



R h e l m

Alterations & Additions to Newport Surf Life Saving Club

Amended Statement of Environmental
Effects

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Executive Summary

This Amended Statement of Environmental Effects (**ASEE**) has been prepared by Rhelm, in partnership with Northern Beaches Planning, on behalf of Northern Beaches Council.

On 12 November 2021, Northern Beaches Council (the **Applicant**) submitted a Development Application (DA2021/2173) for the proposed alterations and additions to the Newport Surf Life Saving Club (**SLSC**) building and ancillary coastal protection works at 394 and 394A Barrenjoey Road, Newport (the **site**). The Application was refused by the Sydney North Planning Panel (**SNPP**) on 5 October 2022. On 29 November 2022 the Applicant submitted a request for review of the SNPP's refusal, however this review has not yet been determined.

On 4 April 2023 the Applicant commenced Class 1 proceedings in the Land and Environment Court of NSW (Case no. 2023/00109048), pursuant to section 8.7 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

This ASEE has been prepared to address changes made to the proposal since lodgement of the appeal and to respond to the matters raised in the Statement of Facts and Contentions.

Key findings of the independent review documented in this ASEE are:

- The proposed new works are maintained below the 8.5 m maximum building height prescribed by clause 4.3(2) of PLEP 2014, and as such, no clause 4.6 request is required.
- Clause 5.21 of the PLEP 2014 is the relevant clause relating to flood risk (as this clause came into force in July 2021, noting the application was lodged in November 2021). However, this does not alter the outcomes of the assessment (noting the former clause 7.3 of PLEP 2014, now repealed, was identified as the relevant clause in the application documentation and assessment).
- Whilst an assessment of a range of ancillary works options was completed, the reason for the retention of the SLSC building in support of the proposed alterations and additions (including an evaluation of the 'do nothing' or 'do minimum' options) was not documented in a manner that provided clarity for the consent authority. As such an assessment of potential options was documented in the Options Assessment and Review report (NBP and Rhelm, 2024).
- The local heritage significance of the SLSC (having been a locally listed heritage item since 2009) is worthy of consideration, noting that the building has been subject to alterations and additions over time, but forms an important local feature and has done so since 1933. An updated Heritage Impact Statement (HIS) has been prepared in support of the proposed alterations and additions and ancillary works depicted in Revision D of the Architectural Plans (dated 31 July 2024).
- The original application inadvertently omitted Lot 7039 DP 1050730 and Lot 24 Section 6 DP 6248 from the description of the site although works are proposed on these lots in the supporting documents (including the architectural, landscape and engineering drawings). This minor error and mis-description is corrected in this ASEE and supporting documents.

This ASEE provides an updated statement of environmental effects and where there is a variance between this ASEE and other documentation, this ASEE prevails. This ASEE concludes that the proposed development:

- is consistent with the provisions of the relevant environmental planning instruments and development control plans, and

- has adequately addressed the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- is a suitable site for the development, and
- is in the public interest.

Abbreviations

Abbreviation	Description
AHD	Australian Height Datum
ASEE	Amended Statement of Environmental Effects
Biodiversity and Conservation SEPP	<i>NSW State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
CM Act	<i>NSW Coastal Management Act 2016</i>
CPTED	Crime Prevention Through Environmental Design
CTMP	Construction Traffic Management Plan
DP	Deposited Plan
DSAP	Design and Sustainability Advisory Panel
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>NSW Environmental Planning and Assessment Regulation 2021</i>
ESD	Ecologically Sustainable Development
HIS	Heritage Impact Statement
LG Act	<i>NSW Local Government Act 1993</i>
P21 DCP	Pittwater 21 Development Control Plan
PLEP 2014	Pittwater Local Environmental Plan 2014
PoEO Act	<i>NSW Protection of the Environment Operations Act 1997</i>
Resilience and Hazards SEPP	<i>NSW State Environmental Planning Policy (Resilience and Hazards) 2021</i>
RFS	Rural Fire Service
SLSC	Surf Life Saving Club
SNPP	Sydney North Planning Panel

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1 Introduction

This ASEE has been prepared by Rhelm in partnership with Northern Beaches Planning on behalf of Northern Beaches Council.

On 12 November 2021, the Applicant submitted a Development Application (DA2021/2173) for the proposed alterations and additions to the Newport SLSC building and ancillary coastal protection works at 394 and 394A Barrenjoey Road, Newport (the **site**). The Application was refused by the SNPP on 5 October 2022. On 29 November 2022 the Applicant submitted a request for review of the SNPP's refusal, however this review has not yet been determined.

