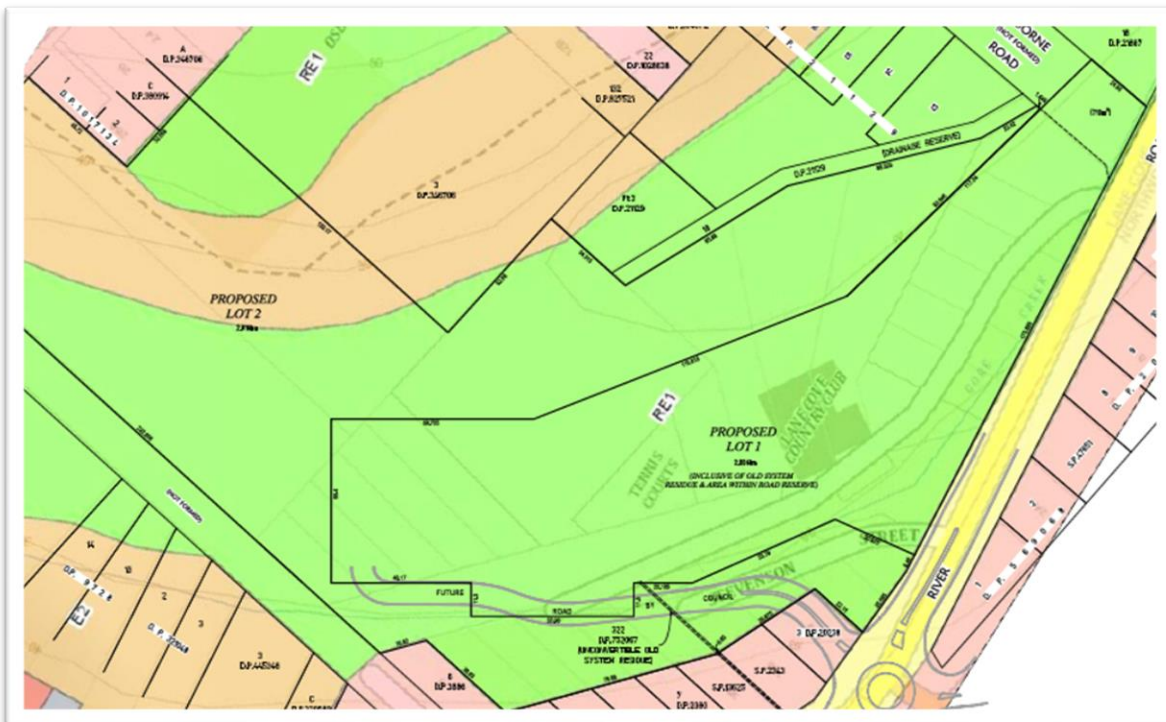
Figure 3: Extract from Lot Consolidation Plan Source: Craig & Rhodes, 2021

Figure 4: Golf Club Building with grassed bank down to golf course



Figure 5: Tennis Courts



Figure 6: Car Park with Escarpment behind**Figure 7: Car Parking near Golf Club Building**

Figure 8: Maintenance Buildings**Figure 9: Grass Bank Transition between development site and golf course**

The site is surrounded by the Lane Cove golf course to the north, east and south of the site. Eight dwellings, with frontage to Northwood Road, adjoin the site to the west and seven dwellings, with frontage to Fleming Street, are located on the southern side of River Road.

4. Proposed Development

The proposed development comprises the following:

- Demolition of existing structures and improvements;
- Lot consolidation and re-subdivision;
- Construction of a two and part three-storey/mezzanine multi-purpose sport facility comprising 6,235m² of GFA apportioned to the following uses:
 - 3,221m² of indoor sports hall;
 - 277m² Bistro (including servery and golf trophy display area);
 - 204m² Outdoor Dining Terrace;
 - 654m² of multipurpose space shared between 4 rooms;
 - 118m² of lounge space, 64m² of office space and a meeting room of 56m²;
 - Construction of four new outdoor multi-purpose courts (3,665m² GFA);
- Cut, fill, releveling and construction of lower ground parking level with 248 parking spaces, including 6 accessible parking spaces, 10 bicycle parking spaces and 16 motorbike parking spaces;
- Landscaping works including extensive tree planting; and
- Continuation of Sports and Recreational activities with the addition of indoor multi-courts and increased capacity.

Figure 10: Artist's Rendering of proposed development (looking west from golf course) Source: Ethos Urban



The following operating hours are proposed for the facility:

- **Outdoor Multi-courts:**
 - Monday to Sunday (7 days a week): 7am to 10pm
- **Bistro**
 - Monday to Thursday: 7am to 10:00pm
 - Friday to Sunday: 7am to 12am (midnight)
- **Multipurpose sports halls**
 - General operating, Monday to Sunday (7 days a week): 6am to 10pm
- **Function rooms**
 - Monday to Thursday: 6am to 10pm
 - Thursday to Sunday: 6am to 12am (midnight)

The applicant states that these hours reflect the existing operations on site. It is noted however, that the Acoustic report has assumed that the bistro and function rooms would operate only between the hours of 7:00am to 10:00pm and modelled the impacts based on this. **It is appropriate to impose a condition which limits the operation to those hours.**

5. Section 4.15 Matters for Consideration

5.1 Environmental Planning Instruments

5.1.1 State Environmental Planning Policy (Planning Systems) 2021

In accordance with Schedule 6 of the SEPP, the proposal is defined as regionally significant development, ie development with a capital value of more than \$5 million where the Council is the applicant or owner of the land.

The consent authority is therefore the Sydney North Planning Panel.

5.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of the SEPP provides:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The application is accompanied by the following reports:

- Geotechnical report
- Preliminary Site Investigation
- Detailed Site Investigation
- Remediation Action Plan

Based on the site history and features reported in the detailed site investigation, the identified potential sources of contamination at the site include fill (imported fill and waste from unknown origins used to fill a former quarry, a former rubbish tip, possible burial of remnants of burned waste, filling to create golf course fairway and tennis courts, fuel storage, a reported panel beater/workshop and possible buried car bodies, former use as a dairy, current/former buildings and former stockpiles of building materials, current use including fuel tank and dangerous goods store.

A number of boreholes and excavated pits, along with groundwater and gas monitoring were undertaken to establish the likely nature and extent of contamination. Evidence of asbestos in fill material was observed along with low concentrations of chemicals and methane gas in certain areas that do not warrant remediation.

The Remediation Action Plan considers a number of options. Based on the data obtained from the detailed site investigation and that the proposed development involves an extensive concrete on-grade car park, it is recommended that the site be remediated by adopting the cap and containment method.

Cap and containment involves the capping of material with contaminant concentrations above adopted acceptable levels, either in-situ or in a specific location following excavation. Capping involves covering with a geotextile fabric, an engineered capping layer and burial at a specified depth.

The Remediation Action Plan concludes that the site can be rendered suitable for the proposed development subject to appropriate remediation, management and validation in accordance with Plan.

It is considered that the consent authority can be satisfied in relation to the provisions of clause 4.6 of the SEPP. Appropriate conditions have been included to ensure that the recommendations of the Remedial Action Plan are carried out and that the site will be suitable for the development.

5.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the SEPP provides that vegetation must not be cleared without approval. The SEPP refers to the requirements of the *Biodiversity Conservation Act, 2016*.

