

Agenda  
Lane Cove Local Planning Panel Meeting  
14 May 2024,



## Notice of Meeting

Dear Panel Members,

Notice is given of the Lane Cove Local Planning Panel Meeting, to be held in the Council Chambers on Tuesday 14 May 2024 commencing at 5pm. The business to be transacted at the meeting is included in this business paper.

Yours faithfully



Craig Wrightson  
**General Manager**

## Lane Cove Local Planning Panel Meeting Procedures

The Lane Cove Local Planning Panel (LCLPP) meeting is chaired by Mr Mark Gifford. The meetings and other procedures of the Panel will be undertaken in accordance with the Lane Cove Lane Cove Local Planning Panel Charter and any guidelines issued by the General Manager.

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

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

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

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

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

**DECLARATIONS OF INTEREST**

**APOLOGIES**

**NOTICE OF WEBCASTING OF MEETING**

**LANE COVE LOCAL PLANNING PANEL REPORTS**

<b>1. 151 BURNS BAY ROAD, LANE COVE. ....</b>	<b>4</b>
<b>2. PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE).....</b>	<b>20</b>

**Lane Cove Local Planning Panel Meeting 14 May 2024  
151 BURNS BAY ROAD, LANE COVE.**

**Subject:** 151 Burns Bay Road, Lane Cove.  
**Record No:** DA24/22-01 - 23610/24  
**Division:** Planning and Support Services Group  
**Author(s):** Eugene Sarich

Property:	151 Burns Bay Road
DA No:	DA 22/2024
Date Lodged:	26 March 2024
Cost of Work:	\$10,000
Owner:	Lane Cove Council
Applicant:	K Yardley

Description of the proposal to appear on determination	Sponsor signs to rear of bench seats.
Zone	Part RE1 Public Recreation (Subject of application) Part R4 High Density Residential Part R2 Low Density Residential
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Does the property adjoin bushland	No
BCA Classification	Class 10b
Stop the Clock used	No
Notification	Notified in accordance with Council policy and no submissions were received.

**SITE**

Property	Lot 2, DP 504184.
Area	Approx. 11,300m <sup>2</sup>
Site location	151 Burns Bay Road Lane Cove
Existing improvements	Club house building and bowling greens (Lane Cove Bowling & Rec Club Ltd)
Shape	Irregular
Dimensions	Width: Various      Depth: Various
Adjoining properties	East: Dwellings & RFB.      West: Dwellings and RFB. North: Dwelling and open space (Charlish Park).      South: RFB.

**REASON FOR REFERRAL**

This application is referred to the Lane Cove Local Planning Panel in accordance with the Local Planning Panels Direction issued on 30 July 2020. Council is the manager of the land and

therefore the application must be independently assessed and go to the Local Planning Panel for determination.

**SITE APPLICATION HISTORY**

DA 66/2021	New electronic LED pole sign to replace an existing static pole sign.
DA 192/2016	Roof cover over pathway.
DA 77/2004	Storage shed and workshop (withdrawn).
DA 9/2004	New door between kitchen & entrance hall of club house.
DA 367/2003	Illuminated projecting wall sign.
DA 144/1997	Details unknown.

**PROPOSAL**

**Erect sponsorship signs to rear of selected bench seats on Bowling Greens 1 and 2.**

**The details of the signage is illustrated in submitted plans prepared by North Shore Building Design Group, Drawing Nos. 01024-01 and 01024-02, dated 14/03/2024.**

**PROPOSAL DATA/POLICY COMPLIANCE**

**Local Environmental Plan 2009**

**Zoning: RE1 Public Recreation**

**Site Area: Approx. 11,300m<sup>2</sup>**

<b>LEP table</b>			
	<b>Development Standard</b>	<b>Proposal</b>	<b>Complies</b>
Floor Space Ratio (max)	Not specified for RE1 zone.	No additional FSR	N/A
Height of Buildings (max)	Not specified for RE1 zone.	1.1m	N/A

**Zone Objectives**

The objectives of the RE1 zone are as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To make provision for rights of public access to more foreshore land and to link existing open space areas.

**Comment:** The proposal for sponsorship signage is considered to be consistent with existing use of the land being the bowling club and the zone objectives. The signage is ancillary to the primary purpose, being the bowling club. The signage is of low visual impact and will not detract from the existing character of the local environment.

**Comprehensive Development Control Plan assessment**

**PART N – SIGNAGE AND ADVERTISING**

The proposal is subject to Lane Cove Development Control Plan, Part N – Signage and Advertising. The following controls are considered applicable to the proposed signage.

### **2.1.1 Maertens' Optics of Scale**

The signs are 1.1m in height and will mostly be observed by persons looking down if standing or straight ahead if seated. The proposed signs will engage viewers in a passive manner and the proposal is assessed as being compatible with the principles of the Maerten's 'Optics of Scale' methodology.

### **2.1.3 Location and Design of Signage and Advertising**

All signage and advertising proposed is to be designed and located to consider the following matters:

- a) ensure the façade of a building is not cluttered with signage and that the portion of any building above an awning is generally free of signage;

**Comment:** Satisfactory. The signage is not proposed to be erected on a building façade nor above awning level.

- b) that signage is well designed, complementary to the architecture on which the signage is to be erected, in terms of materials, finishes, colours and ensure that architectural features of a building are not altered or obscured;

**Comment:** Satisfactory. The signage is modest in its scale and dimensions. Each sign will be 2.02m x 0.6m.

- c) consideration of existing signage on a building, land and streetscape to ensure that the new signage does not result in visual clutter or overcrowding of signage;

**Comment:** Satisfactory. The signage will be barely visible from the street as it will be low and facing inwards towards the bowling greens. Existing surrounding signage is minimal.

- d) consideration of the viewing angles of signage, visibility from the street level and nearby buildings;

**Comment:** Satisfactory. The signs are not intended to be visible from the street nor nearby buildings. The signage is intended to be of low visual impact for the avoidance of impact to the adjoining residential properties.

- e) that proposed signage does not unduly obstruct viewing angles to existing approved signage;

**Comment:** Satisfactory. The proposed signage does not obstruct viewing angles to existing approved signage.

- f) signage which is supported from, hung from or placed on other signs will not be supported;

**Comment:** Satisfactory. The signage is not supported on other signs.

- g) all proposals must detail the contents of the signage and advertisements in English, regardless of other content/languages used;

**Comment:** Satisfactory It is anticipated that all signage will be displayed in English. (Condition).

- h) where a logo is sought as part of a sign or advertisement in addition to the written component (as part of the contents), it will be necessary to demonstrate the need for the logo; and

**Comment:** Satisfactory. While no specific content details are provided, since the signage will be changeable, nonetheless, it would be unreasonable to restrict the use of logos.

- i) whether proposed signage is appropriate in relation to the desired future character of the precinct in which it is proposed to be located, see Section 2.2 “Character Statements”.

**Comment:** Not applicable. The subject site is not in one of the character precincts identified in the DCP.

## **2.4 Prohibited Signage**

Under subsection (h), the following signage is prohibited:

- h) Third party advertising is not allowed within the Lane Cove LGA except with special permission from Council.

**Comment:** By definition, any sponsorship signage not relating to the use of the land as a bowling and recreation club will be third party signage. “Special permission” may be granted by Council through any consent granted by the Local Planning Panel. It will be recommended that development consent is granted to the proposed signage.

## **3.10 Signage in residential zones**

While the proposed signage is not in a residential zone, the subject site is surrounded by residential zones. It will be prudent therefore to consider the impact of the proposal in relation to the objectives of this section. The objectives of this section are as follows:

1. To maintain residential amenity and the aesthetic quality of Lane Cove.

**Comment:** Satisfactory. For the reasons given below, it is concluded that the proposal will maintain the residential amenity and aesthetic quality of Lane Cove.

2. To ensure business signs in residential areas are of an appropriate scale and nature for the surrounding residential uses.

**Comment:** Satisfactory. The proposed signage will be of low visual impact. This is because the height of the signs are low, being 1.1m above ground level and the dimensions of each sign are modest at 2.02m by 0.6m. Thirdly, the signs are inwardly focused, meaning that that they are designed to be visible from the greens to players and club visitors, not the general public.

3. To allow businesses in residential areas to show their location.

**Comment:** Not Applicable. The proposed signs are not business identification signs.

4. To ensure business signage in residential areas is discreet and consistent with the Lane Cove Local Environmental Plan 2009.



**Comment:** Not Applicable. The proposed signs are not business identification signs.

5. To permit display of community information by not for profit organizations such as schools, churches and community groups.

**Comment:** Not Applicable. The proposed signs are not community information signs.

In summary, the signs are assessed as being acceptable due to their low visual impact and are appropriate in the context of a bowling and recreation club surrounded by residential zones.



Figure1: Aerial view of the subject site noting the local context. (Source: Six Maps)

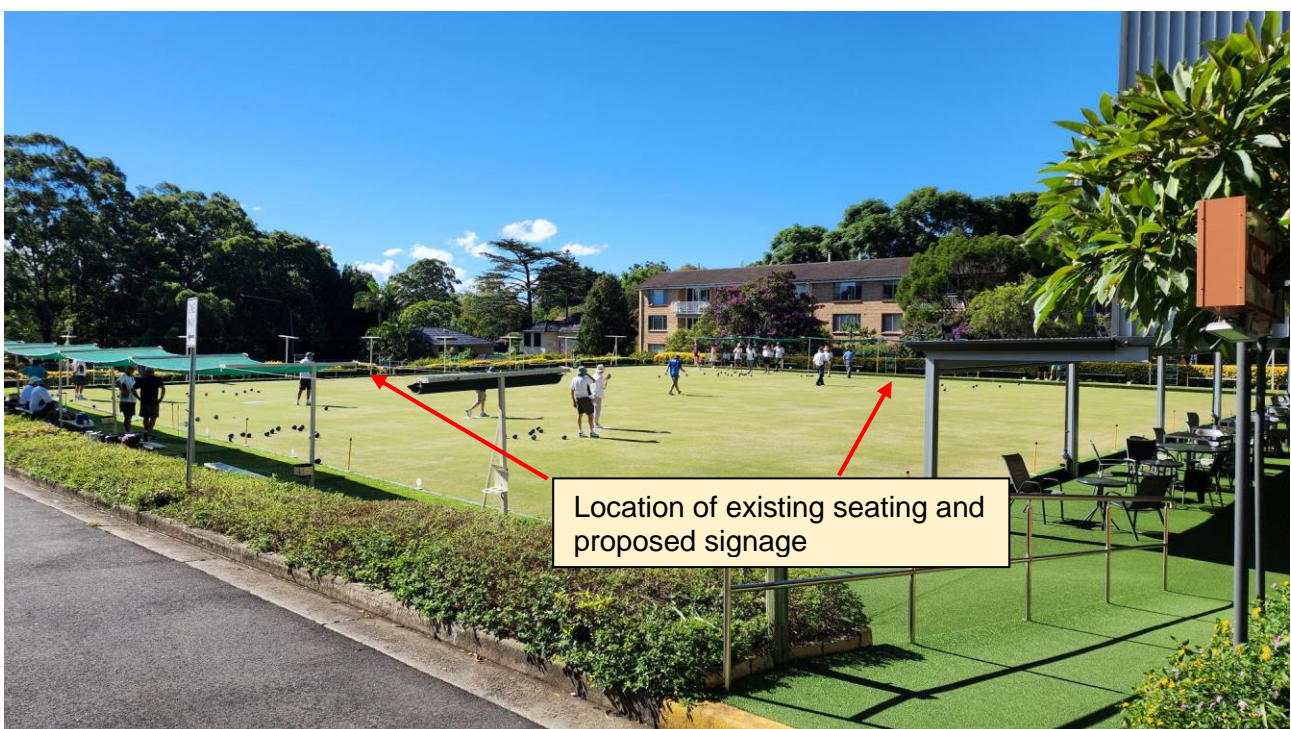




Figure 2: View of Bowling Green 1 looking north taken from the north western corner of the club house.