On 4 April 2023 the Applicant commenced proceedings in the Land and Environment Court of NSW under a Class 1 Application (Case no. 2023/00109048), pursuant to section 8.7 of the EP&A Act.

This ASEE has been prepared to address changes made to the proposal since lodgement of the appeal and to respond to the matters raised in the Statement of Facts and Contentions. It updates the SEE prepared for the proposal by Don Fox Planning (dated 23 September 2021) and is supported by the following updated documentation:

- Architectural Plans prepared by Adriano Pupilli Architect, Revision D dated 31 July 2024 (including Waste Management Plan);
- Landscape Plans prepared by Adriano Pupilli Architect, dated 26 July 2024;
- Photomontages prepared by Adriano Pupilli Architect, dated 31 July 2024;
- Coastal Protection Works drawings prepared by Royal HaskoningDHV, revision P01 dated 30 July 2024;
- *Supplementary Coastal Engineering Report* prepared by Royal HaskoningDHV (RHDHV), dated 6 August 2024;
- *Newport SLSC stepped seawall physical modelling* report prepared by University of New South Wales Water Research Laboratory (WRL), dated 6 August 2024;
- *Structural Supplementary Feasibility Report on Proposed Alterations and Additions to Newport SLSC* prepared by Partridge Structural, dated 5 August 2024;
- *BCA Assessment* letter prepared by Jensen Hughes, dated 5 August 2024;
- *Access Assessment* letter prepared by Jensen Hughes, dated 5 August 2024;
- *Heritage Impact Statement (HIS)* prepared by NBRS, dated 7 August 2024;
- *Arboricultural Impact Assessment* report prepared by Tree Management Strategies (TMS), dated 7 August 2024;
- *Biodiversity Impact Assessment* report prepared by GIS Environmental Consultants, dated 8 August 2024;
- *Parking Assessment* letter prepared by TTPA, dated 6 August 2024; and
- *Options Assessment and Review* report prepared by Rhelm and Northern Beaches Planning, dated 7 August 2024.

2 Legislation, Plans and Policies

The following state and local policies are applicable to the proposed development:

- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)*
- *Coastal Management Act 2016 (CM Act)*
- *Local Government Act 1993 (LG Act)*
- *Crown Land Management Act 2016*
- *Protection of the Environment Operations Act 1997 (PoEO Act)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP):*
 - Coastal Use Area Map: Coastal Use Area
 - Coastal Environment Area Map: Coastal Environment Area
- *Pittwater Local Environmental Plan 2014 (PLEP 2014):*
 - Acid Sulfate Soils Map: Class 4 and 5
 - Land Zoning Map: RE1 Public Recreation
 - Height of Buildings Map: 8.5m
 - Heritage Map: Newport SLSC
- *Pittwater 21 Development Control Plan (P21 DCP)*
 - Newport Locality
 - Coastline Risk Management Policy for Development in Pittwater
 - Geotechnical Risk Management Policy for Pittwater
- *Ocean Beaches Plan of Management: Newport Beach (Pittwater Council, 2005).*

3 Site Details

3.1 Overview

The site comprises four separate allotments, being:

- 394 Barrenjoey Road, Newport (Lot 1 in DP 1139445);
- 394 Barrenjoey Road, Newport (Lot 7094 in DP 1059297);
- 394A Barrenjoey Road, Newport (Lot 24 of Section 6 in DP 6248); and
- Barrenjoey Road, Newport (Lot 7039 in DP1050730).

The site is irregular in shape, as shown in **Figure 3-1**, and is bound by Newport Beach to the east, Barrenjoey Road to the west, Bert Payne Reserve to the south, and a public reserve to the north. The site comprises the Newport SLSC building, a portion of the public carpark, a youth space, children’s playground, a portion of Bert Payne Reserve and a portion of Newport Beach.



Figure 3-1 Aerial image of the site, aerial imagery: Google Satellite, 12/3/2018

3.2 Zoning

The site is zoned RE1 Public Recreation under the provisions of PLEP 2014.

3.3 Tenure

The site is Crown Land and forms part of Crown Reserve No. 60118 – Farrells Reserve that is managed by Northern Beaches Council in accordance with the *Ocean Beaches Plan of Management: Newport Beach* (Pittwater Council, 2005).

3.4 Heritage

The Newport SLSC building is identified as an item of local heritage significance under the provisions of clause 5.10 and Schedule 5 of PLEP 2014.