The proposed development has been designed primarily over the existing car park and buildings on the site to minimise impacts on vegetation. The DA is accompanied by a Biodiversity Assessment Report prepared in accordance with the Biodiversity Conservation Act 2016. It is noted from the report that:

- *The proposed removal of 0.41ha of native vegetation contains no important habitat for threatened species within the subject land and is in low to moderate condition.*
- *The proposed building footprint has been appropriately designed to minimise detrimental impact on native vegetation.*
- *Connectivity between vegetation within the existing golf course and vegetation within the riparian corridor of Gore Creek will be maintained.*
- *The proposed development does not have any serious and irreversible impacts.*
- *Potential Grey Flying Fox species found in the area will not be impacted by the proposed development.*
- *No fungi species are present on the site.*

- *The proposed development will not result in detrimental light spill impacts to the surrounding bushland. The BDAR includes mitigation measures which will be adopted where appropriate to ensure the protection of and management of all existing vegetation.*

Comprehensive landscaping plans are submitted with the DA, including compensatory planting and protection of trees which are to remain on site. Of the 140 trees on the site, 61 are to be retained and 79 removed. A condition is proposed which requires replacement planting of all trees to be removed.

It is considered that the requirements of the SEPP and the *Biodiversity Conservation Act, 2016* are satisfied.

5.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The development is identified as “traffic generating development” under the SEPP and was referred to Transport for NSW for comment as required.

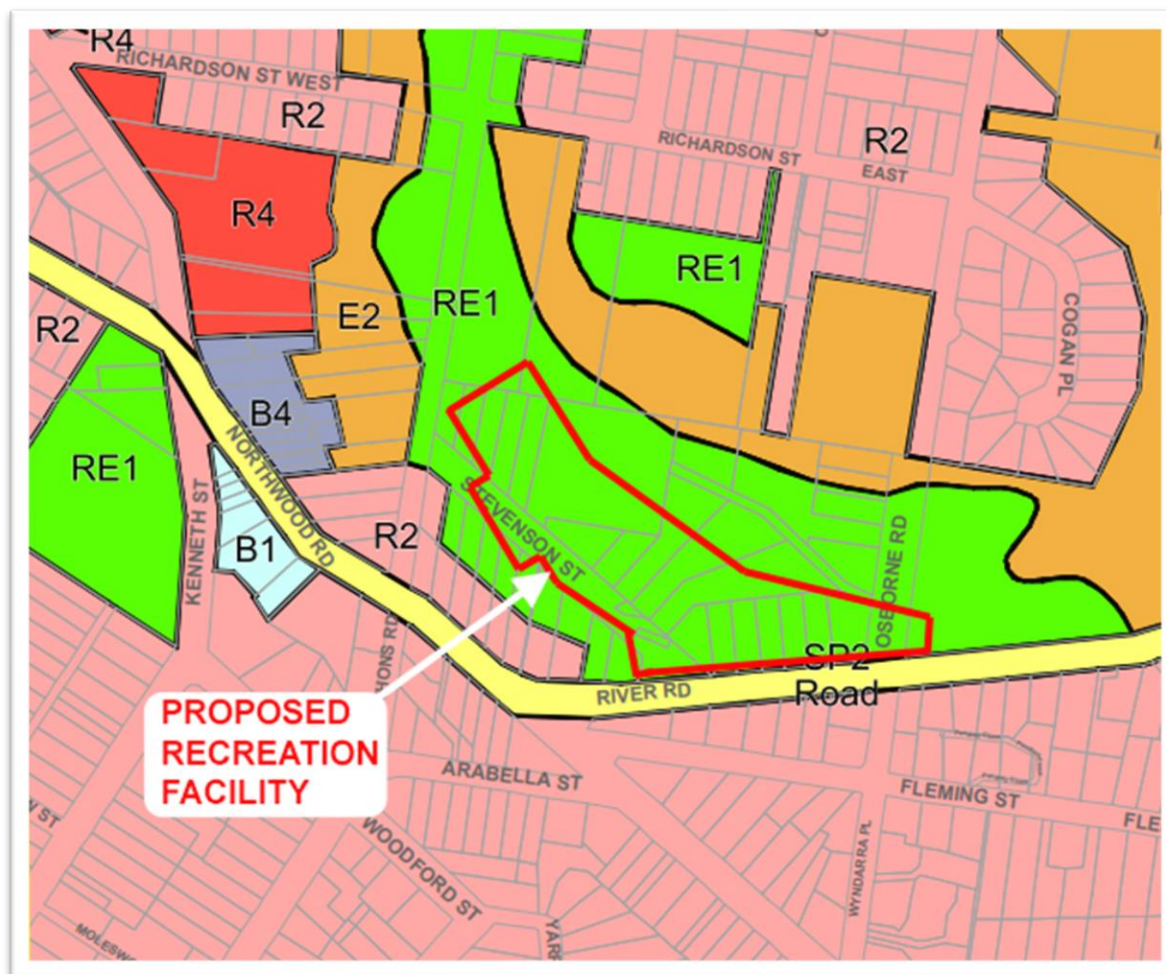
Transport for NSW responded on 17 January 2023, raising no objections subject to a number of conditions, including a requirement that an application be made for the signalised intersection on River Road under the Roads Act, 1993 prior to the issue of a construction certificate.

All required conditions have been included in Attachment 2.

5.1.5 Lane Cove Local Environmental Plan 2009

The land is zoned RE1 Public Recreation under the provisions of Lane Cove LEP 2009.

Figure 11: Extract from Lane Cove LEP 2009 Land Zoning Map LZN_004



The development is defined by the Lane Cove LEP 2009 Dictionary as “recreation facility (indoor)”, “recreation facility (outdoor)” and “restaurant or cafe”. The definitions are reproduced below for reference.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment

are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—
(a) an artisan food and drink industry, or
(b) farm gate premises.

All three land uses are permitted with consent in the RE1 zone.

The relevant clauses of Lane Cove LEP 2009 are reproduced below with comments relating to the proposed development.

Clause 2.3(2) provides:

(1) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the zone are reproduced below with comments in relation to the development.

- *To enable land to be used for public open space or recreational purposes.*

The development satisfies this objective.

- *To provide a range of recreational settings and activities and compatible land uses.*

The development will add to range of recreational activities, is compatible with the adjoining golf course and represents a better use of this parcel of recreational land.

- *To protect and enhance the natural environment for recreational purposes*

Active recreation presents a challenge to the natural environment which often exists on recreational land. As demonstrated by the golf course and existing tennis facilities, there is always a balance to be found between the recreation requirements of the community and the protection of the natural environment. By essentially utilising the existing development footprint, it is considered that the proposed development does achieve an appropriate balance between recreational use and the natural environment.

- *To make provision for rights of public access to more foreshore land and to link existing open space areas.*

The land does not adjoin the foreshore. Public access will still be available to the land. Also a shared user pathway is proposed along River Road/Northwood Road as part of Route 5 in the 2019 Lane Cove Council's Bicycle Plan.

It is considered that the consent authority can be satisfied in relation to the Clause 2.3(2) of Lane Cove LEP 2009.

Clause 4.1 Minimum subdivision lot size

There is no minimum lot size specified on the Lane Cove LEP 2009 Lot Size Map. Therefore, the consolidation and re-subdivision proposed is permissible with consent.

Clause 4.3 Height of buildings

There is no maximum building height specified on the Lane Cove LEP 2009 Height of Buildings Map.

Clause 4.4 Floor space ratio

There is no maximum floor space ratio specified on the Lane Cove LEP 2009 Floor Space Ratio Map.

Clause 5.10 Heritage Conservation

There are no heritage items on or adjoining the land identified on the Lane Cove LEP 2009 Heritage Map.

Clause 5.23 Public bushland

This clause relevantly provides:

- (1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—*
 - (a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and*
 - (b) preserving bushland as a natural stabiliser of the soil surface, and*
 - (c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and*
 - (d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and*
 - (e) mitigating disturbance caused by development.*
- (2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.*

A number of trees will be removed as a consequence of the proposed development and therefore there will be some disturbance to bushland. Disturbance to bushland is specifically permitted under this clause, subject to the consent authority being satisfied in relation to the matters in Clause 5.23 (3). Those matters are reproduced below with comments provided in response to each of those matters.

- (3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—*
 - (a) the disturbance of the bushland is essential for a purpose in the public interest,*

The disturbance is essential for provision of this recreation facility which has been designed in consultation with the Lane Cove community. The development is for a purpose which is in the public interest.

