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**Sent:** 3/06/2022 12:14:59 PM  
**Subject:** DA2021/2608 - 100 South Creek Road, Cromer  
**Attachments:** DOC22 430829 OUT - EPA to Northern Beaches Council - Comments re DA2021 2068 - re 100 South Creek Road Cromer - 03062022.pdf;

Dear Mr Brownlee,

Please see attached the EPA's response to a request for response by Northern Beaches Council for proposed development DA2021/2608. If you have any questions, please contact me on 02 9995 5195.

Regards,

**Brenda Ioffrida**  
Operations Officer  
Regulatory Operations – Metropolitan West  
NSW Environment Protection Authority  
D 02 9995 5195



[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) @NSW EPA

*The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.*

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DOC22/430829

Mr Ray Brownlee  
General Manager  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

By email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Attention: Timothy O'Keefe and Thomas Prosser

Dear Mr Brownlee

**DA2021/2608 – Lot 1 DP 1220196, 100 South Creek Road, Cromer  
(also known as 4-10 Inman Road, Cromer)**

Thank you for your request to comment on development application (Ref: DA2021/2608) for 100 South Creek Road, Cromer (also referred to previously as 4-10 Inman Road, Cromer) (the Land).

I note that the EPA has previously provided comments on the following development applications at the same address:

- DA2019/0346 – for the development of the Northern Beaches Business Park, including warehouses, storage units and basement parking. Advice was provided on 18 May 2020 (Ref: DOC20/354050) and the application has been approved with conditions by Northern Beaches Council (Council);
- MOD2020/0611 – for modifications to DA2019/0346 including a change in car parking design and location and other alterations for the approved DA2019/1346. Advice was provided on 23 February 2021 (Ref: DOC21/123029) and Council have approved the modifications with conditions; and
- DA2021/1464 – for a proposed subdivision of lots only.

I note that the development application DA2021/2608 currently under consideration by Council submitted by Aquatic Achievers Operations Pty Ltd is situated on part of the Land subjected to the above development applications, although the purpose of the current application is for a different land use, being an indoor recreational swim school, comprising the construction of two indoor, inground swimming pools, amenities and associated office and kitchenette. The portion of land included in this development application is wholly within an area that has not been declared by the EPA as significantly contaminated under the *Contaminated Land Management Act 1997* (CLM Act).

The EPA has reviewed the relevant information for contamination matters as provided on the Council website under the “Documents” section for DA2021/2608 including:

**Phone** 131 555  
**Phone** +61 2 9995 5555  
(from outside NSW)

**TTY** 133 677  
**ABN** 43 692 285 758

Locked Bag 5022  
Parramatta  
NSW 2124 Australia

4 Parramatta Square  
12 Darcy St, Parramatta  
NSW 2150 Australia

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

- Willowtree Planning Pty Ltd (Willowtree Planning), *Statement of Environmental Effects, Proposed Change of Use and Fitout – Indoor Recreation Facility (Swim School), 100 South Creek Road, Cromer, Lot 1 DP 1220196*;
- Willowtree Planning, *Warringah Development Control Plan 2011 Assessment*;
- Willowtree Planning, *Master Site – Plans*; and
- TRACE Environmental, 2022. *Response to request for information – contamination issues – Northern Beaches Business Park – Proposed Warehouse Unit #1 (DA2021/2608)*.

I note that the EPA has not been provided with the following documents which are referenced by TRACE Environmental (2022) and the EPA therefore cannot comment on the adequacy of these documents:

- Remedial Action Plan, Proposed Commercial Building, 4-10 Inman Road, Cromer, NSW. 9 December 2021;
- Site Audit Interim Advice 08 – Appropriateness of the Remedial Action Plan (following review of final document – Rev-0) – Proposed Commercial Building, 4-10 Inman Road, Cromer, NSW;
- Construction Dewatering Management Plan, 4-10 Inman Road, Cromer, NSW, Rev D. 7 March 2022; and
- Site Interim Audit Advice 09 – Approval of Construction Dewatering Management Plan. 21 March 2022.

### **Comments on DA2021/2608**

#### **Change of Land Use – Indoor Recreation and Excavation to Construct Swimming Pools**

The Land is zoned IN1 – Commercial/Industrial under the Warringah LEP map (2011). The Land was the subject of a non-statutory site audit within the meaning of the CLM Act completed in 2018 for the owner at the time. The Section A1 Site Audit Statement concluded that the Land was suitable for commercial/industrial or residential purposes with limited access to soils. In the “overall comments” section of the Site Audit Statement, the auditor commented that the Land was suitable for commercial/industrial and/or residential (slab on grade) land use, however the auditor noted that “*should basement car parking and/or other excavations potentially requiring dewatering of Part A be considered then reconsideration of the suitability of the Site may be required*”. Given the proposed development is not a slab on grade construction, Council should consider site suitability. Council should also consider that the abovementioned non-statutory audit is now over four years old and site conditions may have changed since the audit was completed.

TRACE Environmental refer to a Construction Dewatering Management Plan which was finalised on 7 March 2022 and that the appointed site auditor engaged as part of consent conditions for the DA2019/1346 has reviewed the final plan and concluded that the plan is appropriate to manage potential contamination issues during construction dewatering activities. Council should confirm that the auditor engaged for consent conditions of DA2019/1346 has considered the proposed use of land for this development and that the dewatering management plan is adequate for this land use also.

Excavation of up to 1.8 metres depth is reported to be required to construct the swimming pools. TRACE Environmental has stated that excavations will only encounter virgin excavated natural material (VENM), however the EPA cannot confirm this as we have not been provided with a validation report confirming the material, nor recent interim advices from the auditor engaged for consent purposes for DA2019/1346. It is understood that a final Remedial Action Plan was reviewed and considered appropriate by the auditor in January 2022, however, it is understood that the auditor has not sighted the proposed development application documents for the swimming pool and therefore Council may require confirmation of this by the auditor and consider whether an additional audit interim advice is required for the proposed land use.

**Voluntary Management Proposal for the Regulated Portion of 100 South Creek Road, Cromer**

The EPA is regulating the south-western portion of 100 South Creek Road, Cromer for significant contamination associated with historical uses at the site. The EPA have recently received a remediation progress report and will be meeting with the proponent imminently to discuss the next steps for remediation of the site. Please note that the voluntary management proposal is applicable to the regulated portion of 100 South Creek Road, Cromer only and should not impact the proposed development detailed in DA2021/2608. Active groundwater remediation is considered to have been completed, however the EPA expects that ongoing maintenance and monitoring will be required going forward, due to the complexities of groundwater contamination, depth of impact and potential soil vapour impacts. The EPA can confirm the maintenance and monitoring requirements of the regulated portion of 100 South Creek Road, Cromer in due course.

**Seeking advice from a NSW EPA accredited site auditor**

Council should consider requiring confirmation that the Remedial Action Plan and Construction Dewatering Management Plan are appropriate for this development application by either seeking advice from the auditor commissioned for the consent conditions associated with DA2019/1346, or by requiring interim advices from the Applicant as part of development consent conditions for this development application.

Council could also seek advice from a NSW EPA accredited site auditor and the consultant regarding whether the objectives of the Remedial Action Plan (commercial/industrial use) are applicable to indoor swimming pools. If you have any questions, please do not hesitate to contact Brenda Ioffrida on 02 9995 5195 or [brenda.ioffrida@epa.nsw.gov.au](mailto:brenda.ioffrida@epa.nsw.gov.au).

Yours sincerely



2 June 2022

**ANDREW HAWKINS**  
**Unit Head Regulatory Operations**  
**NSW Environment Protection Authority**