The current state of the Newport SLSC building is depicted in the Architectural Plans by Adriano Pupilli Architects and is described within the *Conservation Management Plan* by Heritage21 (2022), as follows:

The west elevation facing Newport playground and Barrenjoey road presents itself as a classic Mediterranean Clubhouse style of the 1930s with simple massing punctured by arched fenestrations and a pitched terracotta roof. The site is approached from an extended parking area. The main entrance archway extends beyond the main building envelope as do two side wings along the northern and southern extents of the building. The wings have been extended with a first-floor extension at a later stage by extending the main roof line of the central section of the building. A secondary extension has been added to the northern wings to facilitate large equipment storage. View to the main building from the north-western entrance to the site are partially blocked due to a temporary storage container placed outside the main building.

The eastern façade facing the Tasman Sea and Newport beach presents itself as a two-storey single building with an extended entrance podium and a single storey extension at the northern end. Fenestrations along the extended podium on ground floor have been retained while the veranda on first floor has been enclosed with aluminium windows. Two doors on either side of the podium have been left in original condition. An access staircase in timber leads to the beach along the southern end of the building. The extension along the southern end presents itself as a three-tiered structure, with the ground floor tier punctured by a large roll-up door and a small aluminium framed window; the second tier comprises the kitchen with skylights inserted in a narrow skillion roof that has been added at a later stage; the third tier matches the roofline of the original building. The single storey extension at the northern end comprises of a high parapet wall indicating that the entire first-floor of the extension is used as an outdoor seating area while the ground floor is penetrated with five inconsistently sized garage roll-up doors that house the club's larger sized equipment. A small lean-to with a skillion roof is further added on as a secondary extension along the northern end containing the public female washrooms.

Internally, the building has undergone considerable changes over the years with rooms being divided and subdivided and extensions added at various times to supplement additional needs for the club and its users. The main entrance lobby on ground floor along the western façade is fitted with a possibly later addition staircase that leads to the first floor. A secondary entrance door along the western façade has been positioned to contain the lift and provide a disability access. An external staircase connects to the first floor along the northern wing. Access to the building interior on ground floor through the main entrance portico is blocked using a controlled access

door. Passing through this access door is restricted for members only, leads to a narrow corridor that opens into the changing areas for men and women, a gym and a first aid facility. The corridor also leads to the extended entrance podium along the eastern façade allowing members to access the beach from the ground floor.

Along the southern façade is the entrance to the male public toilets that lie inside the extended wing. A secondary entrance leads to a public ambulant toilet. A third door leads to the room. The lifeguards room is tiny and does not contain any storage space. All lifesaving equipment and storage areas are located along the northern end of the building and must be accessed from the western elevation through large roll-up shutter doors. The female public toilets are located along the northern end in the attached skillion roof lean-to and can be accessed from both the western and northern elevations.

A tertiary staircase made of timber leads to the first floor from the sea-facing elevation and leads up to an extension of the veranda that connects to the now covered bay above the extended entrance podium. The bay is contained within the main club room that is periodically used to host parties and club events.

The main club room leads to the service area including kitchen, storage, lift and toilets towards the south and to the committee room with bar and terrace seating area at the north. The terrace connects to the northern staircase that is adjacent to the northern wing. Above the entrance foyer along the western façade is a small office.

3.5 Biodiversity and Bushfire

The northern most portion of the site is identified as “Biodiversity” on the Biodiversity Map of PLEP 2014 and is identified as being prone to bushfire on the NSW RFS Bushfire Prone Land Map. The proposed works are located in excess of 250 m from these affectations.

3.6 Flood and Coastal Hazards

The site is located in the Newport Beach floodplain, at the outlet of the catchment. Flood hazards are mapped in the *Newport Beach Flood Study* (CSS, 2019). The provisions of clause 5.21 of the PLEP 2014 apply in this regard.

The site is located within the Newport Beach coastal embayment. It is located within the following areas mapped under the Hazards and Resilience SEPP:

- Coastal use area; and
- Coastal environment area.

There is no Coastal Management Program certified under the CM Act for Newport Beach, nor is there a certified Coastal Zone Management Plan under the (now repealed) *Coastal Protection Act 1979*. The site is not identified in the mapping associated with coastal risk planning map under clause 7.5 of PLEP 2014, nor is it currently identified under the Resilience and Hazards SEPP within the coastal vulnerability area. However, studies of the area identify that the site is affected by coastal processes and coastal hazards.

Newport Beach and the SLSC have previously been impacted by coastal storms, including an intense East Coast Low of May-June 1974. Horton (2021a) summarises historical information on damage associated with the event, which included undermining of the promenade in front of the SLSC building,

with a three to four metre erosion scarp. Waves and debris entered the building, and a large amount of sand filled the SLSC building. However, there did not appear to be any damage to the building structure.