- (b) there is no reasonable alternative to the disturbance,*

The development sits mostly within the existing developed footprint. The applicant has considered alternatives and considers that the development as proposed is the best outcome.

- (c) the development minimises the amount of bushland to be disturbed,*

The siting of the development minimises the amount of bushland to be disturbed.

- (d) the development includes measures to remediate the disturbed bushland.*

The development includes a comprehensive landscape plan to achieve this. Also, conditions of consent are proposed which will require replacement of all trees which are removed.

Clause 6.1 Acid sulfate soils

The land is not identified on the Lane Cove LEP 2009 Acid Sulfate Soils Map as containing acid sulfate soils.

Clause 6.1A Earthworks

This clause does not apply as the earthworks proposed are ancillary to the proposed development of a recreation facility.

It is concluded that the proposed development is permissible with consent and is consistent with the relevant clauses contained within Lane Cove Local environmental Plan 2009.

5.2 Draft Environmental Planning Instruments

There are no draft environmental planning instruments applying to the land.

5.3 Development Control Plans

Lane Cove Development Control Plan 2010 applies to the subject land. The following compliance table is reproduced (on next page) from the applicant's statement of environmental effects.

Table 5 Compliance with Lane Cove DCP 2009

Control	Description	Comment
Part B – General requirements		
6.1 Sunlight to public places	a) New development must allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June.	<ul style="list-style-type: none"> The proposed development will achieve 2 hours of direct solar access between 11am and 2pm on June 21 for the existing golf course. The outdoor public multi-purpose courts will receive sunlight for majority of the day.
6.3 Energy and water efficiency for buildings	<p>All development must:</p> <p>a) Incorporate passive solar design techniques to optimise heat storage within the building in winter and heat transfer in summer.</p>	<ul style="list-style-type: none"> The proposed development will incorporate passive solar design techniques including generous roof overhangs to the northern façade and operable sun shading on the façade. The proposed development is nestled into the valley which will benefit from the natural protection of the building by the escarpment.
	Orientation of building and facade design of all developments should capture and manage solar access, natural ventilation and breezes into the building.	<ul style="list-style-type: none"> The proposed development is oriented to the northeast towards the golf course to maximise solar access and natural ventilation. The proposed development includes a "central spine" to provide a naturally ventilated corridor.
	Provide external sun shading - vertical shading for east and west windows and horizontal sun shading for north facing windows.	<ul style="list-style-type: none"> Shading devices are provided through the proposed development with generous roof overhangs proposed to the northern façade of the building.
	Use high performance glass with minimal glare impacts where possible.	<ul style="list-style-type: none"> The proposed development is designed with high performance glass.
	All developments are to capture and reuse rainwater for irrigation of landscape areas and for commercial development also for toilet flushing.	<ul style="list-style-type: none"> A rainwater and reuse system will be utilised for landscape irrigation and toilet flushing. Efficient water management measures are including water monitoring,
		wastewater management and leaks detection will be utilised.
8 Safety and security	a) Ensure that the building design allows for casual surveillance of access ways, entries and driveways.	<ul style="list-style-type: none"> The proposed development is designed to promote casual surveillance from various points across the site, including reception and office adjacent to the outdoor courts, mezzanine level overlooking the sports courts and bistro, lounge and multipurpose rooms facing the golf course.
	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	<ul style="list-style-type: none"> The main entrance of the proposed development is clearly visible when first entering the site. The drop-off/pick-up zones contributes to guiding visitors directly to the main entrance.
	For large scale development with a GFA of over 5,000m ² , provide a 'Safer by Design' assessment in accordance with the Crime Prevention Through Environmental Design (CPTED) principles from a qualified consultant.	<ul style="list-style-type: none"> A CPTED report prepared by Ethos Urban is attached at Appendix T.
8.2 Passive surveillance	a) All development at ground level is to offer passive surveillance for safety and security of residents and visitors	<ul style="list-style-type: none"> The ground level comprises the proposed car park as well as other ancillary uses. The high level of activity will provide casual surveillance.
	All development is to contribute to the safety of any public domain areas	<ul style="list-style-type: none"> The proposed development will result in a positive contribution to the public domain and pedestrian amenity surrounding the site.
	Development is to optimise the visibility, functionality and safety of building entrances	<ul style="list-style-type: none"> The proposed development is designed to maximise the identification of building entrances for safety.

Part F – Access and Mobility

3.1 General	Compliance with the BCA and Premises Standard; The submission of a DA to Council requires the completion of the relevant DA checklist. In order to satisfy the requirements of these checklists, an accessibility report prepared by a suitably qualified access consultant is to form part of the DA documentation.	<ul style="list-style-type: none"> The proposed development complies with the BCA. Refer to Appendix U. An Access Report has also been provided which demonstrates compliance with the DDA and is attached at Appendix S.
3.8 Access to, and within, buildings	<p>1. Access is to be provided in accordance with BCA Clause D3.1.</p> <p>2. Access is to comply with the relevant Provisions of the BCA and associated referenced Australian Standards. Demonstration is required in the form of an access report prepared by a suitably qualified access consultant as part of the DA documentation.</p> <p>3. Buildings of a public nature are to have features in accordance with AS1428.2, when applicable, as follows:</p> <ol style="list-style-type: none"> Tables, counters and worktops for use by public. Seating in pedestrian areas. Drinking fountains and water coolers. Gateways and checkouts. 	

Part H – Bushland Protection

5.1 Bushland area	e) No development or alteration that leads to degradation will be permitted within the area irrespective of whether it is public or private bushland.	<ul style="list-style-type: none"> The proposed development will not result in any adverse impact or degradation to the existing bushland area.
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Control	Description	Comment
		<ul style="list-style-type: none"> The proposed development has been designed primarily within the existing carpark and building footprints. A Bushfire Assessment has been prepared by Accuplan and ABAC report is provided as Appendix M.
6.1 Location	a) The location and design of development must aim to maximise the retention and protection of: <ol style="list-style-type: none"> local indigenous plants, particularly if rare or uncommon in Lane Cove, native fauna habitat, the natural features of the site such as rock outcrops, cliffs and escarpments 	<ul style="list-style-type: none"> The design of the development ensures the protection of all existing indigenous plants, native fauna habitat and surrounding natural features.
6.2 Building design and visual impact	a) Building design should have regard to the visual impact for users of the adjacent public bushland.	<ul style="list-style-type: none"> The proposed development is designed to maximise visual outlook to the surrounding bushland.
	b) All external building materials, finishes and colours should be non-reflective and blend with the natural landscape.	<ul style="list-style-type: none"> The proposed development is predominantly designed with metal cladding and aluminium framed glazing materials which complement the surrounding natural landscape.
	6.2.1 Solar access Proposed new buildings and structures are to be designed and orientated in order that a reasonable level of sun access is maintained to the adjoining bushland throughout the year, in order to ensure that the viability of the bushland is not threatened or adversely affected.	<ul style="list-style-type: none"> The proposed development ensures solar access is maintained to the surrounding bushland areas.
	6.2.2 Bushfire controls a) All development on bush fire prone land should comply with the aims and objectives of Planning for Bush Fire Protection 2006, by the NSW Rural Fire Service	<ul style="list-style-type: none"> The proposed building footprint is not identified on bushfire prone land.