Figure 3: View of Bowling Green 2 looking north taken from internal access road.



Figure 4: View of the bowling greens looking south from Charlish Park.





Figure 5: View of Bowling Green 1 from the site boundary (driveway) in Burns Bay Road noting the low level of visibility from the street.



Figure 6: View corridor to Bowling Green 1 from the site boundary in Burns Bay Road noting the narrow field of view and low level of visibility.

## PART S - ASSESSMENT

The proposed works are below the threshold cost of \$250,000 and therefore an assessment against the provisions of Part S Environmental Sustainability is not required.

## **REFERRALS**

### Development Engineer – Part O – Stormwater Management

Council's development engineer has no objections or conditions of consent.

### Others

No other referrals were deemed to be required. Subject to standard conditions.

## **ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

The proposal is permissible and does not raise any issues in regard to the Lane Cove Local Environmental Plan 2009. The land use table explicitly notes signage as a permissible use in the RE1 zone.

The proposal is not subject to a floor space ratio or height of buildings development standard since such development standards are absent in the RE1 zone.

## **OTHER PLANNING INSTRUMENTS**

### **State Environmental Planning Policy (Industry and Employment) 2021**

Chapter 3, Advertising and Signage, of SEPP (Industry and Employment) 2021 applies to the application except for signage that is exempt or complying development. The chapter also does not regulate the content of signage and does not require consent for a change in the content of signage. The SEPP prevails over any other environmental planning instrument such as the Lane Cove Local Environmental Plan to the extent of any inconsistencies with the SEPP.

The aims of Chapter 3 are as follows:

#### 3.1 Aims, objectives etc.

##### (1) This Chapter aims—

- a) to ensure that signage (including advertising)—
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

**Comment:** Not all of the objectives are applicable to the development however in general terms, the signage is considered to be of low visual impact in the local environment as it is located internal to the site and facing internally to the two subject bowling greens. As such, it is compatible with the desired amenity and visual character of the area.

Clause 3.4 provides as follows:

3.4 Signage to which this Chapter applies.

- (1) This Chapter applies to all signage that—
- a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and
  - b) is visible from any public place or public reserve,  
except as provided by this Chapter.

The SEPP applies by virtue of subclause (1)(b), even though the signage will only be marginally visible from Burns Bay Road and Charlish Reserve.

Clause 3.6 provides as follows:

3.6 Granting of consent to signage.

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

## **Schedule 5 – Assessment Criteria**

### **1 Character of the area**

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?  
**Comment:** Yes, the signs are of modest proportions including height and are designed to be viewed internally from the bowling greens. The signs are compatible with the existing and desired future character of the area.

- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

**Comment:** There is no particular theme for outdoor advertising in the area.

### **2 Special areas**

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

**Comment:** The signs are adjacent to Charlish Park however due to the difference in levels, the signage would be barely visible from the park. The park is at a lower level than the bowling club greens. The signs may have a minor level of visibility from adjacent residential premises however, the proposed signage is considered to be innocuous in the local environment and unlikely to be offensive or impact visual amenity.

### **3 Views and vistas**

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

**Comment:** No, the proposed signage does not obscure or compromise views or impact on the skyline or reduce the quality of the vista.

### **4 Streetscape, setting or landscape**

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

**Comment:** Yes. The signs will be barely visible from Burns Bay Road and not visible from Centennial Avenue. The signs are low, being only 1.1m in height and situated behind existing seating. The proportions and form of the signs are considered appropriate for the streetscape and landscape setting.

- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

**Comment:** No. the signage does not address the streetscape but is intended to face internally to bowling greens 1 and 2. This is an appropriate outcome in the local context.

- Does the proposal reduce clutter by rationalising and simplifying existing advertising?

**Comment:** Yes. The signage is not considered to result in visual clutter as the signage will be displayed in an orderly and visually consistent manner. The signage is typical of sponsorship signage commonly found in outdoor recreation premises.

- Does the proposal screen unsightliness?

**Comment:** No - not applicable.

- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

**Comment:** No.

### **5 Site and building**

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

**Comment:** Yes – the signs are proportional to the existing seating arrangements and will be compatible with the recreational use of the land.

- Does the proposal respect important features of the site or building, or both?

**Comment:** Yes. The proposal is not considered to be in conflict with any important features of the site or the club house building. The signage is low to the ground and not visually intrusive respects the recreational use of the site.



- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

**Comment:** This is not considered applicable to the type of signage proposed.

## **6 Associated devices and logos with advertisements and advertising structures**

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

**Comment:** No, not applicable to this type of signage.

## **7 Illumination**

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

**Comment:** No, not applicable. The signage is not illuminated.

## **8 Safety**

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

**Comment:** No. The signage is not located in any path of travel. There are no safety issues raised by the signs.

Having regard to the above assessment it is concluded that the proposed signage satisfies the assessment criteria under Schedule 5 and that the proposal is consistent with the objectives Chapter 3 as set out in section 3.1(1)(a).

### **APPLICABLE REGULATIONS**

The Environmental Planning and Assessment Regulation 2021 does not contain and controls or regulations related to signage and advertising.

### **VARIATIONS TO COUNCIL'S CODES/POLICIES**

The preceding policy assessment tables identify those controls that the proposal does not comply with. Each departure is discussed below.

<b>Control</b>	<b>Proposed</b>	<b>Comment</b>	<b>Council support</b>
<b>DCP Part N Control 2.4(h)</b>	Third party sponsorship	Potentially prohibited development (noting that the Act	Yes

<p>Third party advertising is not allowed within the Lane Cove LGA except with special permission from Council.</p>	<p>advertising.</p>	<p>requires DCP's to be applied with flexibility).</p> <p>The advertising is consistent with the use of land for recreational open space purposes.</p> <p>Council's consent is required.</p>	
---------------------------------------------------------------------------------------------------------------------	---------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

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

The proposal would not adversely impact neighbouring properties or the public domain in terms of overshadowing, visual privacy, acoustic privacy, or traffic and parking. The proposal presents a development outcome that is consistent with the objectives of the relevant planning controls.

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

The subject site is suitable for the proposed development as the use is permissible within the Zone. The proposed development would not detract from the amenity of the surrounding area and the subject site would not constrain the development or neighbouring sites.

**RESPONSE TO NOTIFICATION (Section 4.15(1)(d))**

The application was notified to adjoining properties in accordance with Council's policy for the notification of development applications. The notification period commenced on 26 March 2024 and concluded on 22 April 2024. No responses have been received as a result of the notification process.

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

The proposal would not have an unreasonable impact on neighbouring properties or the public domain with regard to the Lane Cove LEP 2009, Lane Cove DCP 2009 or any other environmental planning instruments. Therefore, approval of this application would not be contrary to the public interest.

**CONCLUSION**

The matters in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 have been satisfied.

The application complies with the relevant controls as identified in this assessment report. The land does not have an applicable Floor Space Ratio or height of buildings development standard.

The application generally meets the objectives of Part N Signage and Advertising of the Lane Cove Development Control Plan 2009.

On balance, it is considered that the proposed development is reasonable and appropriate and it is therefore recommended for approval.

**RECOMMENDATION**

**General Conditions**

That pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Lane

**Lane Cove Local Planning Panel Meeting 14 May 2024  
151 BURNS BAY ROAD, LANE COVE.**

Cove Local Planning Panel at its meeting of 14 May 2024, exercising the functions of Council as the consent authority, grants development consent to:

- Development Application DA 22/2024
- For sponsor signs to rear of bench seats.
- On 151 Burns Bay Road Lane Cove

subject to the following conditions:

**PART A – GENERAL CONDITIONS**

1. **A.1 - Approved plans**

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

Plan No	Revision	Plan Title	Drawn By	Dated
01024-01	-	Site Plan and Site Analysis Plan	North Shore Building Design Group	14/03/2023
01024-02	-	Elevations and Sections	North Shore Building Design Group	14/03/2023

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

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

2. **A.12 – Construction Certificate**

The submission of a Construction Certificate and its issue by Council or Principal Certifier PRIOR TO CONSTRUCTION WORK commencing.

**Reason: To ensure the detailed construction plans and specifications comply with the requirements of the Building Code of Australia (BCA) and any relevant Australian Standard.**

3. Future signage content shall include English regardless of the inclusion of other languages.
4. The approved signage shall not be illuminated.

**PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

5. **C.23.B - Sydney Water requirements**

The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In" for approval.

**Reason: To comply Sydney Water requirements.**

**PART D - BEFORE THE COMMENCEMENT OF BUILDING WORK**

**6. D.3 - Signs on site**

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

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

Any such sign is to be maintained while any demolition or building work is being carried out but must be removed when these works have been completed.

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

**Reason: Prescribed condition under section 70 of the EP&A Regulation 2021.**

**PART E - WHILE BUILDING WORK IS BEING CARRIED OUT**

**7. E.1 - Hours of work**

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

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm

With NO high noise generating activities, to be undertaken after 12 Noon on Saturday.

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

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

**Reason: To protect the amenity of the surrounding area.**

**8. E.2 - Compliance with the Building Code of Australia**

Building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

**Reason: Prescribed condition under section 69 of the EP&A 2021.**

**9. E.7 - Construction noise**

While building work is being carried out where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or works does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where these works are being carried out.

**Reason: To protect the amenity of the neighbourhood.**

10. **E.15.B - Critical stage inspections**

Critical stage inspections are to be carried out in accordance with Section 6.5 of the EP&A Act 1979 and sections 61, 63 and 65 of the *Environmental Planning and Assessment (Development Certification and Fire safety) Regulation 2021*.

Where Lane Cove Council is appointed as the principal certifier, an inspection is to be booked for each of the following relevant stages during the construction process:

- a) Footings.

**Reason: EP&A Act requirement.**

11. **E.18.B - No obstruction of public way**

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

**Reason: To ensure public safety.**

12. **E.19.B – Encroachments**

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

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

**PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

13. **F.6 - Removal of waste upon completion**

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

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

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



Mark Brisby  
**Director**  
**Planning and Sustainability Division**

**ATTACHMENTS:**

There are no supporting documents for this report.

**Lane Cove Local Planning Panel Meeting 14 May 2024  
PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE)**

**Subject:** Pumphouse Lane Cove Bushwalk (Ventemans Reach Reserve)  
**Record No:** DA23/130-01 - 23614/24  
**Division:** Planning and Sustainability Division  
**Author(s):** Robert Montgomery

Property:	Lot 7026 DP 93903, Lot 7004 DP 1124084 & Lot 7373 DP 1161897 West Street Lane Cove West
DA No:	DA 130/2023
Date Lodged:	11 December 2023
Cost of Work:	\$779,190.00
Owner:	Crown Land – Managed by Lane Cove Council
Applicant:	Lane Cove Council

Description of the proposal to appear on determination	Construction of Boardwalk & Remediation
Zone	C2 Environmental Conservation
Is the proposal permissible within the zone	Yes
Is the property a heritage item	No
Is the property within a conservation area	No
Does the property adjoin bushland	Yes
BCA Classification	Class 10
Stop the Clock used	No
Notification	Neighbours: Notified from 15/12/2023 to <u>12/01/2024</u> .