Following the storm, emergency works in the form of rock protection works were placed in front of the SLSC to protect the building. These emergency works remain in place seaward of the SLSC building and are covered in sand most of the time. However, it is considered by RHDHV (2024) that these works cannot be relied upon to provide protection to the SLSC building at the present time or into the future for several reasons, including:

- The rocks are undersized for the incident wave climate experienced in storms (hence would not be hydraulically stable);
- The rocks demonstrate poor interlocking, further adversely affecting stability;
- Only a single armour layer is likely to exist (not a double armour layer combined with underlayer as is accepted design practice); and
- The toe level is high compared to accepted design practice for rock revetments on an open coast beach (the toe level is at approximately 1.8m AHD compared to a typical design level of -1m AHD, hence almost 3m too high presenting an unacceptable undermining risk).

It is noted that the works were constructed prior to the commencement of the *Coastal Protection Act 1979* (now repealed and replaced by the CM Act) or the EP&A Act. There was therefore no clear approvals pathway for the works at the time. While not ‘approved’ or ‘unapproved’, these types of emergency works were considered standard practice at the time.

4 Need for the Project and Options Overview

4.1 Overview

The proposed alterations and additions are intended to address a range of identified operational needs associated with the SLSC, Council and community functions, including:

- Insufficient space to accommodate the larger membership, including lack of undercover storage for surf boats, insufficient capacity for Nippers equipment, boards and skis;
- Insufficient space in the first aid facility (which can accommodate only one patient) and office space for administrative staff;
- There is no suitable space for patrols in inclement weather;
- The gym is too small to meet demand and there are no suitable training spaces;
- There are insufficient showers and toilet facilities for club use; and
- The club hall is too small for whole-club events such as presentation night.

The key issue is the significant growth in membership of the SLSC in recent years. The building is no longer fit for purpose and requires updating in order to meet the needs of contemporary surf lifesaving and needs of the community, including:

- Balance of female to male facilities;
- Compliance for family change rooms and accessible amenities; and
- Fit for purpose lifeguard and lifesaving facilities including adequate storage and training space.

In developing the proposal, a range of different built form and coastal protection options were evaluated with respect to how well they addressed the needs of the Newport SLSC and to justify the preferred option that was put forward in the Development Application.

These are documented and distilled into a summary report included as **Attachment 1** to this ASEE, The Options Assessment and Review report (Rhelm and NBP, 2024).

The options evaluated fell broadly into one of two categories:

- Built form options (including building foundation options) (**Section 4.1**); and
- Ancillary coastal protection works sub-options (**Section 4.2**).

The options assessment framework and outcomes, and the justification for the preferred option selected for the Development Application, is documented in **Section 4.3**.

4.2 SLSC Built Form Options

Key options for meeting the needs of the SLSC operations and provision of public amenities with respect to the built form are:

- **Option 1** - Retain existing SLSC building (the 'do nothing' option);
- **Option 2** - Alterations and additions to existing building (i.e. the proposed works). Four coastal protection sub-options were considered for Option 2 (refer **Section 4.3**);
- **Option 3** - Retain existing heritage SLSC building and construct supplementary buildings behind;
- **Option 4** - Demolish existing SLSC building and re-build in the same location as the existing building;
- **Option 5** - Demolish existing SLSC building and re-build 50 m landward of its current location;
- **Option 6** – Demolish existing SLSC building and re-build to the north of the existing building;
- **Option 7** – Demolish existing SLSC building and re-build immediately (15 m) landward; and

- **Option 8** – Retain existing SLSC building and construct new SLSC building immediately (15 m) landward.

The *Options Assessment and Review* report in **Attachment 1** provides further information on each of these built form options.

4.3 Coastal Protection Works Sub-Options

As evident in the *Assessment of Options for Redevelopment of Newport SLSC, with Updated Consideration of Risk from Coastal Erosion/Recession* by Horton Coastal Engineering, a range of different design options for coastal protection works were explored between June 2018 and September 2020. This included various combinations of options including:

- Conventional foundations versus piled foundations (or some combination thereof for retained and new portions of the SLSC, as relevant to the built form option);
- Ancillary coastal protection works in the form of a rock revetment, or seawall, or beach nourishment or offshore artificial reef; and
- Some combination of the above built form and ancillary coastal protection works options.