7 Preparation of Landscape plan for building and buffers	a) All applications must include a Landscape Plan. Details of the plan must be in accordance with the policies and landscape guidelines of Council.	<ul style="list-style-type: none"> A Landscape plan prepared by Environmental Partnership is provided at Appendix C.
8 Preparation of a Bushland Rehabilitation and Maintenance Plan for Bushland Area	a) A Bushland Rehabilitation and Maintenance Plan prepared by a suitably qualified and experienced environmental consultant specialising in bushland management must be submitted. A landscape architect or designer is unsuitable.	<ul style="list-style-type: none"> A Bushfire Assessment prepared by Accuplan and ABAC and is provided at Appendix M.
Part J – Landscaping		
2.1.3 Landscaping of specific types of development	<p>Properties subject to Part H Bushland Protection are required to be landscaped using indigenous plants in the bushland and buffer areas within the property adjacent to the bushland reserve.</p> <p>Any landscaping plan should include consideration of planning, planting and future maintenance and effect on adjoining properties.</p>	<ul style="list-style-type: none"> The proposed landscaping will comprise various indigenous plants including <i>Livistona australis</i> (Cabbage Palm), <i>Doryanthes excelsa</i> (Gynea Lily) and <i>Banksia integrifolia</i> (Coast Banksia). All landscaping on an ongoing basis will maintained and managed. Refer to the landscape plan prepared by Environmental Partnership at Appendix C.
2.2.4 Trees on public land (including street trees)	a) The pruning or removal of any tree growing in one of the indigenous bushland areas listed below is not permitted unless the tree is dangerous as determined by Council.	<ul style="list-style-type: none"> No pruning or removal of any existing trees identified in indigenous bushland areas are proposed. Any tree identified within bushland area will be retained and protected.

Control	Description	Comment
	b) The pruning or removal of any naturally occurring indigenous trees will not generally be permitted unless the tree is a risk to public safety.	<ul style="list-style-type: none"> The proposed removal of 79 trees is required to facilitate the proposed development building footprint. A number of the proposed trees for removal are also identified as noxious weeds or in poor structural condition and therefore is considered appropriate. 266 additional trees will be replanted to offset the loss, in addition to Council committing to further tree planting in areas outside the boundary of the site refer to section 6.10.
	c) Subject to requirements above, the pruning of trees for solar access and the preservation of views is permitted only provided it is in the form of judicious thinning of the canopy of the tree, retaining the natural height, form and character and a maximum of 25% of the canopy of the tree is removed. This pruning is subject to the work being carried out by Council's Staff or Contractor and the cost of the work being paid in advance of the work being carried out, by the person seeking the pruning. Written approval of the Tree Assessment Officer is required before any pruning or thinning will be undertaken.	<ul style="list-style-type: none"> No tree pruning is proposed.
	d) In respect of the cost of pruning referred to above, where pruning has been carried out in the past by Council without charge, consideration will be given by Council to the bearing of part of the cost.	<ul style="list-style-type: none"> No tree pruning is proposed.
	e) Certain trees, which are not indigenous, will be regarded as being of landmark or historic value and these should not be pruned or removed unless they are dangerous. All Moreton Bay and Port Jackson Fig trees will be considered to be landmark trees	<ul style="list-style-type: none"> There are no landmark trees or trees of historic value are identified on site.

Control	Description	Comment
		requirements for the site as recommended by Council.
10 Stormwater inundation	<p>10.1 Adverse impacts upon adjoining properties Proposed Developments must not increase the quantity of flow through an adjoining property, concentrate, redirect, create or aggravate overland flow characteristics on adjoining properties.</p> <p>10.2 Adverse effects upon proposed improvements All work must be compatible with the existing constraints of the site, including the overland flow. Site improvements must be designed to ensure there will be no significant damage caused by stormwater runoff within the property.</p> <p>10.3 Safety People, particularly children, must not be placed at risk of being swept away by overland flow. Any development proposal must not modify the way in which overland flow is conveyed through a property in a way that makes it hazardous, or promote the increased use of a property (or part of a property) that has an existing stormwater inundation safety hazard. Refer to Section 9.2.2 – Depth Velocity Product</p> <p>10.4 New Development Due regard is to be given to the location and shape of proposed buildings on the land so as to remove obstruction to overland flow or to remove potential to damage structures as a consequence of flow or may cause hazard to occupants. Building over a flowpath will not be permitted due to the potential for blockage. Areas under buildings are not to be included when calculating impacts on adjoining properties, post developed flood depths, velocities or the like.</p>	<ul style="list-style-type: none"> The proposed development will not result in any adverse stormwater impacts upon the adjoining properties. The neighbouring dwellings located to the north also sit atop a hill, thus will not be impacted by stormwater flow. A stormwater management plan has been prepared by TTW and is attached at Appendix J which details the proposed stormwater system that will prevent any overflow of land or runoff. The proposed development has been designed to prevent any potential risk for visitors of the precinct. Refer to the Flood Impact Assessment prepared by TTW attached at Appendix I which includes an overland flow assessment and details the behaviour of floodwaters across the site. The proposed development has been designed to prevent any obstruction to water flows or potential flooding that can result in hazard or risk to the building or occupants. Refer to the Flood Impact Assessment prepared by TTW and attached at Appendix I.
Part O – Management		
2 Submission requirements	A drainage plan must accompany a Development Application.	<ul style="list-style-type: none"> A drainage plan is provided in the civil plans prepared by TTW at Appendix Y.
2.1 Detailed stormwater plans	Plans for the development site and any drainage lines required external to the development site shall be prepared.	<ul style="list-style-type: none"> Refer to the Civil plans prepared by TTW attached at Appendix Y.
3.4 Pits	<p>3.4.2 Gross Pollutant Traps Gross pollutant traps must be installed for development on allotment greater than 5000m².</p>	<ul style="list-style-type: none"> A GPT is proposed to be installed at the downstream end prior to the discharge point to treat stormwater from the site drainage network as well as the overflow from the proposed rainwater reuse tank. The sizing of the GPT is based on the 3-month storm event flow rate.
4.5 Draining into bushland	Where the property does not have an existing stormwater disposal point, or will have to construct a new stormwater system, an absorption or dispersal system will be required.	<ul style="list-style-type: none"> The proposed development includes a stormwater system to prevent flow to surrounding bushland area.
7 on-site detention system	On site detention (OSD) is required to limit discharges from proposed developments to pre-development conditions for the 100 year ARI storm event.	<ul style="list-style-type: none"> The site is not identified within Council's "areas generally exempt from OSD system". A stormwater reuse system is proposed to collect runoff from the roof catchment and connected to provide the irrigation water usage

	10.7 Vehicle parking areas The maximum depth of flow through designated car parking spaces or open carports is to be 150mm.	<ul style="list-style-type: none"> The proposed car park complies with a finished floor level of 27.50mAHD and 300mm freeboard.
11 Silt and sediment controls	An erosion and sediment control plan is to be prepared.	<ul style="list-style-type: none"> A bulk earthworks plan has been prepared and is attached with the Civil plans prepared by TTW appended at Appendix Y.

Part Q – Waste Management and Minimisation

3.1 Demolition of buildings or structures	a) A completed Site Waste Minimisation and Management Plan (SWMMP) must accompany any demolition application.	<ul style="list-style-type: none"> An Operational Waste Management Plan and Construction and Demolition and Waste Management Plan has been prepared by Elephants Foot and is attached at Appendix N and Appendix O.
	b) Pursue adaptive reuse opportunities of buildings/structures	<ul style="list-style-type: none"> The Operational Waste Management Plan includes an operational waste stream management table detailing recycling of paper, cardboard and commingled items.
	c) Identify all waste likely to result from the demolition, and opportunities for reuse of materials. Refer to Figure 1.	<ul style="list-style-type: none"> The construction and demolition waste and likely volume to be produced as a result of the proposed development is outlined in section 3 of the Construction and Demolition Waste Management Plan attached in Appendix O.