**SITE**

Property	Lot 7026 DP 93903, Lot 7004 DP 1124084 & Lot 7373 DP 1161897 West Street Lane Cove West
Area	7,250m <sup>2</sup> (approx)
Site location	West Street Lane Cove West
Existing improvements	Dilapidated timber boardwalk which was closed by Council in 2014 due to structural deterioration.
Shape	Irregular
Dimensions	Varies
Adjoining properties	East – Bushland, rising to a commercial office building at No. 166 Epping Road West – Lane Cove River (Magdala Park on western side of River in Ryde LGA) North – Bushland which connects to industrial land at 170 Epping Road Lane Cove West South – 1 Sirius Road (Data Centre under construction)

**SITE APPLICATION HISTORY**

DA 130/2023	Construction of Boardwalk & Remediation (current DA)
-------------	------------------------------------------------------

## **PROPOSAL**

The proposal comprises remediation works to the land and replacement of existing timber boardwalk.

### **Remediation Works**

- Removal of surface/loose asbestos containing material 5m to the landward (eastern) side of the boardwalk and off-site disposal to an EPA licensed waste facility; and
- Creating a capping layer for a distance of 5m to the landward side of the boardwalk (excluding mangrove area) to manage contaminated soil which involves the following;
  - Removal of vegetation with the exception of trees surveyed and identified for retention;
  - Installation of a rock edge to the capping barrier adjacent to the mangroves;
  - Placement of a 150mm virgin excavated natural material (VENM) capping layer; and
  - Rehabilitation of vegetation in remediation area.

### **Boardwalk Replacement Works**

- Installation of a new boardwalk:
  - Generally aligned with the existing boardwalk;
  - At a higher level than the existing boardwalk;
  - On new footings and piers;
  - Utilising Fibreglass Reinforced Panels (FRP) for boardwalk decking;
- Staged removal of the existing boardwalk including footings/piers during construction. The existing boardwalk will be used as a construction platform.

## **REASON FOR REFERRAL**

This application is referred to the Lane Cove Local Planning Panel in accordance with the Local Planning Panels Direction issued on 30 July 2020. The application is designated development and Lane Cove Council is the applicant and manager of the land on behalf of the Crown. Therefore, the application triggers two of the referral criteria for determination by the Panel, being “sensitive development” and “conflict of interest”.

## **EXECUTIVE SUMMARY**

This assessment report is prepared by Robert Montgomery, an independent town planner engaged by Lane Cove Council to assess the application.

The development application proposes to demolish a section of the existing timber boardwalk and construct a new 1.7m wide walkway comprising reinforced fibreglass panels on new footings and piers. The new walkway is 138m long, and also covers an existing section of ground level track. The new walkway will connect the Stringy Bark Creek pedestrian bridge (south) and the pumphouse (north).

This section of walking track forms part of the Lane Cove Loop Walk, and provides connectivity to the Great North Walk. Unfortunately, Council was forced to close this section of the track in 2014 due to structural deterioration of the boardwalk.

The application also proposes remediation of the ground within a distance of 5 metres from the land-facing edge of the proposed new walkway. A preliminary environmental site assessment

(PSA), identified elevated concentrations of heavy metals (particularly lead), total recoverable hydrocarbons (TRH), polycyclic aromatic hydrocarbons (PAHs) and asbestos (bonded and friable) in soil, and asbestos fragments on ground surface. A Remedial Action Plan (RAP) was subsequently prepared by Epic Environmental, which provides remedial strategies and management requirements for the development works area.

The proposal is defined as designated development under the provisions of Clause 2.7(2) of State Environmental Planning Policy (Resilience and Hazards) 2021 as it comprises development on land identified as 'coastal wetlands'. As required for designated development, the NSW Secretary's Environmental Assessment Requirements (SEAR) were issued to the applicant on 8 February 2023 (**AT1**). The application is accompanied by an Environmental Impact Statement prepared in accordance with the SEAR.

The proposal is integrated development as the works require a permit under Section 205 of the *Fisheries Management Act, 1994*. Although the works are within 40m of the Lane Cove River, Council, as the applicant, is exempt from requiring a Controlled Activity under the *Water Management (General) Regulation, 2018*.

The application is accompanied by the following specialist reports:

- Flood Report
- Bushfire Report
- Biodiversity Assessment Report
- Remediation Action Plan
- Site Audit Statement and Report
- Acid Sulfate Soils Management Plan
- Asbestos Management Plan
- Aboriginal Heritage Due Diligence Report
- Noise and Vibration Report

The applicant submits that the project impacts can be mitigated, minimised, or managed, as detailed in Section 7 of the EIS. Table 12–Mitigation Measures is reproduced from the EIS as **AT2**.

The development application has been assessed under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

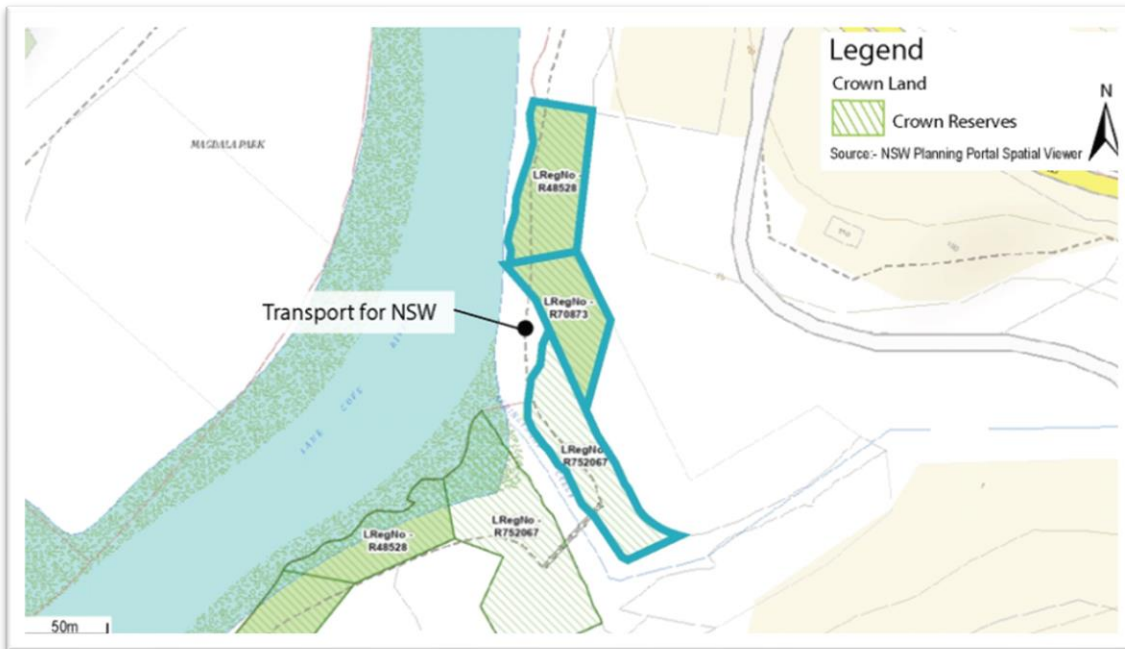
**It is considered that the proposal satisfies all relevant statutory requirements and is recommended for approval.**

## **SITE & SURROUNDINGS**

The site comprises three parcels of land described as Lot 7026 DP 93903, Lot 7004 DP 1124084 and Lot 7373 DP 1161897, with a total area of approximately 7,250m<sup>2</sup>. The site is irregular in shape and presents as a long, narrow strip of riparian land along the Lane Cove River, with a length of some 230m and width varying from approximately 20m to 35m.

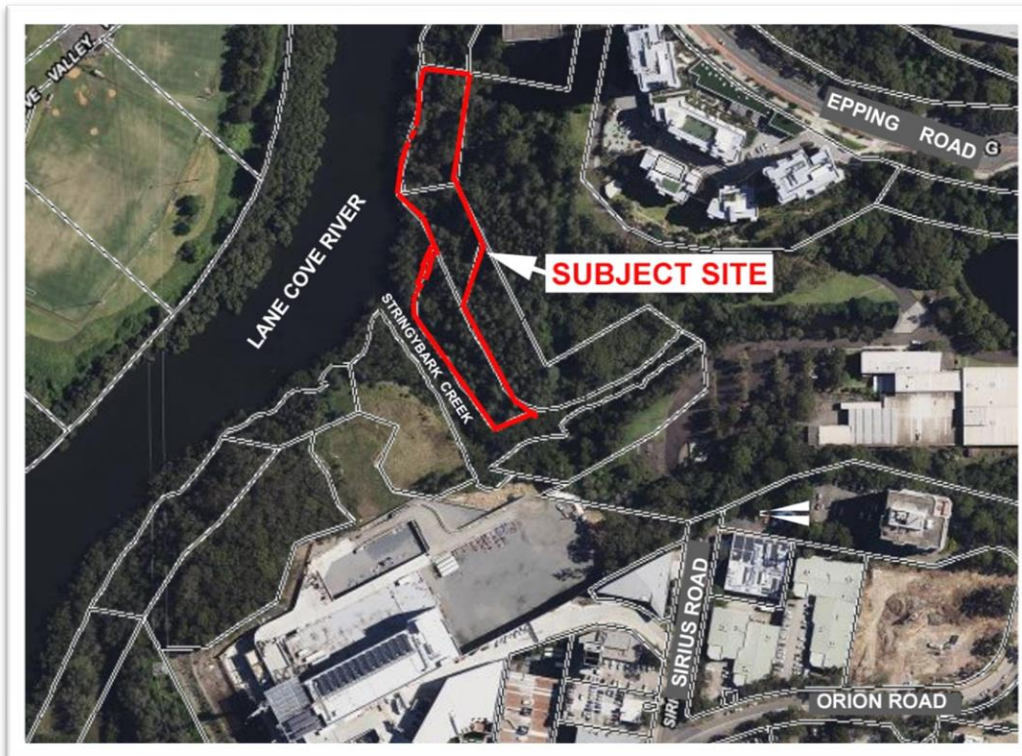
**Lane Cove Local Planning Panel Meeting 14 May 2024**  
**PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE)**

**Figure 1: Site Location.** Source: DFP EIS



The site comprises a riverfront area of disturbed bushland, with an existing elevated boardwalk at the southern end of the site, located partially along mangroves, and an unformed dirt track at the northern part of the site. The track forms part of the Lane Cove Loop Walk and provides connectivity to the Great North Walk. The proposed works will allow the track to re-open, again connecting the Stringybark Creek Pedestrian Bridge to the former Pumphouse.

**Figure 2: Satellite Image** Source: NSW SIX Maps



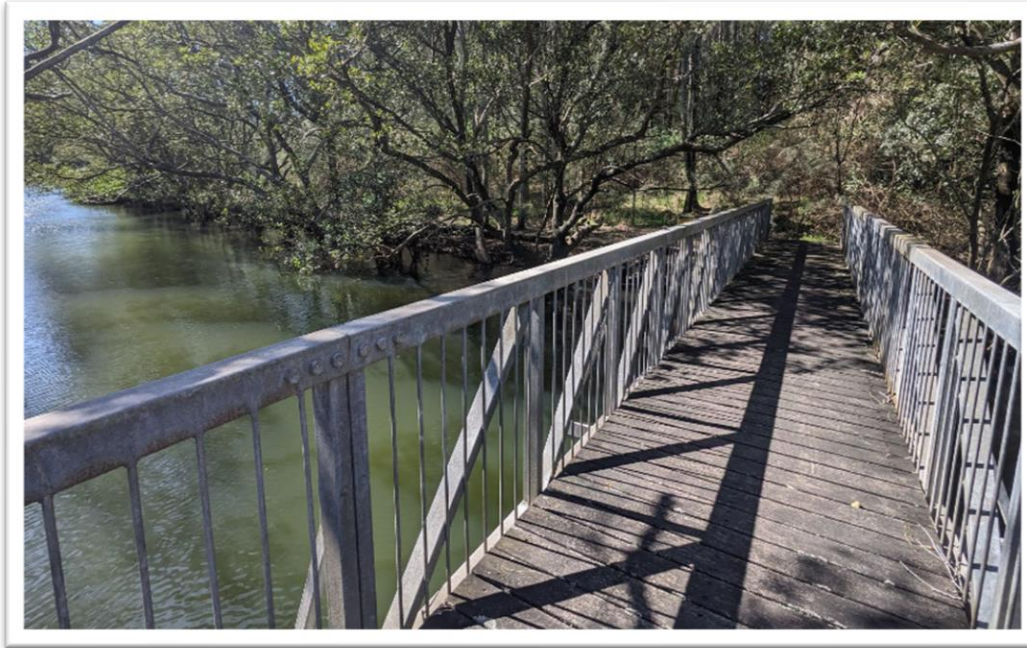


**Lane Cove Local Planning Panel Meeting 14 May 2024**  
**PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE)**

Land adjoining to the east comprises bushland, rising to a commercial office building at No. 166 Epping Road. Lane Cove River adjoins to the west with Magdala Park on the western side of River in Ryde LGA. Bushland adjoins to the north, which connects to industrial land at 170 Epping Road Lane Cove West. Land to the south at 1 Sirius Road comprises a data centre which is under construction

The following images show the pedestrian bridge to the south and pumphouse to the north and depict the current condition of the boardwalk and dirt track.