For the purposes of the *Options Assessment and Review*, four coastal protection works sub-options were evaluated for built form Option 2:

- **Sub-option 2.1 – rock revetment**, similar to Option 5 in HCE (2020). As described in RHDHV (2024), the structure would comprise armour rock and have landward returns at each end of the structure. Pedestrian access could be provided via suspended stairs over the structure. The structure would extend a further 11-12 m seaward than would be the case for the piled secant seawall (RHDHV, 2024));
- **Sub-option 2.2 – piled secant seawall**, similar to Option 6 in HCE (2020). As per the design provided in Coastal Protection Works drawings prepared by RHDHV, the seawall would be 80 m long with landward returns at each end of the structure. It would incorporate four sets of beach access stairs, benched seating and a ramp for watercraft access to the beach. The coastal protection works would incorporate a wave parapet to manage the risk to the SLSC building, building occupants and passers-by from coastal inundation, and structural augmentation of new elements of the building to withstand wave forces;
- **Sub-option 2.3 – beach nourishment**. For the selected design erosion event, it is recommended by RHDHV (2024) that nourishment of the entire length of the Newport Beach be undertaken for an initial 15-year planning period, which would require nourishment with around 500,000 m³ of sand dredged using an inshore trailing suction hopper dredger; and
- **Sub-option 2.4 – offshore artificial reef**, which could be constructed of rock in water about 7 m below mean sea level and would likely need to be at least 250 m in length (RHDHV, 2024).

4.4 Options Assessment Framework and Outcomes

The *Options Assessment and Review* report (Rhelm and NBP, 2024) describes in full the options assessment methodology. The options assessment criteria of relevance to the options were defined with respect to the proposal objectives relating to the SLSC operations and design of the club-house, as well as various constraints and opportunities of relevance to the proposal and the subject site.

The options assessment criteria adopted a quadruple bottom-line approach and included the following criteria:

- **Planning** criteria –
 - Consistency with the Plan of Management for the site, including the permissibility of the option,
 - Consistency with the *NSW Coastal Design Guidelines (2023)*.
- **Operational and engineering design** criteria –
 - Surf lifesaving operational requirements,
 - Coastal hazards,
 - Flood hazard,
 - Impacts to sub-surface utilities.
- **Social** criteria –
 - Impacts to public open space, beach amenity and public access,
 - Impacts to parking.
- **Coastal environment and heritage** criteria -
 - Impacts to the existing heritage listed SLSC building,
 - Impacts to the coastal environment, in particular trees and dune vegetation.
- **Economic** criteria –
 - Cost of the option.

Each option was rated against each of the criteria listed above adopting a ‘traffic light system’, where:

	Direct and/or material impact / increased risk / infeasible / not permissible
	Minor or indirect impact / net neutral impact / risk can be managed / somewhat feasible
	No impact / risk mitigated / feasible

The built form and coastal protection options/sub-options were evaluated and the results presented in **Attachment 1** are summarised in **Table 4-1**.



Table 4-1 Overview of Options Evaluation (source: NBP and Rhelm, 2024)

Option	Consistency with PoM & Coastal Design Guidelines	Heritage	Coastal Environment	Public Open Space / Amenity / Access	Parking	SLSC Operations	Coastal Hazards	Catchment Flooding	Sub-surface Utilities	Cost Estimate
Option 1 – Retain existing building (Do Nothing)	Not consistent with PoM	At risk of undermining by erosion	No impact	No impact	Ongoing impact to 6 spaces	Not feasible	Not piled	Largely outside PMF	No impact	Ongoing cost of upkeep
Option 2 – Alterations & additions to existing building (the proposed works):	Permissible / in PoM master plan	Minor impact	No impact	No impact	Loss 7 spaces	Feasible	Not piled – refer sub-options below	Largely outside PMF	No impact	Approx. \$6M
- With Sub-option 2.1 – rock revetment	As above	NA	Minor impact to dunes	Consider access in design, loss of beach width	NA	Feasible	Can be mitigated	NA	No impact	Approx. \$2.55M
- With Sub-option 2.2 – secant piled seawall	As above	NA	Minor impact to dunes	Provides improved amenity	NA	Feasible	Can be mitigated	NA	No impact	Approx. \$3.75M
- With Sub-option 2.3 – beach nourishment	Would require additional approvals	NA	Direct impact to aquatic habitat	Impact to beach width & use of surf zone	NA	Feasible, would req. additional approvals	Can be mitigated	NA	Impact	Approx. \$10M
- With Sub-option 2.4 – offshore artificial reef	Would require additional approvals	NA	Direct impact to aquatic habitat	Potential impact to use of surf zone	NA	Feasible	Can be mitigated	NA	No impact	Approx. \$22M