Control	Description	Comment
	d) Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.	<ul style="list-style-type: none"> The proposed development will reuse and recycle by deconstruction where appropriate. The Construction and Demolition Plan outlines a number of potential reuse and recycling options.
	e) Reuse or recycle salvaged materials onsite where possible.	<ul style="list-style-type: none"> This is incorporated into the proposed design where appropriate.
	f) Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).	<ul style="list-style-type: none"> A waste storage room of 55m² is provided at the eastern end of the site.
	g) Provide separate collection bins or areas for the storage of residual waste.	<ul style="list-style-type: none"> The waste room will provide sufficient space for residual waste.
	h) Clearly 'signpost' the purpose and content of the bins and storage areas.	<ul style="list-style-type: none"> The waste storage room will be clearly signposted.
	i) Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.	<ul style="list-style-type: none"> The building manager will be responsible for problem waste to prevent any adverse impacts to human health and the environment.
	j) Minimise site disturbance, limiting unnecessary excavation.	<ul style="list-style-type: none"> All excavation waste generated will be reused as part of the development where practical and be of minimal volume.
4.4 Commercial development	<p>Every development must include a designated waste/recycling storage area or room(s) (designed in accordance with Appendix G Commercial/Industrial Waste and Recycling Storage Areas).</p> <p>The waste/recycling storage room/area must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in Appendix B Waste/Recycling Generation Rates) between collections.</p>	<ul style="list-style-type: none"> A waste storage room has been prepared at the ground floor and includes the following: <ul style="list-style-type: none"> - 6 x 1100L MGBs for general waste - 6 x 660L MGBs for paper and cardboard - 8 x 240 MGBs for commingled recyclables

Café

- 10L/1.5m² floor area/day for waste
- 2L/1.5m² floor area/day for recycling

Licensed club

- 50L/100m² bar area/day for waste
- 50L/100m² bar area/day for recycling

Proshop

- 50L/100m² floor area/day for waste
- 25L/100m² floor area/day for recycling

Part R – Traffic, Transport and Parking

2.2 Car parking rates	<p>Gymnasium:</p> <ul style="list-style-type: none"> • Employees: 1 space per 5 staff members • Customers/visitors: 3 spaces per 100m² GFA, 1 disabled space per 20 car spaces <p>Café: 1 space per 40m², 1 space per 20 car spaces (minimum 1 disabled space)</p>	<ul style="list-style-type: none"> • A total of 248 parking spaces, including 6 accessible parking spaces is proposed. • Refer to section 5.4.1 for further detail.
	<p>d) Small car spaces, with minimum dimensions of 2.3m x 5.0m (as detailed in AS2890.1) are not permitted in private car parks and must form no more than 10% of the overall parking provision in public car parks.</p>	<ul style="list-style-type: none"> • The proposed carpark design has been designed in accordance with the requirements of the AS/NZS2890 1:2004 and AS/NZS2890.6:2009.
2.7 Motorcycle parking	1 motorcycle parking space per 15 car spaces	<ul style="list-style-type: none"> • 16 motorcycle parking spaces are proposed.

Control	Description	Comment
2.10 Parking and access for service vehicles	<p>a) Parking areas shall be provided and designed to allow for access and loading by Council's waste collection contractor.</p> <p>b) All parking areas for delivery and service vehicles must be designed in accordance with AS 2890.2:2002 Parking facilities—Off-street commercial vehicle facilities.</p>	<ul style="list-style-type: none"> • A loading area to the east of the site is proposed to accommodate waste service vehicles. • The proposed loading areas for delivery and services vehicles are designed in accordance with AS2890.2:2002 Parking Facilities – off street commercial vehicle facilities.
2.11 Parking area access and design	a) All parking areas, including access ramps and driveways, must be designed in accordance with AS/NZS 2890.1:2004 Parking facilities—Off-street car parking	<ul style="list-style-type: none"> • The proposed parking areas have been designed in accordance with AS/NZS 2890.1:2004 Parking facilities – off street car parking.
4.2 Pedestrian facilities	<p>a) In the Traffic Impact Assessment (TIA) developers must include:</p> <ol style="list-style-type: none"> Identification of major pedestrian routes and existing pedestrian desire lines, particularly with respect to connections to public transport nodes; Pedestrian flows and potential conflicts with vehicles arising from the proposed development, particularly where such conflicts cause capacity constraint on either vehicular or pedestrian movement. An assessment of the pedestrian network which extends beyond the site to include areas within at least 25m of the subject site boundary, and incorporate both sides of the roads within this zone. Suggested pedestrian infrastructure improvements, where deficiencies in the local pedestrian network are identified. 	<ul style="list-style-type: none"> • An assessment of pedestrian facilities is provided in the Traffic Impact Assessment. Refer to Appendix K for further detail.

4.3 Bicycle facilities and infrastructure	<p>Café:</p> <ul style="list-style-type: none"> Residents/employees: 1 per 50m² Customers/ visitors: 2 racks + 1 rack per 200m² over 200m² GFA <p>Gymnasium:</p> <ul style="list-style-type: none"> Employees: 1 per 10 staff Customers/ visitors: 1 rack + 1 rack per 200m² of gym space 	<ul style="list-style-type: none"> 10 bicycle parking spaces are proposed.
	c) Bicycle lockers are intended for use by residents or workers in the development, and should therefore be included in secure areas of the building.	<ul style="list-style-type: none"> Bicycle lockers are provided in the car park as part of the end of trip facilities.
	d) Provide adequate end of trip facilities where more than five bicycle lockers are provided in commercial and industrial development.	
	e) Provide at least one bicycle locker per five with a charging point for electric bicycles.	
	f) Make reference to the Lane Cove Bicycle Plan. Shared user paths and bicycle paths identified in the Bicycle Plan within the vicinity of the development will be considered by Council as necessary cycling infrastructure improvements.	<ul style="list-style-type: none"> The Lane Cove Bicycle Plan identifies a proposed bicycle path along River Road and an off-street shared park within the site. The proposed development has been designed to accommodate any bicycle connections to be lodged at a future date.
	<p>In general, every bicycle parking device/storage area for visitors must:</p> <p>a) Enable wheels and frame to be locked to the device without damaging the bicycle;</p> <p>b) Be placed in public view and well lit for security purposes;</p>	<ul style="list-style-type: none"> Suitable bike storage is provided as part of the proposed development within the ground park level.

Control	Description	Comment
	<p>c) Be in a convenient and accessible location outside pedestrian and vehicular movement paths; and</p> <p>d) Be protected from the weather.</p>	
	<p>In the Traffic Impact Assessment (TIA) developers must include:</p> <p>a) Identification of major bicycle routes and existing bicycle desire lines;</p> <p>b) b) Bicycle flows and potential conflicts with vehicles, particularly where such conflicts cause</p> <p>c) capacity constraint on either vehicular or bicycle movement; and</p> <p>d) Bicycle infrastructure improvements either fully or partly funded by the developer</p>	<ul style="list-style-type: none"> An assessment on bicycle facilities and infrastructure is provided in the Traffic Impact Assessment. Refer to Appendix K for further detail.
6 Traffic Impact Assessment	<p>a) Developments that are forecast to generate 10 or more peak hour vehicle trips are required to submit a Traffic Impact Assessment (TIA) at the DA stage.</p> <p>6.5 Impacts of the proposed development</p> <p>a) Applicants shall demonstrate which roads the development traffic is likely to utilise to get to and from the development during peak hours.</p> <p>b) Future traffic conditions, including nearby intersections, shall be assessed using appropriate modelling software. SIDRA shall be used to analyse intersection level of service and vehicle delay. The future assessment year shall be the estimated date of full occupation of the site.</p> <p>c) Applicants shall be cognisant of proposed developments and traffic schemes in the vicinity of the site. The applicant shall agree the scope of a cumulative impact assessment with Council at the pre-DA meeting. Where possible, Council will make the relevant traffic schemes and development applications available to the applicant.</p> <p>d) Future year traffic conditions, particularly intersection level of service and vehicle delay, shall be presented both with development traffic and without.</p> <p>e) Council may request any relevant modelling files to verify the data and conclusions presented by the applicant.</p>	<ul style="list-style-type: none"> A Transport Impact Assessment prepared by TTW is provided in Appendix K. A detailed assessment of the impacts on the proposed development has been completed.

f) Applicants shall identify any minor traffic facilities necessary to mitigate the impacts of traffic and parking generated by the development. These could include road signs, pedestrian crossings, roundabouts, angled parking, traffic calming devices, storage bays, median islands and the like.