**Figure 3: Stringybark Creek Pedestrian Bridge Source: DFP EIS**



**Figure 4: Central Section of Existing Boardwalk Source: DFP EIS**





Figure 5: Northern Section – Dirt Track Source: DFP EIS



Figure 6: Pumphouse Source: DFP EIS





## PROPOSED DEVELOPMENT

It is proposed to demolish the existing timber boardwalk, remediate a 5 metre strip of land on the eastern (landward side) of the walkway, replace and extend the existing boardwalk and rehabilitation of the remediated area in accordance with a Vegetation Management Plan (VMP) to be approved by Council.

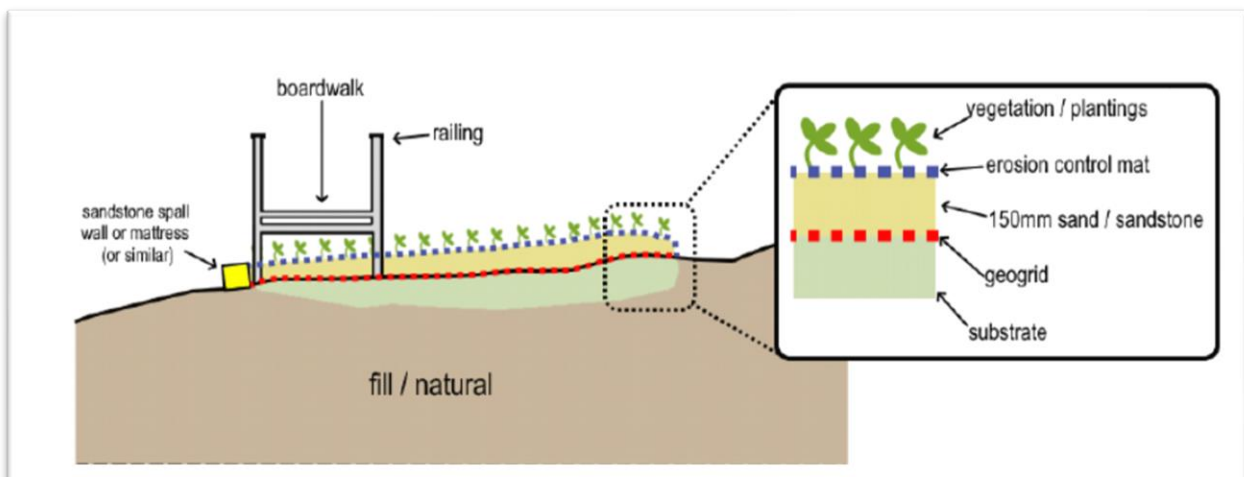
### Demolition

The existing timber boardwalk will progressively be demolished as the new boardwalk is constructed.

### Remediation

Two stockpiles of surface asbestos-containing material are to be removed from the site and disposed in accordance with the Asbestos Management Plan. The remaining contamination, contained within the soil, is to be managed on site in accordance with the Remediation Action Plan. This involves capping for a distance of 5 metres to the landward side of the boardwalk, excluding the mangrove area. The capping comprises a 150mm layer of VENM, contained on the downslope side by a rock edge.

**Figure 7: Capping System Cross Section Source: DFP EIS**



### Boardwalk Construction

The boardwalk has a width of 1.7m to the outer face of the balustrade and 1.4m to the inside. The width extends to approximately 2.8m in three locations to provide viewing platforms. The new boardwalk generally aligns with the existing boardwalk and replaces an existing dirt track at the northern end of the site.

The proposed boardwalk will generally sit higher than the existing boardwalk (which is at RL 1.21). At the southern end it will be raised by some 740mm to provide an accessible transition to the Stringybark Creek pedestrian bridge at RL 1.95. The boardwalk then ramps down with a 1:40 grade to RL 1.80, which is the level for remainder of the boardwalk.

The boardwalk is to be constructed with concrete strip footings, stainless steel joists and bearers. The decking material comprises fibreglass reinforced panels in a light grey finish. Hardwood balustrade is proposed for the length of the boardwalk.

## **Vegetation & Rehabilitation**

The proposed renewed boardwalk will necessitate the removal of one small tree. The remainder of the trees on site will be retained and the Remedial Action Plan includes measures to cap around the trees to ensure their retention. Smaller scale vegetation will be removed for the purposes of remediation.

A Vegetation Management Plan will be prepared to guide the rehabilitation of the remediation area consistent with the Swamp Oak Plant Community Type with species suitable so as to not impact the integrity of the capping layer (e.g. grasses, shallow rooted vegetation). Draft conditions are proposed to ensure that the VMP is prepared and implemented.

## **SECTION 4.15(1) MATTERS FOR CONSIDERATION**

### **Environmental Planning Instruments**

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

##### ***Coastal Wetlands***

The land is identified as “coastal wetlands” on the Coastal Wetlands and Littoral Rainforests Area Map. Clause 2.7 (4) provides:

*“A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.”*

The area is to be cleared of introduced weeds, asbestos-containing soil removed and contaminated soil remediated to a level suitable for public recreation use. A Vegetation Management Plan is proposed to be prepared and implemented to ensure appropriate rehabilitation. A condition of consent is proposed to ensure that this occurs.

In terms of hydrological integrity, flood modelling prepared by GRC Hydro identifies that the area in the vicinity of the proposed boardwalk ranges predominantly from a low to medium hazard, with a small portion predicted to experience high hazard. The area will be inundated during a 1% flood event, with depths of up to 1.0 m on either side of the works, and a depth of up to 0.55m over the walkway.

The flood flow will be relatively slow moving, however people attending the site need to be informed of the flood risk and told what to do in the event of flood. A draft condition is proposed to ensure that appropriate flood warning signs are installed at each end of the walkway.

##### ***Contamination***

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.*

A preliminary environmental site assessment (PSA), identified elevated concentrations of heavy metals (particularly lead), total recoverable hydrocarbons (TRH), polycyclic aromatic hydrocarbons

(PAHs) and asbestos (bonded and friable) in soil, and asbestos fragments on the ground surface. A Remedial Action Plan (RAP) was subsequently prepared by Epic Environmental, which provides remedial strategies and management requirements for the development works area.

The remediation strategy involves removing two stockpiles of surface asbestos-containing material in accordance with the Asbestos Management Plan. The remaining contamination, contained within the soil, is to be managed on site by capping for a distance of 5 metres to the landward side of the boardwalk, excluding the mangrove area. The capping will comprise 150mm layer of VENM, which is to be contained on the downslope side by a rock edge.

The RAP concludes:

*“Given that the visible surface ACM will be removed and a long-term physical barrier will be installed, which will be managed/ maintained in accordance with an LTEMP, Epic considers that the RAP can make the boardwalk corridor suitable for on-going recreational use.*

*Following remediation of the boardwalk corridor, public access to areas of the site outside of the corridor is likely to be restricted by the boardwalk hand rails and vegetation within the corridor. Therefore, health risk arising from potential exposure to contamination remaining in these areas will be minimal.”*

A draft condition is proposed to ensure that the Remediation Action Plan is implemented during the course of the development and that the works are signed off by the site auditor.

**It is considered that the consent authority can be satisfied in relation to the Coastal Wetlands and Contamination provisions of the SEPP. Appropriate conditions are proposed to ensure compliance.**

### **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 to achieve a number of objectives, including:

- To mitigate long-standing contamination issues; and
- To promote community engagement with, and preservation of, the environment.

The development application is accompanied by a Biodiversity Assessment Report prepared in accordance with the Biodiversity Conservation Act 2016. It is noted from the report that construction of the proposed development will require the removal of 0.09 ha of native vegetation. The dominant plant community type is Estuarine Swamp Oak Twig-rush Forest (PCT 4028). It covers majority of the subject land, comprising a 0.19 hectare patch in low condition. The remaining parts of the subject land contain patches of Grey Mangrove-River Mangrove Forest (PCT 4091), totaling 0.06 hectares.

The subject land does not contain suitable habitat for any predicted threatened species at risk of serious and irreversible impact. Additionally, no threatened species were incidentally recorded during the field survey. The proposed development does not require an offset for any species credit species.

In relation to avoidance of impacts on biodiversity values, the alignment of the boardwalk has been chosen to avoid larger (or mature) trees where possible, although removal of some smaller (younger) trees is unavoidable. Construction activities could have indirect impacts on adjoining or downstream habitats, including local waterbodies within the catchment (Stringybark Creek and Lane Cove River).

A range of mitigation measures are proposed to reduce the risk of potential indirect impacts on retained terrestrial habitat during construction. Additionally, environmental management measures have been recommended to mitigate any potential residual impacts on aquatic

biodiversity. The report also recommends that a Vegetation Management Plan (VMP) is prepared and implemented. A draft condition is proposed to ensure preparation and implementation of a VMP.