Option	Consistency with PoM & Coastal Design Guidelines	Heritage	Coastal Environment	Public Open Space / Amenity / Access	Parking	SLSC Operations	Coastal Hazards	Catchment Flooding	Sub-surface Utilities	Cost Estimate
Option 3 – Retain existing building, new elements behind	Not consistent with PoM	At risk of undermining by erosion	No impact	Impact to basketball court	Loss 4 spaces	Feasible	Existing building not piled	Partly in PMF	No impact	Approx. \$5M
Option 4 – Demolish & re-build in same location	Not consistent with PoM	Building demolished	1 tree impacted	No impact	Loss 7 - 8 spaces	Feasible	Can be mitigated	Partly in PMF	No impact	Approx. \$10M
Option 5 – Demolish & re-build 50 m landward	Not consistent with PoM or Guidelines	Building demolished	5 trees impacted	Minor open space impact	Loss 16 spaces	Not feasible	Can be mitigated	Partly in PMF	No impact	Approx. \$10M
Option 6 – Demolish & re-build to the north	Not consistent with PoM	Building demolished	No impact	No impact	Loss around 50 – 55 spaces	Impact to sight lines & access	Can be mitigated	Outside PMF extent	No impact	Approx. \$10M
Option 7 – Demolish & re-build immediately (15 m) landward	Not consistent with PoM or Guidelines	Building demolished	1 tree impacted	Impact to basketball court	Loss 36 spaces	Impact to sight lines & access	Can be mitigated	50% in PMF extent	No impact	Approx. \$10M
Option 8 – Retain existing SLSC building and construct new SLSC building immediately (15 m) landward	Not consistent with PoM	Impact on west façade, at risk of undermining by erosion	1 tree impacted	Direct impacts to basketball court, playground & open space	Loss 36 spaces	Impact to sight lines (very poor) & access	Existing building not piled	50% in PMF extent	No impact	Approx. \$10M

The key outcomes of the options assessment were:

- The ongoing use of the existing building in its current form provided under the ‘do nothing’ option (**Option 1**) is not feasible from an operational perspective. Further, the ‘do nothing’ option does not assist with the reduction of risk from coastal hazards to existing assets and to public safety (e.g. from wave overtopping), in addition to which doing nothing exposes the existing built asset to a greater risk over time. For Option 1 there is a risk of loss of, or severe damage to, heritage item;
- **Options 5, 6, 7 and 8** are not considered feasible from an operational perspective due to the significant reduction in sight lines to the beach and surf zone. It is considered this would represent an unacceptable level of risk with respect to public safety with regards to surveillance requirements during patrol hours (particularly in inclement weather or hazardous surf conditions) and casual surveillance outside of patrol hours;
- Of the remaining built form options, **Options 2, 3 and 4**, Option 2 is considered to have a lower level of impact on key constraints through retention of the existing heritage listed building (albeit with some alterations that would impact its heritage values) and reduced level of impact to trees;
- For the coastal protection works sub-options, the rock revetment option (**Sub-option 2.1**) is not considered feasible from an amenity perspective due to the impacts on beach width, particularly when the beach is in an eroded state. The other two coastal protection sub-options (**Sub-options 2.3 and 2.4**) are significantly more costly than the preferred option (**Sub-option 2.2**) and have aquatic ecological impacts.

Table 4-1 identifies that the combination of **built form Option 2 (alterations and additions to the existing SLSC building) and coastal protection works Sub-option 2.2 (secant piled seawall)** provide an appropriate compromise between meeting the SLSC operational requirements, to manage the risk from coastal hazard and provide improved amenity for the visitors to the beach. It also provides the greatest benefit with respect to beach amenity and access.

4.5 Selected DA Option

The assessment of options in **Section 4.4** demonstrates that the combination of the proposed alterations and additions (**Option 2**) and the coastal protection works in the form of a secant piled seawall (**Sub-option 2.2**) avoid or minimise the potential impacts and appropriately manage the risks affecting the locality.

It is considered that the design approach taken for the site that is presented herein represents a suitable combination of options to meet the present needs as it provides for the retention and preservation of the existing heritage listed Newport SLSC building for 60 years, in addition to the protection of the two closest Norfolk Island Pines, which are identified as being contributory to the significance of the building.

The proposed secant piled seawall (**Sub-option 2.2**) will not result in any adverse impacts upon the amenity or function of the beach or intertidal zone and will not impinge upon public access to/from the beach. The proposed coastal protection works are far superior to the existing rock wall to the east of the Newport SLSC building that was constructed following the 1974 storm event, with the proposed development providing for enhanced access at all times when compared to existing access and including following a significant (very rare) storm event when the beach would be in an eroded state.

5 Proposed Development

Development Application DA2021/2173 sought consent for alterations and additions to the Newport Surf Life Saving Club building at 394 Barrenjoey Road, Newport (**site**), including:

- Partial demolition of the existing SLSC building and part of the existing carpark,
- Construction of new two storey northern wing comprising storage facilities on the ground floor and a committee room, lounge, training rooms and terrace on the first floor,
- Reconfiguration of the internal layout of the building to improve building functionality and circulation,
- Upgraded public and member amenities,
- Landscaping, and
- Coastal protection works.