Any minor road and/or intersection works, as described in (f), are to be provided at total cost to the applicant through either a monetary contribution or works in kind.

- No road or intersection works are proposed with this development application.

Having reviewed the details of the proposed development and the applicant's comments, it is concluded that the development satisfies the requirements of the Lane Cove Development Control Plan 2010.

5.4 Matters Prescribed by the Regulations

Clause 88 of the *Environmental Planning and Assessment Regulation 2021* requires certain information to be contained within a notice of determination. The notice of determination will be prepared in accordance with this clause.

5.5 Likely Impacts of the Proposed Development

5.5.1 Impacts on the Natural Environment

The site has been highly modified over many years and numerous previous uses prior to the current recreational use of the land. The development site currently comprises a long rectangular shape which is relatively flat and contains a number carparking spaces and sealed driveway, Lane cove Country Club building, various maintenance buildings and 5 tennis courts. Amongst the improvements are scattered trees, planted gardens and picnic tables.

The development site drops away to the adjoining golf course to the north with a grassed embankment of approximately 5 metres in height. The site rises up to the south with an escarpment of up to 8 metres in height.

The proposed development has been strategically designed to ensure the preservation of surrounding bushland and the natural environment through utilising the existing building footprint including the tennis courts and car park for the proposed built form. Further, the proposed outdoor courts result in a minor reduction to the existing golf course and does not impinge on bushland nor take away from the natural environment.

A Biodiversity Development Assessment Report (BDAR) has been prepared by Eco-Logical Australia. In summary, the report finds that:

- *The proposed removal of 0.41ha of native vegetation contains no important habitat for threatened species within the subject land and is in low to moderate condition.*
- *The proposed building footprint has been appropriately designed to minimise detrimental impact on native vegetation.*
- *Connectivity between vegetation within the existing golf course and vegetation within the riparian corridor of Gore Creek will be maintained.*
- *The proposed development does not have any serious and irreversible impacts.*
- *Potential Grey Flying Fox species found in the area will not be impacted by the proposed development.*
- *No fungi species are present on the site.*

- *The proposed development will not result in detrimental light spill impacts to the surrounding bushland. The BDAR includes mitigation measures which will be adopted where appropriate to ensure the protection of and management of all existing vegetation.*

It is noted that of the 140 trees which are currently on site, 79 are to be removed for the development. The applicant proposes to plant 226 new trees to compensate for the canopy loss and enhance the biodiversity of the locality.

Council's Bushland Coordinator is satisfied with the BDAR and has recommended appropriate conditions for consent.

The applicant has also provided a light spill impact study and a stormwater management plan which have demonstrated appropriate measures to prevent impact on the surrounding bushland.

It is considered that the proposed development achieves an appropriate balance between the appropriate use of this public recreation site and the protection of the natural environment. With the imposition of conditions as proposed, including compensatory planting of 226 trees, the impacts on the natural environment are acceptable.

5.5.1 Impacts on the Built Environment

(I) Character

The development site has been in use for many years for recreational purposes involving the Lane Cove Golf Club (which is also used for community functions) and the floodlit tennis courts. From a land use perspective there is very little change.

The character of the building is typical of an indoor multipurpose sports facility. It is considered appropriate in the context of the overall public recreation site, and is confined to the existing developed area. The design is clearly a product of working with the site constraints and maximising the opportunities provided by those constraints.

Although large in comparison to the adjacent dwelling houses, the building is well articulated and provides a mix of 1 and 2 storey elements with both indoor and outdoor spaces above the on-grade car parking area, as shown in Figure 12 below.

Figure 12: North Elevation Source: Allen Jack & Cotter Architects



The topography of the land also lends itself to the design as proposed. As shown in Figure 13 below. The highest part of the roof is below the tree canopy at the top of the escarpment on the southern boundary of the site. Due to this topography and surrounding bushland, the building will be mainly visible across the golf course from the north.

Figure 13: West Elevation Source: Allen Jack & Cotter Architects

(II) Amenity and Privacy

A Noise impact assessment prepared by Acoustic Logic was submitted with the development application.

A total of 3 receivers were identified as most sensitive to the proposed development. This comprised existing residences along Stevenson Street, River Road, Cogan place, Osborne Place and Richardson Street East.

The report concludes:

- *The predicted noise level from the use of the multi-purpose sports hall achieves required noise criteria at all sensitive receptors;*
- *Noise levels generated by the proposed development including the outdoor courts is consistent with the existing recreational use and appropriate management and time restrictions will be followed under the Plan of Management;*
- *The noise attenuation of the proposed outdoor courts based on the separation distance to nearby residences are similar or lower levels noise levels being emitted by the existing facility;*
 - *Between 45-52 dB(A) Leq (15min) at the Stevenson Street residences;*
 - *Between 42-49dB(A) Leq (15min) for residents at 6 Stevenson Street are offset from the existing courts; and*
 - *Between 35-42dB(A) Leq (15min) for residents located north of the site.*
- *The proposed outdoor courts are located further from the existing location of the existing courts and the level of noise is considered typical;*
- *The use and type of noise generated by the proposed development is generally consistent with the zoning and current land use of the site;*
- *It is expected that the internal use of the bistro (including any amplified background music) would achieve the relevant noise emission requirements during the day and evening period;*
- *The use of the basement carpark is expected to comply with the relevant noise emission levels required by the NSW EPA Policy for Industry;*
- *Use of the external sports courts is currently proposed to be used primarily during the early morning/daytime and evening period (7am -10pm) which avoids the most sensitive time of use being the night time period; and*
- *Detailed acoustic assessment of all ventilation or other plant items is to be undertaken at Construction Certificate stage, once equipment is selected and location finalised*

It is considered that the development does not produce any impacts in terms of privacy, as there are no opportunities for overlooking adjacent residential properties. The building design follows the topography and provides generous setbacks. The additional proposed tree planting will also increase visual privacy to the nearby residential dwellings.

(III) Solar Access and Views

Shadow diagrams submitted with the application demonstrate that there will be no impacts in terms of solar access to adjacent residential properties.

The proposed development is designed to fit within the natural contours of the land. As shown in Figure 7, the outlook of adjacent residential dwellings is maintained.

A visual impact assessment has been prepared by Ethos Urban. The report was prepared in accordance with Land and Environment Court principles and concludes as follows:

- *Visual impacts have been considered with respect to residents fronting Northwood Road which back onto Council land parallel to Stevenson Street. Based on our findings, only two properties may experience some visual impacts, these being located to the south of the proposed development which have a boundary to Council land parallel to Stevenson Street. Views obtained from these properties largely have a narrow depth, being heavily truncated by dense, established trees along rear and side property boundaries.*
- *There are no clear views to elements in the landscape identified as being of high value using the Tenacity Land and Environment Court principles.*
- *While the introduction of new elements in the landscape between the viewer and this vegetation has the potential for visual impact, due to its screening nature, new elements in mid ground and background will have substantially less visual impact. The proposal does not constitute the introduction of a foreign element, as the existing Lane Cove Country Club Tennis Courts and associated public structures currently occupy the site. While the proposed development may be intensified, it is not dissimilar to the existing development.*
- *From upper levels of the Stevenson Street residential properties, the roof of the proposal will be visible in the midground. Where visible, the background of the vegetated northern embankment of the Gore Creek valley and its silhouette against a backdrop of the sky will remain visible. From lower levels, including ground level communal open space, where visible the proposal will be seen at, below and above typical line of sight. This will obstruct views to the vegetated northern embankment of the Gore Creek Valley. However, this is based on factors eliminating the existing rear boundary fencing. Should the boundary fencing be reinstated to the rear of the subject residences, this may not alter typical sight lines at these lower levels.*
- *The proposal is not considered to block significant existing views or unacceptably change the character of views. It does not give rise to significant, unacceptable visual impact on the private domain. The overall visual impact of the proposal is assessed as being minor on the Tenacity scale.*
- *Critically, the proposal largely occupies a similar footprint of the existing Lane Cove Country Club Tennis Courts and carpark, aligning with the natural topography of the site and maintaining existing levels of separation from properties sharing a boundary with Stevenson Street.*
- *In comparison to the previous development application (DA64/2021) the proposal will result in reduced visual impact through the:*
 - *removal of the Stevenson Street access road and central drop-off/pick-up zones and reduction in the footprint of the building reduces its visual presence*
 - *retention of 71 trees, in particular at locations between the development and houses adjoining Stevenson Street, will provide greater screening of the site.*