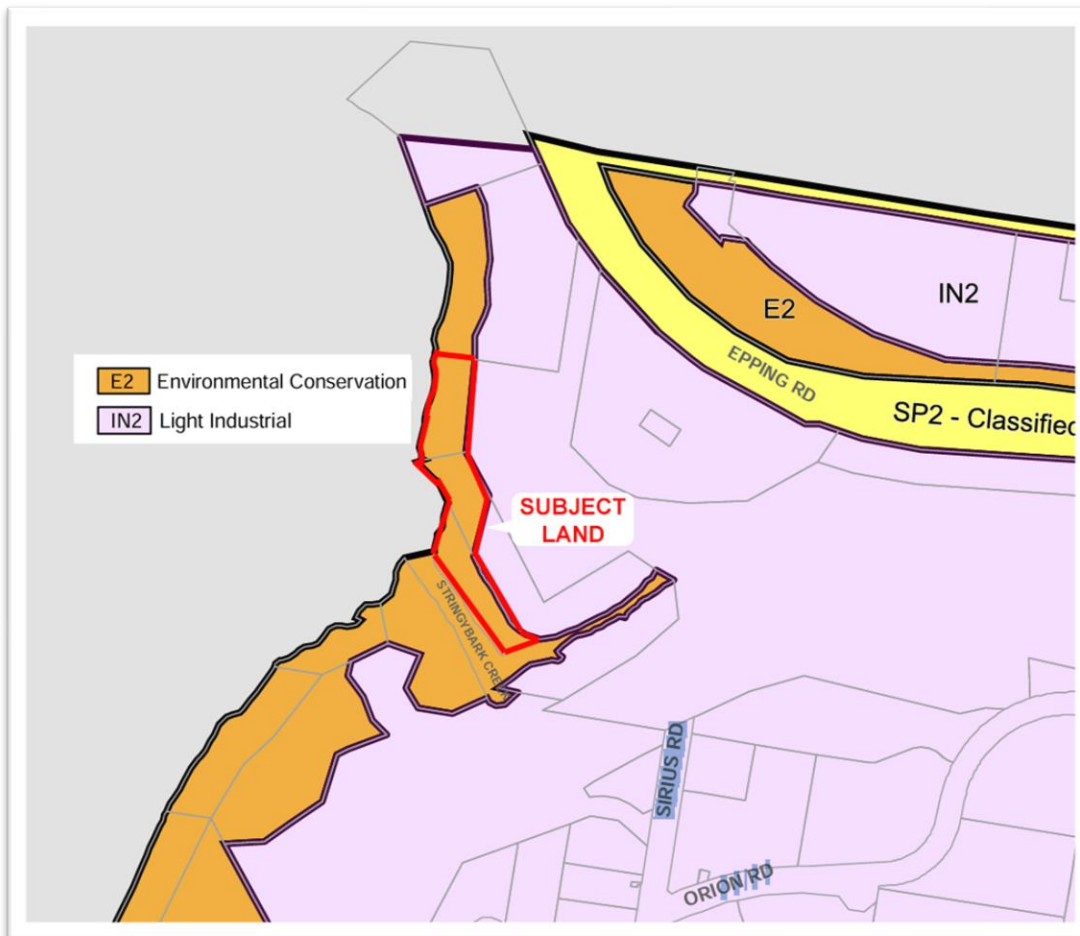
Accordingly, the Panel can be satisfied in relation to the Biodiversity and Conservation SEPP.

### Lane Cove Local Environmental Plan 2009

The land is zoned C2 Conservation under the provisions of Lane Cove LEP 2009.<sup>1</sup>

The clauses which are relevant to the proposal and the site are reviewed in the following text.

Figure 8: Extract from Lane Cove LEP 2009 Land Zoning Map – Sheet - LZN\_001



The proposal is defined as “environmental facilities” and is permissible with consent in the C2 zone. The LEP 2009 dictionary definition is reproduced below:

**“environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.”

<sup>1</sup> Under the provisions of the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021, a reference to an Environment Protection zone E1, E2, E3 or E4 within a Land Zoning Map should be taken to be a reference to a Conservation zone C1, C2, C3 or C4.

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 protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*

The purpose of the proposal is to essentially achieve this objective by restoring an area of ecological significance and providing safe access for the public, while protecting the ecological, scientific, cultural and aesthetic values.

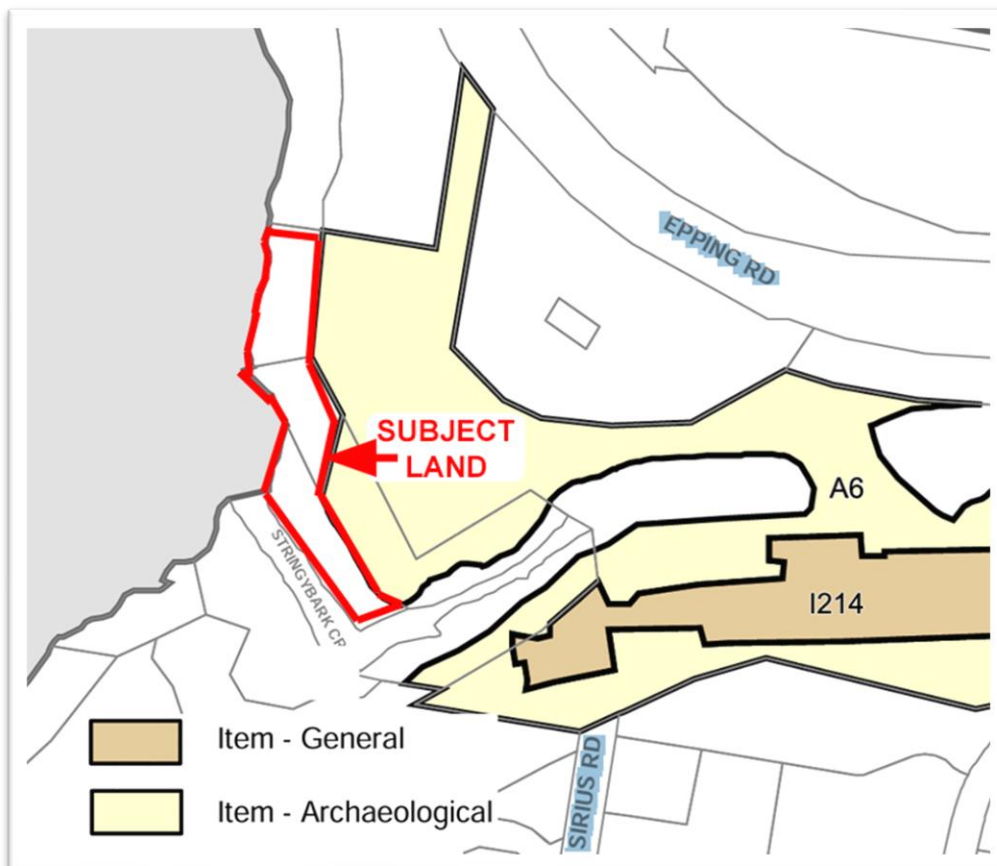
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The proposal will have a positive effect on the area and the values by rehabilitating the land.

**It is concluded that the Panel can be satisfied in relation to Clause 2.3(2) of Lane Cove LEP 2009.**

The land adjoins land which is identified as having archaeological significance (Site A6) on the Lane Cove LEP 2009 Heritage Map. The site is described as the “Chicago Mills” site. The land is also in the vicinity of a heritage item, described as “Cumberland Paper Mills” (Item I214).

**Figure 9: Extract from Lane Cove LEP 2009 Heritage Map – Sheet HER\_001**



Clause 5.10 – Heritage Conservation, subclause 5, provides that the consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of a heritage item in the vicinity.



There are no provisions in the LEP which relate to development in the vicinity of an archaeological item.

The EIS includes a detailed history of the heritage items and an assessment of heritage impacts which states, in part:

*“The Project and associated works are not located within the boundary of any listed heritage items and would not require interaction or intervention with any significant heritage fabric of the heritage items in the vicinity. They would not result in any direct impacts to the heritage items.*

*The Site is located within an area of dense vegetation, where views to/from the existing boardwalk are limited. The new elevated boardwalk would be screened by vegetation as with the current boardwalk and footpath and would not result in changes or obstruction to views of heritage items located in the vicinity of the Site.*

*The proposed works are located in the vicinity of the Chicago Flour Mill and Cumberland Paper Mill local archaeological items (Items A6 and A5 listed on the Lane Cove LEP 2009), however it is not included in the listing curtilage for either item. Little evidence in the historical record indicates that the operations of these archaeological items extended into the Site. The Site is located within a tidal riparian zone and appears to have been subject to disturbance through clearing undertaken historically as well as some landform modification to construct the existing pathway. In the unlikely event that archaeological remains associated with the Cumberland Paper Mill or Chicago Mill archaeological items extended into the Site, they would likely be fragmented from previous disturbances, and unlikely to be of heritage significance.”*

**Based on the information provided in the EIS, it is concluded that Panel can be satisfied in relation Clause 5.10 of Lane Cove LEP 2009.**

Clause 5.21 – Flood Planning applies to the site, and is reproduced below:

**“5.21 Flood planning**

- (1) *The objectives of this clause are as follows—*
  - (a) *to minimise the flood risk to life and property associated with the use of land,*
  - (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
  - (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
  - (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*
- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
  - (a) *is compatible with the flood function and behaviour on the land, and*
  - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
  - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
  - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
  - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
  - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*

- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.”*

A Flood Impact Assessment, including flood modelling was carried out by GRC Hydro for the purposes of the EIS. The flood modelling identifies that the area in the vicinity of the proposed boardwalk ranges predominantly from a low to medium hazard, with a small portion predicted to experience high hazard. The area will be inundated during a 1% flood event, with depths of up to 1.0 m on either side of the works, and a depth of up to 0.55m over the walkway.

The flood flow will be relatively slow moving, however people attending the site need to be informed of the flood risk and told what to do in the event of flood. A draft condition is proposed to ensure that appropriate flood warning signs are installed at each end of the walkway.

The impact of the proposed development on the peak flood level was calculated by deducting levels in the existing scenario to those generated by modelling the proposed development. The result was a very minor displacement of flood waters with a small fringe immediately east of the proposed development becoming wet with some other areas predicted to experience a slight decrease in flood level. These minor impacts are only predicted immediately surrounding the proposed development, with no predicted off-site impacts. **AT3** is an extract from the Flood Impact Report which provides detailed responses to each of the requirements of clause 5.21.

**Based on the flood assessment report provided with the EIS, it is concluded that Panel can be satisfied in relation Clause 5.21 of Lane Cove LEP 2009.**

Clause 5.23 – Public Bushland, provides that consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied in relation to the following matters in subclause 3:

- (a) the disturbance of the bushland is essential for a purpose in the public interest,*
- (b) there is no reasonable alternative to the disturbance,*
- (c) the development minimises the amount of bushland to be disturbed,*
- (d) the development includes measures to remediate the disturbed bushland.*

Subclauses 4 and 5 provide that consent is not required in circumstances where the works are facilitating the recreational use of public bushland and are in accordance with a plan of management for the public bushland, adopted by the Council. The purpose of the proposal is to facilitate the use of public bushland and it is consistent with the Plan of Management for Bushland in Lane Cove, which applies to the site. Therefore, consent is not required under clause 5.23.

However, as the Panel will be determining a development application (albeit that a DA is not required under this clause), it is prudent to consider the matters listed in Clause 5.23(3). The following comments are provided in response to the four matters below:

- (a) It is essential to disturb the bushland within the footprint of the works to replace the dilapidated boardwalk and to remediate the contamination. Both aspects of the work are for a purpose which is in the public interest.
- (b) There is no reasonable alternative to the disturbance. Construction and remediation cannot occur without a level of disturbance.