The proposed works, as modified through the appeal process, are depicted on the:

- Architectural Plans prepared by Adriano Pupilli Architect, revision D dated 31 July 2024;
- Landscape Plans prepared by Adriano Pupilli Architect, dated 26 July 2024;
- Photomontages prepared by Adriano Pupilli Architect, dated 31 July 2024;
- Coastal Protection Works drawings prepared by Royal HaskoningDHV, revision P01 dated 30 July 2024.

Whilst the description of the works remains unchanged from that identified above, the proposed works have been altered in the following ways:

- Alteration to the design of the coastal protection works, to include a secant piled wall, beach access stairs, beach access ramp, bleachers, and wave returns with integrated seats;
- Relocation of access shutters from the east to the north wall of the Storage Compound and provision of one access shutter instead of three shutters;
- Change of floor level to Storage Compound;
- Change in shape / extent of pedestrian path to north of building;
- Relocation of high level wall openings to east instead of northern wall;
- Definition of brick / masonry unit to create variation and texture to uninterrupted sections of walls;
- Inclusion of bench seats along east wall of extension;
- Relocation of public showers to east instead of northern wall;
- Deletion of arch and column in north-west corner of extension;
- Change in levels of pedestrian paths around building to suit other changes listed above;
- Realignment of Kerb in north-west corner;
- Realignment of paths and planters to west of existing building and proposed extension;
- Bench seats removed in front of existing sections of building on eastern facade (replaced by wave parapet);
- Realignment of promenade to suit wave parapet; and
- Relocation of public bins and bicycle parking.

As the proposed development is a council-related development with a Capital Investment Value of more than \$5 million, the SNPP is the consent authority for the proposed works. The SNPP is also the consent

authority as the proposal involves coastal protection works proposed to be carried out by a public authority, that cannot be carried out without consent under clause 2.16 of Resilience and Hazards SEPP.

6 Background to Development Application

A detailed timeline of the project is provided in the accompanying *Options Assessment Report* by Rhelm (**Attachment 1**).

The history of Development Application DA2021/2173 is summarised, as follows:

- On 18 January 2018, a pre-lodgement meeting was held with respect to proposed alterations and additions to the Newport SLSC building. The pre-lodgement minutes concluded:

There are two overarching issues that impact upon the viability of the proposal, namely the heritage significance of the building and the coastal risk hazard that affects the site. At this stage, insufficient information has been provided to confirm whether or not the proposal is acceptable with regard to these factors, and further information is required prior to the lodgement of any future application.

With respect to the coastal hazard, detailed construction information will be required to demonstrate that the majority of the existing structure is to be retained, and that both the retained structures and the new works can withstand the coastal hazard that affects the site.

With respect to heritage, Council's Heritage Officer (Janine Formica), is available for further discussions once a more comprehensive heritage impact assessment and conservation management plan have been prepared for the site.

The application also proposes a change to the amount and allocation of parking, which may require a change to the Plan of Management for Newport Beach. As changes to a Plan of Management are subject to public exhibition and input from key stakeholders, ideally this process should be undertaken prior to the lodgement of any future application.

- On 12 November 2021, Development Application DA2021/2173 was lodged.
- On 9 December 2021, Development Application DA2021/2173 went before the Design and Sustainability Advisory Panel (**DSAP**) who reviewed the proposed development and provided the following comment:

The Panel does not support the proposal in its current form.

There is a range of improvements that should be investigated, including:

- *Clearer articulation of the old and new,*
 - *Material choices that differentiate the old from the new,*
 - *Development of a broader site and landscape plan, and*
 - *Amenity of public amenities.*
- On 12 April 2022, Council sent a Request for Additional Information in relation to Development Application DA2021/2173, raising concerns with regards to:
 - Heritage issues
 - DSAP's commentary
 - Waste Management
 - Landscape
 - Acoustic issues
 - Temporary facilities arrangements
 - Views