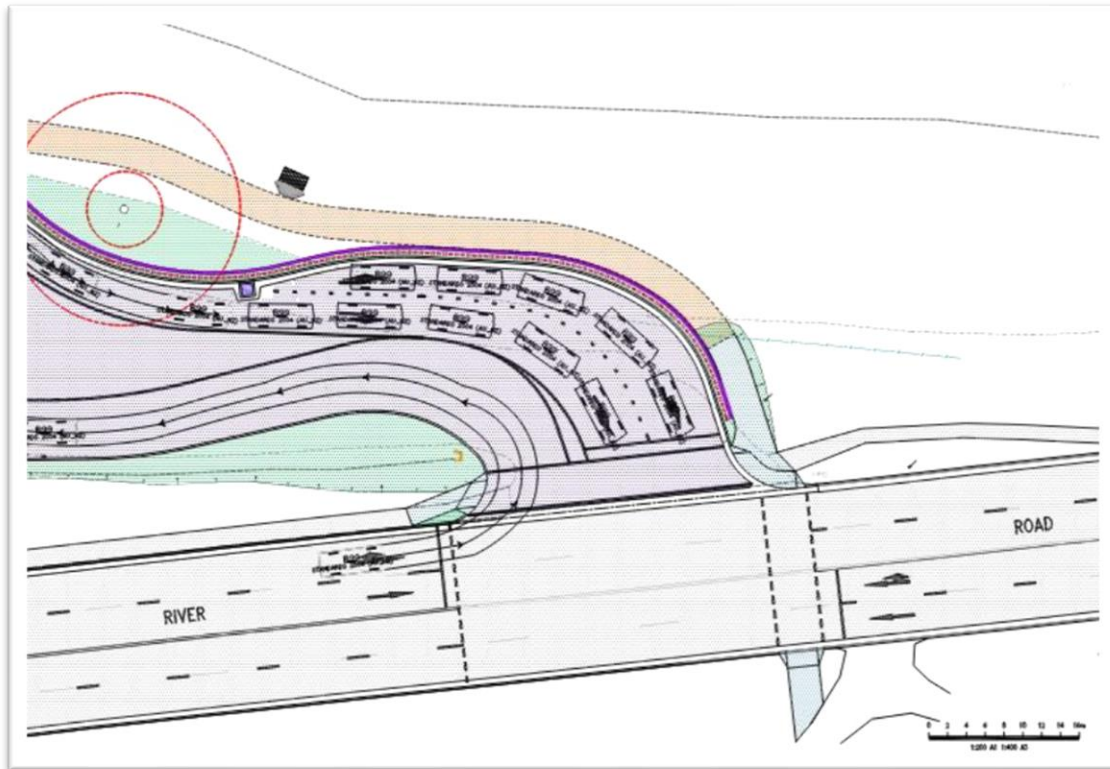
It is concluded that the development will produce no adverse impacts in terms of the built environment. Amenity, privacy and views of adjacent residences will not be adversely impacted.

5.5.1 Access, Transport & Traffic

(I) Access,

The site is accessed directly from River Road. The current access will be upgraded to a signalised intersection which is to be constructed prior to operation of the new facilities. The intersection work does not form part of this development application and is subject to separate approval under Part 5 of the *Environmental Planning & Assessment Act, 1979*. The proposed works also include pedestrian crossings over River Road, extension of the left turn lane out of the site from 15m to 35m and new signage and line marking. Figure 8 below is a preliminary design for the intersection.

Figure 14: Preliminary Intersection Design Source: Taylor Thomson Whitting NSW Pty Ltd



A traffic impact Assessment was prepared by Taylor Thomson Whitting, which finds the following:

- *Detailed parking demands have been calculated based on operational forecasts provided by the client and reflect the proposed operations and car parking demands for four (4) separate scenarios.*
- *Overall parking demands on this basis are calculated at a demand of 103 spaces during typical weekdays, 210 spaces during weekend peak periods, 243 spaces during special events and 225 during a Saturday evening when entertainment and sport coincide.*
- *The proposed provision of 248 spaces (including 6 accessible parking spaces) would ensure all car parking demands for all four (4) scenarios can be accommodated on-site without any reliance on on-street parking.*
- *Trip generation has been calculated based on the overall parking demand and the potential movements of this capacity within a peak period.*
- *The maximum trip generation of the site is estimated at a total of 300 trips, comprising 150 arrivals and 150 departures during a peak hour period.*
- *The SIDRA modelling results confirm that the proposed increase in traffic generation will have a negligible impact on the performance of the Northwood Road / River Road intersection, with only minor increases to DOS and AVD during the AM and PM peak periods.*
- *The SIDRA modelling results also show that the existing River Road site access intersection currently operates at an unsatisfactory level, with a LOS F during the AM and PM peaks. The proposed intersection upgrade significantly improves this intersection, from a LOS F to a LOS A in 2021 and LOS B in 2031. The proposed intersection shows a significant improvement to the existing arrangement and can operate at a good LOS, accommodating the development traffic, plus a 10-year background traffic growth.*

Based on the traffic analysis prepared by the applicant, it is considered that the proposed signalised intersection at River Road will improve safety and delays associated with the current access situation and will be adequate for the proposed development.

(II) Public Transport

There is insufficient space on-site for large buses or coaches to manoeuvre. Those travelling by full size bus or coach will use the existing bus stop and shelter located in front of the site on River Road. A boardwalk/pathway will be constructed within the site to connect the bus stop with the proposed building.

A 9 metre pick-up/drop-off facility is to be located within the site near the eastern corner of the building. This will accommodate private cars and minibuses up to 22 seats. It is anticipated that the majority of patrons will travel to the site by private car or minibus.

It is considered that the site is well serviced by public transport. Given the site constraints and that the recreation centre is a local facility, it is considered reasonable to utilise the existing public bus stop in River Road for patrons who may travel by large buses/coaches

(II) Parking

An activity demand study was conducted to determine the likely demand for car parking required. The study was based on scenario testing of the likely parking required during off peak, peak and special events.

Overall parking demands are calculated based on a number of operational estimates, including that some players will carpool, spectators are likely to arrive with players for sporting competitions and transport operations are highly managed, including 60% non car travel during special events.

A total of 248 car parking spaces are proposed, including 6 accessible spaces. 16 motorbike spaces and 10 bicycle spaces are proposed. This will accommodate all scenarios as follows:

- 103 parking space for typical weekday morning (scenario 1) .
- 210 parking spaces for Saturday lunchtime demands (scenario 2).
- special event operations (scenario 3) the formal capacity of the car park would be exceeded by approximately 243 vehicles.

The applicant submits that the proposed 248 car parking spaces can comfortably accommodate the parking demand of all four scenarios. This will ensure all vehicles associated with the development can be accommodated within the site.

The development provides 248 car parking spaces, 16 motorbike spaces and 10 bicycle spaces. Based on the demand study provided by the applicant, it is considered that parking provisions are adequate and compliant.