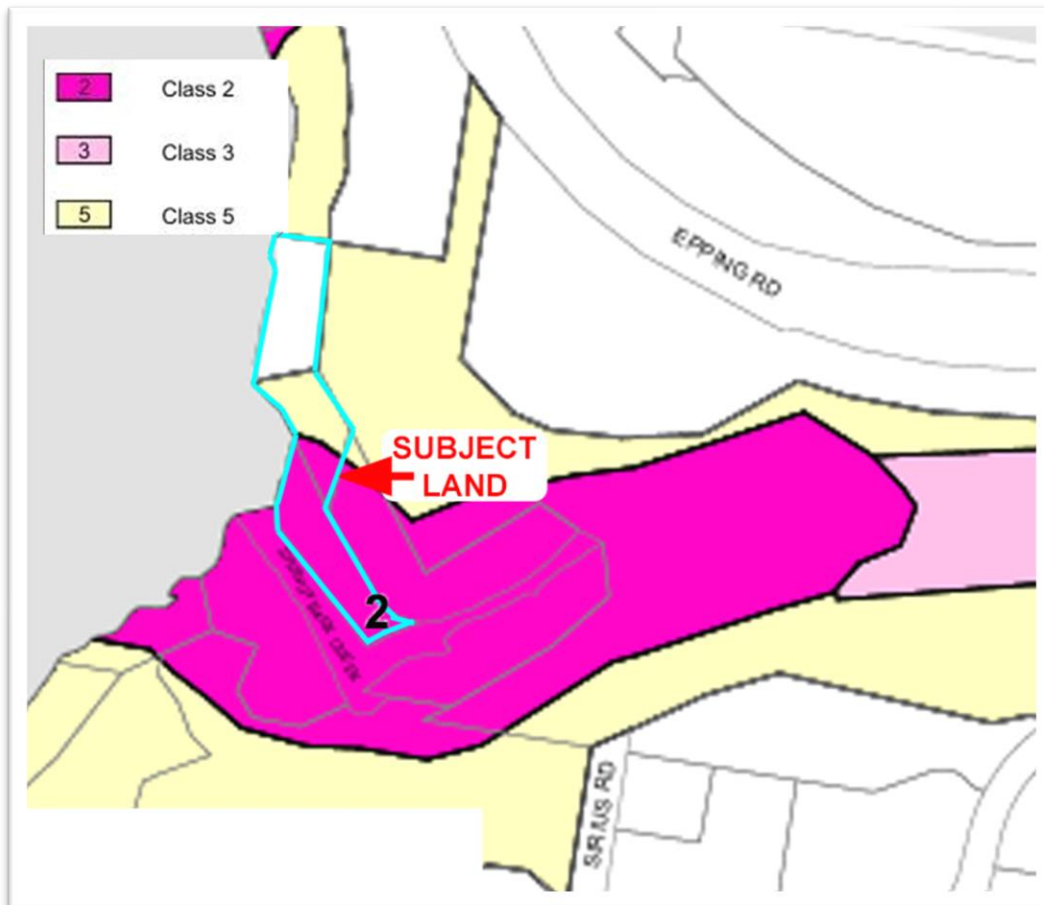
**Lane Cove Local Planning Panel Meeting 14 May 2024**  
**PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE)**

- (c) Notwithstanding that most of the works will occur within areas which are currently highly disturbed, all reasonable measures will be implemented to minimise the amount of bushland to be disturbed.
- (d) Considerable measures will be implemented to remediate the bushland. Indeed, the purpose of the proposal is mitigate long standing contamination, re-open this section of bushland track to the public and to preserve the environment.

**It is concluded that the Panel can be satisfied in relation to Clause 5.23 – Public Bushland - of Lane Cove LEP 2009.**

Clause 6.1 – Acid sulfate soils – sets out 5 classes of land. The works fall partially within Class 2 and partially within Class 5, as shown below on the extract from LCLEP2009 Acid Sulfate Soils Map.

**Figure 10: Extract from Lane Cove LEP 2009 Acid Sulfate Soils Map- Sheet ASS\_001**



As required by clause 6.1(3), the application is accompanied by an acid Sulfate Soils Management Plan. Prepared by Epic Environmental, the Plan provides a description of potential risks and a series of management strategies for the excavation and handling of acid sulfate soils, should they be encountered during the works. A draft condition is proposed to ensure that the works are carried out in compliance with the Acid Sulfate Soils Management Plan.

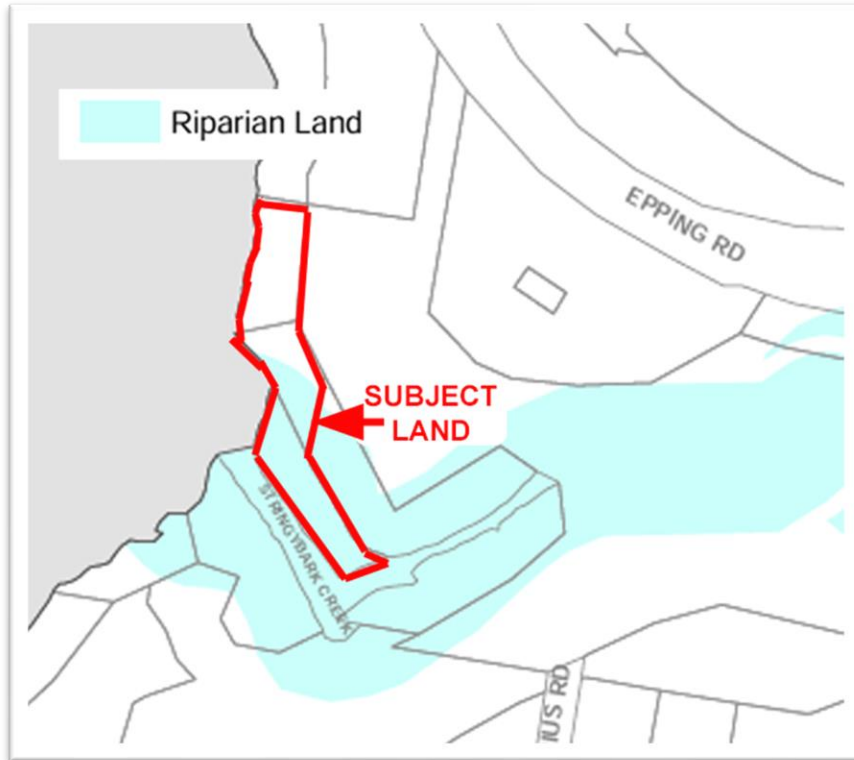
**It is concluded that the Panel can be satisfied in relation to Clause 6.1 – Acid Sulfate Soils of Lane Cove LEP 2009.**

Clause 6.3 – Riparian land – provides in subclause 2:

*“Despite any other provision of this Plan, development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the impact of the proposed development on the land and any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on that land.”*

As shown in Figure 11 below, part of the land is identified as riparian land.

**Figure 11: Extract from Lane Cove LEP 2009 Riparian Land Map - Sheet CL1\_001**



The proposal is to replace an existing dilapidated boardwalk which traverses an area of highly disturbed bushland and aquatic environment. The application is accompanied by a Biodiversity Development Assessment Report prepared by SLR Consulting, which includes an assessment of impact on the aquatic environment. The report identifies that during the construction phase, the proposal is not likely to have an adverse impact on any aquatic species, populations and communities.

The proposal may affect water quality during construction and in turn indirectly affect aquatic biodiversity via disturbance and redistribution of sediments. However, this effect will be temporary and minimised by carrying out works at low tide. Management recommendations have been provided to mitigate any potential indirect impacts.

The Report confirms that the project is unlikely to result in impacts to aquatic biodiversity during operation. No long-term cumulative impacts to aquatic biodiversity and habitat are expected.

It is noted that the development is integrated development, as a permit will be required under the *Fisheries Management Act, 1994* (FM Act) for the works. The application was referred to DPI Fisheries. A response was received on 29 April 2024 advising that there are no objections to the proposal, subject to meeting the General Terms of Approval (GTAs), which includes the requirement to obtain a permit for dredging, reclamation and harm marine vegetation under the FM Act. The GTAs are included in the draft consent conditions.

**It is concluded that the Panel can be satisfied in relation to Clause 6.3 – Riparian land of Lane Cove LEP 2009.**

### **Draft Environmental Planning Instruments**

There are no draft instruments.

### **Development Control Plans**

Lane Cove Development Control Plan 2010 applies to the development. Part G – Acid Sulfate Soils and Part H – Bushland Protection are relevant.

Part G sets out the appropriate procedures and requirements for development which may involve acids sulfate soils. In particular, development must include a soil management plan prepared in accordance with Assessment Guidelines chapter within the Acid Sulfate Soil Manual. A comprehensive assessment report prepared by Epic Environmental satisfies this requirement.

Part H presents a number of objectives relating bushland protection. Objective 3 is of most relevance to the development:

*“3. To maintain and regenerate areas of natural bushland which have been defined as an essential character of Lane Cove.”*

The development is clearly aligned with this objective, and satisfied the relevant provisions of Part H.

**It is considered that the Panel can be satisfied in relation to compliance with the relevant provisions of Lane Cove Development Control Plan 2010**

### **Regulations**

The *Environmental Planning and Assessment Regulation, 2021 (EP&A Reg)* contains no prescribed provisions which relate to this development application.

### **Likely Impacts of the Development**

#### ***Contamination and Remediation***

A preliminary environmental site assessment identified elevated concentrations of heavy metals, particularly lead, total recoverable hydrocarbons (TRH), polycyclic aromatic hydrocarbons (PAHs) and asbestos (bonded and friable) in soil, and asbestos fragments on the ground surface. A Remedial Action Plan (RAP) was subsequently prepared by Epic Environmental, which provides remedial strategies and management requirements for the development works area.

The remediation strategy involves removing two stockpiles of surface asbestos-containing material in accordance with the Asbestos Management Plan. The remaining contamination, contained within the soil, is to be managed on site by capping for a distance of 5 metres to the landward side of the boardwalk, excluding the mangrove area. The capping will comprise 150mm layer of VENM, which is to be contained on the downslope side by a rock edge.

A draft condition is proposed to ensure that the Remediation Action Plan is implemented during the course of the development and that the works are signed off by the site auditor.

**It is considered that the Panel can be satisfied that the contamination identified on the site will be remediated in accordance with the RAP and the walkway will be suitable for public access.**

### ***Flood Hazard***

The flood modelling prepared by GRC Hydro identifies that the area in the vicinity of the proposed boardwalk ranges predominantly from a low to medium hazard, with a small portion predicted to experience high hazard. The area will be inundated during a 1% flood event, with depths of up to 1.0 m on either side of the works, and a depth of up to 0.55m over the walkway.

The walkway construction has been designed to withstand inundation and the predicted flow of floodwaters. The flood modelling also shows that the development may result in a very minor displacement of flood waters with a small fringe immediately east of the proposed development.

The flood flow will be relatively slow moving, however people attending the site need to be informed of the flood risk and told what to do in the event of flood. It is noted that the southern end of the walkway will be elevated to match the level of the base of the Stringybark Creek pedestrian bridge, providing a rising egress path above the 1% level. A draft condition is proposed to ensure that appropriate flood warning signs are installed at each end of the walkway.

**It is considered that the Panel can be satisfied that the proposed works will have minimal impact on flooding in the locality and will provide a safe walkway with rising egress in the event of flood.**

### ***Bushfire Hazard***

The Lane Cove Council Bushfire Prone Land Map identifies the site as containing Category 2 Vegetation.

The boardwalk is classified under the National Construction Code as a Class 10a structure. Planning for Bushfire contains no fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas. Therefore, there are no specific construction requirements or asset protection zones. This is confirmed in a report prepared for the EIS by Building Code and Bushfire Hazard Solutions Pty Ltd.

Notwithstanding, the application was referred to the NSW Rural Fire Service (RFS) for comment. The RFS advised on 20 February 2024 that it raises no objections to the proposal and confirmed that there are no construction requirements under Planning for Bushfire 2019 for the proposed structure.

**It is considered that the Panel can be satisfied that the proposed works will have minimal impact in terms of bushfire hazard.**

### ***Biodiversity***

A Biodiversity Development Assessment Report (BDAR) was prepared by SLR Consulting, which assesses biodiversity impacts in accordance with the Biodiversity Assessment Method (BAM) (DPE, 2020).

The BDAR is required because the proposal includes removal of native vegetation which is identified on the NSW Biodiversity Values Map. The BDAR outlines that the project has satisfactorily sought to avoid or minimise impacts as follows:

- The new boardwalk follows the alignment of the existing boardwalk minimising vegetation removal required;
- The extent of the remediation (5m) is limited to that necessary for public safety;
- The area surrounding the boardwalk is of similar biodiversity value and accordingly there are limited opportunities to avoid biodiversity impacts;



**Lane Cove Local Planning Panel Meeting 14 May 2024**  
**PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE)**

- The remediation has been clarified to exclude capping within the mangrove area (PCT 4091); and
- The remediation area within PCT 4028 will be subject to rehabilitation through a Vegetation Management Plan (VMP).

The BDAR assumes that all native vegetation will be removed and offset within the dominant PCT area shown in Figure 27 (light green shading). The area aligns with the remediation area. It is noted, that while not reducing the offset requirements, the remediation will not result in:

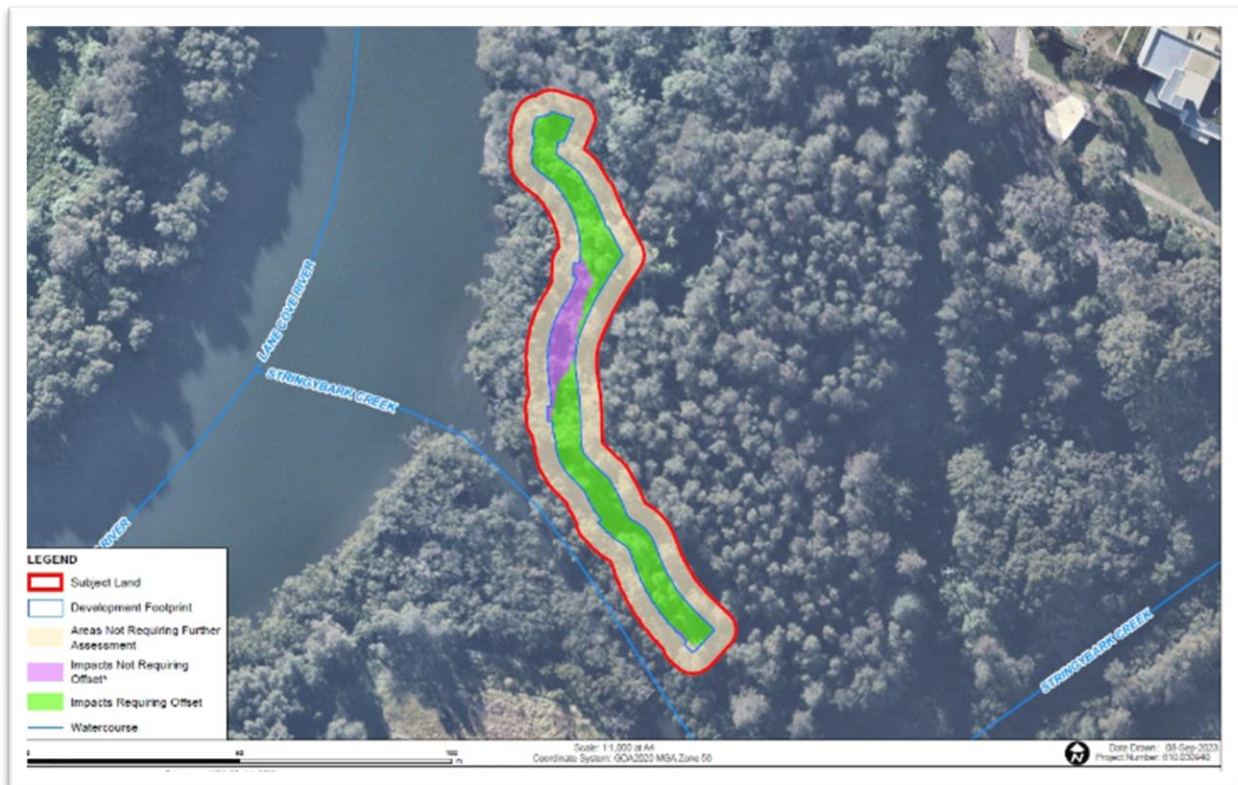
- The removal of, or capping of, mangrove vegetation (PCT 4091) with the exception of new strip footings for the boardwalk; or
- The removal of any tree shown on the Survey Plan with the exception of one tree.

The offset requirements are calculated in the BDAR being an ecosystem credit requirement of two PCT 4028 credits.

Draft conditions are proposed to ensure that a VMP is submitted to Council for approval, implementation during the works and certification upon completion.

**It is considered that the Panel can be satisfied that the proposed works will have minimal impact on biodiversity and will result in a better outcome compared to the current condition of the site.**

**Figure 11: Biodiversity Offset Requirements Source: Fig 27 EIS**



### ***Aquatic Ecology***

The site includes land within Lane Cove River and is mapped as Coastal Wetlands and Proximity Area for Coastal Wetlands under the provisions of State Environmental Planning Policy (Hazards and Resilience) 2021.



The proposed works have been designed to have minimal aquatic ecology impacts and construction and ongoing impacts can be appropriately managed through mitigation measures. The specific works required for the dredging/excavation for the new boardwalk footings will be subject to a permit under Fisheries Management Act 1994. It is noted that General Terms of Approval have been provided by DPI Fisheries, which include a requirement to obtain a permit for the works.

The Biodiversity Development Assessment Report prepared by SLR Consulting includes an assessment of the impacts of aquatic ecology. The Report confirms that the project is unlikely to result in impacts to aquatic biodiversity during operation. No long-term cumulative impacts to aquatic biodiversity and habitat are expected.

**It is considered that the Panel can be satisfied that the proposed works will have minimal impact on aquatic ecology.**

### ***Aboriginal Heritage***

An Aboriginal Heritage Due Diligence report was prepared by Umwelt (Appendix P) in accordance with Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW 2010 (DECCW, 2010). The report concludes:

*“Through a review of environmental and archaeological context for the Project area and environs and identified that there are no Aboriginal sites located within the footprint of the proposed works, and the Project area itself generally retains low archaeological potential. This report has concluded that the Project will have negligible impact to known and/or potential Aboriginal sites and as such, works may proceed without any further archaeological assessment, approvals or associated constraint.”*

The report also makes recommendations for contractors and refers to the Unexpected Heritage Finds Procedure, should any objects be identified during the works. A draft condition is proposed to ensure those recommendations are implemented.

**It is considered that the Panel can be satisfied that the proposed works will have minimal impact on Aboriginal heritage.**

### ***European Heritage***

The land adjoins land which is identified as having archaeological significance (Site A6) on the Lane Cove LEP 2009 Heritage Map. The site is described as the “Chicago Mills” site. The land is also in the vicinity of a heritage item, described as “Cumberland Paper Mills” (Item I214).

The EIS includes a detailed history of the heritage items and an assessment of heritage impacts which states, in part:

*“The Project and associated works are not located within the boundary of any listed heritage items and would not require interaction or intervention with any significant heritage fabric of the heritage items in the vicinity. They would not result in any direct impacts to the heritage items.*

*The Site is located within an area of dense vegetation, where views to/from the existing boardwalk are limited. The new elevated boardwalk would be screened by vegetation as with the current boardwalk and footpath and would not result in changes or obstruction to views of heritage items located in the vicinity of the Site.*

*The proposed works are located in the vicinity of the Chicago Flour Mill and Cumberland Paper Mill local archaeological items (Items A6 and A5 listed on the Lane Cove LEP 2009), however it is not included in the listing curtilage for either item. Little evidence in the historical record indicates that the operations of these archaeological items extended into the Site. The Site is located within a tidal riparian*

*zone and appears to have been subject to disturbance through clearing undertaken historically as well as some landform modification to construct the existing pathway. In the unlikely event that archaeological remains associated with the Cumberland Paper Mill or Chicago Mill archaeological items extended into the Site, they would likely be fragmented from previous disturbances, and unlikely to be of heritage significance.”*

**Based on the information provided in the EIS, it is concluded that Panel can be satisfied in relation to European heritage.**

### ***Acoustic Impacts***

A Noise and Vibration Impact Assessment was prepared by Pulse White Noise Acoustics for submission with the EIS.

The assessment concludes:

*“Noise and vibration impacts have been assessed for three construction scenarios and associated construction equipment. The assessment has found that at times works would exceed the applicable noise management levels. During times where the most noise intensive equipment is not operating, the noise levels are likely to slightly exceed or potentially comply with the NMLs.*

*These impacts are typical of construction works of this nature and highlight the importance of effective management and mitigation measures. Provided in Section 6 of this document are recommended measures to reduce the impacts from the works.*

*Vibration impacts have been assessed against the EPAs AVATG, and have identified that the proposed equipment would comply with the safe working distances and meet the requirements of the vibration criteria defined in the condition of consent. Vibration management and mitigation measures have been recommended in Section 6 to ensure that impacts are reduced as much as practicable.*

*Provided in Section 6.2 are community engagement and consultation recommendations are to assist in alleviating concerns from local residents and businesses. The incorporation of these recommendations in the approach to the works should reduce adverse reactions from the local community.”*

A draft condition is proposed to ensure that the recommendations of the noise and vibration assessment report are implemented during construction works

**Based on the information provided in the Noise and Vibration Impact Assessment, it is concluded that Panel can be satisfied in relation to this matter.**

### ***Social Impacts***

The existing bushland track has been closed for some 10 years due to public safety concerns relating to the poor condition of the boardwalk and identified contamination of the site.

The proposed works will make the area safe for public access and this section will again be connected to the Lane Cove Loop Walk, connecting the Stringy Bark Creek pedestrian bridge (south) and the pumphouse (north).

**It is considered that the proposed works will have a positive social impact.**

### ***Economic Impacts***

Economic impacts are related to the additional employment created for construction workers/contractors in carrying out the works. Also, as the Lane Cove Loop Walk will be complete, it may draw people from outside the LGA to experience this attractive bushland walk.

**It is considered that the proposed works will have a positive economic impact.**

### **Suitability of the Site**

It is clear that the site is suitable for the proposed development. The use of the site will not change and the new walkway will enhance the natural attributes of the site. The EIS and accompanying specialist reports demonstrate that there is minimal environmental impacts during construction and that there are long environmental benefits on completion of the work.

**It is considered that the site is suitable for the proposed development.**

### **Any Submissions Made**

As a requirement of the SEAR, adjoining landowners and local bushland community groups were notified by letter of the project on 19 July 2023, with a 28 day period to respond. Two (2) responses were received from the Bushland Management Advisory Committee. The responses support the boardwalk and associated remediation to re-open this link within the wider bush walking track network and sought further details. This consultation was made prior to preparation of the EIS. All relevant details are provided with the submission of the development application.

In accordance with the Lane Cove Community Participation Plan, the application was notified from 15/12/2023 to 12/01/2024. No submissions were received.

### **The Public Interest**

It is considered that the proposed modification will facilitate the Objects of the Environmental Planning and Assessment Act, 1979. In particular, the following Objects are relevant:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (c) to promote the orderly and economic use and development of land,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*

The proposed works will make the area safe for public access and this section will again be connected to the Lane Cove Loop Walk, connecting the Stringy Bark Creek pedestrian bridge (south) and the pumphouse (north).

**Accordingly, it is considered that the approval of the development serves the public interest.**

### **CONCLUSION**

The development application proposes to demolish a section of the existing timber boardwalk and construct a new 1.7m wide walkway comprising reinforced fibreglass panels on new footings and piers. The new walkway will also cover an existing section of ground level track.

The application also proposes remediation of the ground within a distance of 5 metres from the land-facing edge of the proposed new walkway. This area will also be rehabilitated in accordance with a Vegetation Management Plan.

It is considered that the EIS satisfies the requirements of the NSW Secretary's Environmental Assessment Requirements (SEAR). The EIS demonstrates that the impacts can be mitigated, minimised, or managed appropriately.

**Lane Cove Local Planning Panel Meeting 14 May 2024  
PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE)**

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.

There will be minimal adverse impacts during construction and there are significant long-term environmental benefits following completion of the works. The works will make the area safe for public access and this section will again be part of the Lane Cove Loop Walk, connecting the Stringy Bark Creek pedestrian bridge and the pumphouse.

It is concluded that the proposed works will create social, environmental and public interest benefits by remediating contaminated land, rehabilitating bushland and providing safe public access.