5.5.2 Social Impacts

The applicant submits that:

The proposed development will generate a number of positive social impacts:

- *It will cater to the day-to-day sporting needs of the surrounding area and greater LGA.*
- *It utilises the existing Lane Cove Country Club and appropriately integrates various sporting amenities together;*
- *It will be a place of community gathering that will support all abilities and ages.*

The proposal is to upgrade existing sporting facilities to broaden the variety of sports and provide the ability for all-weather play. Given that the proposal is a product of extensive community consultation, it is agreed that the proposal will have positive social impacts.

5.5.3 Economic Impacts

The proposal would provide additional employment opportunities during demolition and construction and long-term employment of operational and hospitality staff. Developments such as that proposed also provide significant ongoing opportunities for local contractors in servicing the buildings, plant and equipment.

It is considered that the development would have a positive economic impact.

5.5.4 Public Domain

The public domain is well served by this development. The site will provide additional opportunities for local sporting teams to play in all weather. The golf course will remain

operational, with improved facilities and multi-use spaces will be available for use by the community.

5.6 Suitability of the Site for the Proposed Development

It is considered that the site is suitable for the proposed development. The site is zoned RE1 Public Recreation Zone and has been used for sporting activities for many years. The topography of the site presents unique opportunities for building design and siting, which have been optimised by the proposed design.

The site has appropriate physical characteristics to support the proposed development, while minimising impacts to surrounding properties. Compliance with the Remediation Action Plan will ensure that the site is suitable in terms of contamination.

5.7 Submissions Received

The application was notified to surrounding residents from 30 November 2022 until 23 January 2023, including a 10-day extension. 72 submissions were received, comprising 43 objections, 17 in support and 12 neutral. A number of submissions were received via the do-gooder campaign website well after the close of notification and are still being received at the time of writing this report.

A number of objections are based on Council's decision to construct this facility. These submissions question the need for the facility, the capital costs, the ongoing costs, and whether opportunities for other sports should be included. The following table provides a summary of the matters raised in the submissions and comments in response.

Matters Raised		Frequency	Comment
1	The cost of development is under-estimated. The major cost is not justified. Inappropriate use of Council funds.	24	These are not matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act. Accordingly, no comments are made in response.
2	The ongoing viability of the facility and cost to the community is questioned.	20	
3	The overall configuration of spaces is not supported.	16	
4	Impact on operation of golf course	11	
5	The facility is in the wrong location.	17	The land is zoned RE1 Public Recreation. The development improves the existing facilities on the site. The site constraints have been properly considered in the design of the facility.
6	Traffic impact, parking and buses.	18	The traffic analysis shows an improvement to traffic flow and delay following construction of the proposed signalised intersection. Parking provision of 248 spaces is considered sufficient to cater for demand. Facilities within the site are provided for small buses. Larger buses

			and coaches will use the existing bus stop on River Road and a dedicated pathway/boardwalk is proposed to link the centre with this bus stop.
7	Concern about proposed new intersection	6	Although necessary for the proposed development, the intersection is subject to separate approval under Part 5 of the <i>Environmental Planning & Assessment Act, 1979</i> . A condition is proposed which requires the intersection to be operating prior to issue of occupation certificate.
8	Pedestrian safety	10	A dedicated pathway/boardwalk is proposed to link the centre with the River Road bus stop. The pathway will be located to the northern side of the driveway and will be separated from traffic which is accessing the site. The signalised intersection also includes pedestrian crossings on River Road.
9	Noise impact on adjacent dwellings	9	<p>A Noise impact assessment prepared by Acoustic Logic demonstrates that the noise impact on the nearby dwellings is acceptable. One submitter provided a peer review of the Acoustic Logic report. Acoustic Logic were given the opportunity to respond. Following review of the report, peer review and response, it is considered that noise impacts are acceptable.</p> <p>Conditions are proposed to require compliance with the predicted noise levels of the Acoustic Logic report and to prepare and implement an ongoing community engagement plan.</p>
10	Light Impacts	9	<p>A Spill Light Study was prepared by Steensen Varming which concludes the following:</p> <ul style="list-style-type: none"> • Spill light reaching the nearby residences is considered to be very minimal as a result of the proposed lighting directed on the multi-courts and available tree coverage providing a buffer; • The proposed luminaires will be placed below average site lines for residents at no.6 Stevenson Street and will greatly minimise potential glare to local residents; <p>Outdoor courts will operate only between the hours of 7:00am to 10:00pm, minimising light spill and noise impacts.</p>
11	Visual impact, bulk and scale	8	The character of the building is typical of an indoor multipurpose sports facility. It is considered appropriate in the context of the overall public recreation site, and is confined to the existing developed area. The design is clearly a product of working with the site constraints and maximising the opportunities provided by those constraints.

			Due to the topography and surrounding bushland, the building will be mainly visible across the golf course from the north.
12	Impact on native vegetation	11	The development achieves an appropriate balance between the appropriate use of this public recreation site and the protection of the natural environment. With the imposition of conditions as proposed, including compensatory planting of 226 trees, the impacts on the natural environment are acceptable.
13	Impact on available green space	17	The proposed development is confined to the area of the site which currently contains a number of buildings and an open paved car park. There will be no reduction of "green space" and additional trees will be planted on the site.
14	Inconsistent with RE1 zone	1	As detailed in Section 5.1.5 of this report, the proposal is consistent with the RE1 zone.
15	Green waste recycling	1	This is an operational matter which will depend on available services during the operation of the facility.
16	Increased air emissions	3	There is likely to be an increase in air emissions during construction and from additional vehicles during operation of the facility. However, air emissions are controlled by EPA guidelines and must comply with the relevant requirements.
17	Lack of public transport	5	A public bus stop and shelter is located on River Road. A dedicated pathway/boardwalk is proposed to link the centre with the River Road bus stop. General operations will be serviced by minibuses, while larger special events will be serviced by full sized buses.
18	Indigenous impact	1	An archaeological inspection of the area was made by the Aboriginal Heritage Office which confirmed that the site has very low remaining Aboriginal heritage potential. There are no recorded sites in or immediately adjacent the area.
19	Site contamination	1	This matter is considered in Section 5.1.2 of this report. Appropriate conditions have been included to ensure that the recommendations of the Remedial Action Plan are carried out and that the site will be suitable for the development.
20	Impacts of climate change	1	There is no evidence to suggest that the development will be affected by climate change, nor will it generate any unacceptable climate change impacts.

5.8 The Public Interest

It has been demonstrated by the applicant that the environmental impacts of the proposal are minimised and are acceptable.

The proposal is the product of extensive consultation within the community in relation to active recreation needs. The proposed development will provide upgraded and additional facilities in response to the community needs.

Although a number of submissions were received which are critical of the proposal for various reasons, **it is considered that there is a greater public interest in this development proceeding, so as to provide suitable up to date recreational facilities for this existing public recreation area.**

6. Conclusion

The proposal satisfies all relevant statutory requirements and represents a high quality design outcome. In my opinion, the building is a good design response to the site constraints and does not create adverse environmental impacts on surrounding properties.

Potential impacts of the development are minimised through design and proposed conditions of consent where appropriate. It is considered that the site is suitable for the proposed development and that there is significant public interest in providing this facility within this established public recreation site.

The current access from River Road will be upgraded to a signalised intersection to be constructed prior to operation of the new facilities. The proposed works also include pedestrian crossings over River Road, extension of the left turn lane out of the site. This will provide a significant improvement over the current access situation and will be adequate for the traffic generation from the proposed development.

The application has been assessed having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and the provisions of relevant environmental planning instruments as detailed in this report. 72 submissions were received in response to the public notification period. Having reviewed the submissions in conjunction with the statutory matters for consideration, it is considered that the proposal is acceptable.

7. Recommendation

That the Sydney North Planning Panel, as the relevant consent authority, grant consent to Development Application No. DA22/147 for demolition of existing structures and construction of a (part two and part three storey/mezzanine) sports and recreation facility, subject to the conditions of consent listed in Attachment 2.