**Accordingly, it is recommended that the application be approved.**

**RECOMMENDATION**

That pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Lane Cove Local Planning Panel at its meeting of 14 May 2024, exercising the functions of Council as the consent authority, grants development consent to Development Application DA 130/2023 for Construction of Boardwalk and Remediation at Lot 7026 DP 93903, Lot 7004 DP 1124084 & Lot 7373 DP 1161897 West Street Lane Cove West, subject to the following conditions:

**Part A - General Conditions**

**A.1 - Approved plans and supporting documentation**

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

<b>Plan No</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Dated</b>
L-101	A	Demolition & Earthworks+	Newscape	8/3/22
L-102	A	Overall Landscape Plan	Newscape	8/3/22
L-103	A	Landscape Detail Plan Sheet 1	Newscape	8/3/22
L-104	A	Landscape Detail Plan Sheet 2+	Newscape	8/3/22
L-105	A	Setout Plan Sheet 1+	Newscape	8/3/22
L-106	A	Setout Plan Sheet 2	Newscape	8/3/22
L-107	A	Cross Section Sheet 1	Newscape	8/3/22
L-108	A	Cross Section Sheet 2	Newscape	8/3/22
L-109	A	Details	Newscape	8/3/22
S.1	C	Specification Notes	NJK Consulting	16/3/22

**Lane Cove Local Planning Panel Meeting 14 May 2024  
PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE)**

			Engineers	
S.2	C	Boardwalk Details 1	NJK Consulting Engineers	16/3/22
S.3	C	Boardwalk Details 2	NJK Consulting Engineers	16/3/22

Document Title	Prepared By.	Dated
Environmental Impact Statement	DFP	5/12/23
Flood Impact Assessment	GRC Hydro	30/10/23
Bushfire Assessment	Building Code & Bushfire Hazard Solutions	31/10/23
Biodiversity Development Assessment Report	SLR Consulting Australia Pty Ltd	14/11/23
Remediation Action Plan	Epic Environmental	13/11/23
Site Audit Report	Senversa Pty Ltd	20/11/23
Site Audit Statement	Senversa Pty Ltd	20/11/23
Acid Sulfate Soil Management Plan	Epic Environmental	29/6/23
Asbestos Management Plan	Epic Environmental	24/5/23
Aboriginal Heritage Due Diligence Report	Umwelt	24/11/23
Noise & Vibration Impact Assessment	Pulse White Noise Acoustics	27/11/23

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

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

**A.2 - Payment of building and construction industry long service levy**

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

**Reason: To ensure the long service levy is paid.**

**Part B – Prior to Demolition Works**

**B.1 Asbestos removal, handling and disposal**

The removal, handling and disposal of asbestos shall be carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Confirmation is to be provided to the Principal Certifying Authority that the methods and recommendations of the Asbestos Management Plan and the Remediation Action Plan prepared by Epic Environmental are to be implemented, including details of the contractor(s) who will be handling/disposing of asbestos

**Reason: To ensure worker and public health and safety.**

### **B.2 Compliance with demolition standard**

Demolition of structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.

**Reason: Prescribed condition under the EP&A Regulation 2000.**

### **B.3 Demolition work plan**

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

The demolition work plan must be submitted to the Principal Certifying Authority (PCA), not less than seven (7) working days before commencing any demolition work. A copy of the demolition work plan must be maintained on site and be made available to Council officers upon request.

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

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

**Reason: To ensure health and safety.**

## **Part C – Prior to Issue of a Construction Certificate**

### **C.1 – Viewing Platform Locations**

The location of the viewing platforms is to be determined in conjunction with Council and the locations are to be shown on the construction certificate plans.

**Reason: To determine the most appropriate locations for viewing platforms.**

### **C.2 – Vegetation Management Plan**

A comprehensive vegetation management plan (VMP) shall be submitted to Council for approval, which details rehabilitation of areas which are disturbed during construction to be planted with species endemic to the Estuarine Swamp Oak Twig-rush Forest, and removal of noxious weed species. The VMP shall include measures for ongoing maintenance following completion of the works.

**Reason: To ensure that vegetation is rehabilitated following the works.**

### **C.3 - Construction Site Management Plan**

A construction site management plan is to be prepared and submitted to the PCA. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- For sites adjoining bushland a 1.8m chain mesh perimeter fence with 1m sediment fencing



attached to the lower portion is required to ensure that no foreign materials enter the bushland.

- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2010 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- For major works, appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor tree(s) condition during the construction process.
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's *Interim Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.

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

#### **Council Approvals**

1. Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".

#### **Additional Council Requirements**

1. All stockpiles of contaminated materials must be stored in an environmentally sensitive manner in a secure area on the site and shall be suitably covered to prevent dust and odour nuisance.
2. All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).

**Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.**

#### **C.4 - Erosion and sediment control plan**

Prior to any demolition works or clearing of any vegetation and before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban

Stormwater: Soils and Construction Certificate' (the Blue Book), and

- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

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

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

### **C.5 - Structural engineer's details**

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

- retaining walls;
- footings;
- pylons;
- structural work;

**Reason: To ensure structural adequacy.**

## **Part D - Prior to Commencement of Building Works**

### **D1.- Crown Land Reservation R752067 (Lot 7373 DP1161897)**

Council is to request appointment as the Crown Land Manager (CLM) of R752067.

Alternatively, the applicant should obtain a license to authorise the on-ground works and occupation of Lot 7373 DP1161897.

The applicant should contact Crown lands directly to discuss requirements in relation to this condition.

**Reason: Rationalise the management of Crown land included as part of this proposal.**

### **D.2 - Erosion and sediment controls in place**

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

**Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.**

### **D.3 - Signs on site**

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

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

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

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

## **Part E – While Building Work is Being Carried Out**

### **E.1 - Hours of work**

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

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm

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

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

**Reason: To protect the amenity of the surrounding area.**

### **E.2 - Compliance with the Building Code of Australia**

Building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

**Reason: Prescribed condition - EP&A Regulation clause 98(1)(a)**

### **E.3 - Critical stage inspections**

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

- a) retaining walls;
- b) footings;
- c) structural work;

**Reason: EP&A Act requirement.**

### **E.4 - Remediation Action Plan**

The site shall be remediated in accordance with the Remedial Action Plan prepared by Epic Environmental, dated 13/11/23 or as amended, if required.

Any variations to the remediation strategy or, new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of the Site Auditor must be obtained prior to implementing any changes to the remediation action plan, strategies, or associated conditions of consent.

**Reason: To ensure health and safety.**

### **E.5 - Implementation of the site management plans**

While vegetation removal, demolition and building work is being carried out, the applicant must ensure the measures required by the following documents are implemented at all times:

**Lane Cove Local Planning Panel Meeting 14 May 2024  
PUMPHOUSE LANE COVE BUSHWALK (VENTEMANS REACH RESERVE)**

<b>Document</b>	<b>Author</b>	<b>Date</b>
Construction Site Management Plan	TBA	TBA
Biodiversity Development Assessment Report	SLR Consulting Australia Pty Ltd	14/11/23
Remediation Action Plan	Epic Environmental	13/11/23
Acid Sulfate Soil Management Plan	Epic Environmental	29/6/23
Asbestos Management Plan	Epic Environmental	24/5/23
Aboriginal Heritage Due Diligence Report	Umwelt	24/11/23
Noise & Vibration Impact Assessment	Pulse White Noise Acoustics	27/11/23

The applicant must ensure that copies of these approved plans and documents are kept on site at all times and made available to Council officers upon request.

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

**E.6 – Implementation of VMP**

The requirements of the approved Vegetation Management Plan shall be implemented during the works.

**Reason: To ensure that vegetation is rehabilitated following the works.**

**E.7 - Offsite disposal of contaminated soil**

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

**Reason: To ensure health and safety.**

**E.8 - Hazardous or intractable wastes**

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

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

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

and Regulations.

**Reason: To ensure health and safety**

### **E.9 - Tree protection**

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

**Reason: To protect trees during construction.**

### **E.10 - Cut and fill**

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b) All fill material imported to the site must be Virgin Excavated Natural as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

**Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.**

### **E.11 - Waste Management**

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

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

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

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

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

#### **E.12 – Works zones**

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

**Reason: To ensure pedestrian and traffic safety.**

#### **E.13 – Heavy vehicle requirements**

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

**Reason: To protect the environment.**

#### **E.14 - No obstruction of public way**

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

**Reason: To ensure public safety.**

#### **E.15- Environmental Impacts during construction**

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

**Reason: To protect the environment.**

#### **E.16 - Compliance tracking and reporting**

The Applicant must provide regular (6 monthly) reporting on any environmental performance required by the development consent for the development on its project website, in accordance with the reporting arrangements in any plans or other documents approved under the conditions of this consent.

**Reason: To protect the environment.**

### **Part F - Prior to Issue of an Occupation Certificate**

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

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



any other evidence confirming the following completed works:

- Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
- Certification from suitable licensed contractor that the all works have been constructed satisfying relevant Australian standards.

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

**Reason: To confirm the location of works once constructed that will become council assets.**

#### **F.2 – Site Auditor certification**

An EPA accredited Site Auditor shall provide a Section A Site Audit Statement to the PCA and the Council which confirms that the site has been remediated in accordance with the approved Remediation Action Plan and is suitable for the approved use.

**Reason: To ensure public health and safety**

#### **F.3 - Preservation of survey marks**

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

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

**Reason: To protect the State's survey infrastructure.**

#### **F.4 - Removal of waste upon completion**

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

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

#### **F.5 - Completion of VMP**

Evidence must be provided to the principal certifier confirming that all landscape and tree-works, including the removal of all noxious weed species, have been completed in accordance with the approved Vegetation Management Plan and any relevant conditions of this consent.

**Reason: To ensure the approved bushland rehabilitation has been completed before occupation, in accordance with the approved Vegetation Management Plan**

#### **F.6 – Interpretive Signage**

Signage is to be installed at each of the viewing platforms outlining the importance of key fish habitats within the coastal wetlands. The wording, materials, size, graphics and format is to be determined by Council.

**Reason: To provide public education about the importance of coastal wetlands.**

### **F.7 – Flood Warning Signage**

A flood warning sign is to be erected at each end of the walkway with the following wording:

*“This walkway is subject to flooding. Users of this facility should not enter flood waters. This walkway is not suitable for use in time of flooding. If you see flooding over the walkway, please turn around and leave the vicinity.”*

The materials, size, format and graphics are to be determined by Council’

Reason: To manage flood risk.

### **Compliance with the following conditions provided by Department of Primary Industries, DPI Fisheries.**

1. The proponent must apply for and obtain a Part 7 permit for dredging, reclamation and harm marine vegetation under the FM Act from DPI Fisheries prior to any works on site. Permit application forms are available from the DPI Fisheries website at: <https://www.dpi.nsw.gov.au/fishing/habitat/help/permit>;
2. Offsets for harm to marine vegetation will be negotiated between DPI Fisheries and Lane Cove Municipal Council as part of the Fisheries Permit process. Council must undertake a feasibility assessment for on-ground rehabilitation works. Monetary compensation will only be accepted if the feasibility assessment demonstrates that there is no potential for on-ground rehabilitation works; and
3. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

Mark Brisby  
**Director**  
**Planning and Sustainability Division**

### **ATTACHMENTS:**

<b>AT-1</b> <a href="#">View</a>	Planning Secretary's Environmental Assessment Requirements	3 Pages	Available Electronically
<b>AT-2</b> <a href="#">View</a>	Proposed Migration Measures	4 Pages	Available Electronically
<b>AT-3</b> <a href="#">View</a>	Applicant's response to Clause 5.21 of LCLEP 2009	2 Pages	Available Electronically