- Building height
- Liquor licence details
- On 11 May 2022, the SNPP was briefed in relation to Development Application DA2021/2173. The record of briefing states:
 - KEY ISSUES DISCUSSED:*
 - Council*
 - *RFI has been sent. Revised design expected 1st June.*
 - *Council to consider engaging external coastal engineer.*
 - *37 submissions.*
 - *Key issue: Heritage impact.*
 - Panel*
 - *Location of rocks/boulders and sea wall.*
 - *Design, location and impact of extension.*
 - *Coastal Management Plan.*
 - *Peer review of coastal works.*
 - *Council to follow up on missing reports.*
- On 29 June 2022, Development Application DA2021/2173 was amended in response to the concerns raised in the Request for Additional Information.
- On 20 July 2022, the SNPP was further briefed in relation to Development Application DA2021/2173.
- On 25 August 2022, the SNPP undertook an inspection of the site in the presence of Council staff and the Applicant’s Coastal Engineer.
- On 21 September 2022, Development Application DA2021/2173 was reported to the SNPP with a recommendation of approval. An assessment report and draft conditions of consent, dated 2 September 2022, were presented to the SNPP and are available on Council’s website.
- On 26 September 2022, the SNPP deferred the matter to allow for additional information to be presented with respect to the coastal hazard.
- On 4 October 2022, the Applicant provided additional information to address the 12 matters raised by the SNPP.
- On 5 October 2022, Development Application DA2021/2173 went back before the SNPP for determination. Development Application DA2021/2173 was refused by the SNPP for the following reasons:

1. Building Height

Pursuant to Section 4.15 (a)(i) of the Environmental Planning and Assessment Act 1979, the Sydney North Planning Panel, as the consent authority, is not satisfied that:

- a. The Applicant's written request to vary Clause 4.3 Height of Buildings of the Pittwater Local Environmental Plan 2014 has adequately addressed the matters required to be addressed under Clause 4.6 of the Pittwater Local Environmental Plan 2014.*
- b. The development is in the public interest because it is consistent with the objectives of Clause 4.3 (development standard) of the Pittwater Local Environmental Plan 2014.*

- c. *The development is in the public interest because it is consistent with the objectives for development in the RE1 Public Recreation zone of the Pittwater Local Environmental Plan 2014.*

2. Suitability of the Site

Pursuant to Section 4.15 (c) of the Environmental Planning and Assessment Act 1979, the Sydney North Planning Panel, as the consent authority, is not satisfied the site is suitable for the development.

The Panel does not accept that the site is suitable for the proposed development given its exposure to coastal hazards. The Panel notes that the proposal retains part of the heritage building that are identified in the Heritage Conservation Plan as being of "little significance" and consequently the footprint of the building exposed to the hazard could be reduced without adversely impacting the significance of the item. Alternative site options for such a valuable but exposed asset were not properly considered due to the emphasis on heritage and open space protection.

3. Coastal Protection Works

The Sydney North Planning Panel, as the consent authority, remains unconvinced of the merits of using coastal protection works to protect the current building footprint and heritage fabric given that over topping and inundation of the building would still occur, and collateral erosion damage is likely to be caused to surrounding beach and park.

4. Coastal Management Act

Pursuant to Section 27 of the Coastal Management Act 2016, the Sydney North Planning Panel, as the consent authority, is not satisfied that satisfactory arrangements have been made to address the requirements of Section 27 of the Coastal Management Act 2016.

The Panel notes that long term planning for the location's Coastal Management Program is yet to be completed. This would facilitate the appropriate assessment of the impacts on the whole coastal compartment, not just the surf club.

5. Public Interest

Pursuant to Section 4.15 (e) of the Environmental Planning and Assessment Act 1979, the Sydney North Planning Panel, as the consent authority, is not satisfied that the development is in the public interest.

The reasons proffered for the refusal of Development Application DA2021/2173 are outlined in the Determination and Statement of Reasons, dated 5 October 2022, as follows:

After the September public meeting, the Panel considered refusing the application as insufficient information had been provided to justify the project design and implications for the coastline. However, given the importance of the project and site to the local community, the Panel convened a second public meeting to focus on particular concerns detailed in the Deferral.

The second meeting on 5th October did not resolve the Panel's concerns but did confirm that from the beginning of the project, heritage, car park and open space protection had been

emphasised at the expense of considering alternative options for protection and renewal of the Surf Club asset.

The Panel does not accept that the site is suitable for the proposed development given its exposure to coastal hazards. The Panel notes that the proposal retains parts of the heritage building that are identified in the Heritage Conservation Plan as being of "little significance" and consequently the footprint of the building exposed to the hazard could be reduced without adversely impacting the significance of the item. Alternative site options for such a valuable but exposed asset were not properly considered due to the emphasis on heritage and open space protection.

Additionally, the Panel remains unconvinced of the merits of using coastal protection works to protect the current building footprint and heritage fabric given that over topping and inundation of the building would still occur, and collateral erosion damage is likely to be caused to surrounding beach and park. The Panel is not satisfied that satisfactory arrangements have been made to address the requirements of section 27 of the Coastal Management Act.

The Panel further notes that long term planning for the location's Coastal Management Program is yet to be completed. This would facilitate the appropriate assessment of the impacts on the whole coastal compartment, not just the surf club site.

Given the above concerns, the Panel was not satisfied that approval of the proposed design would be in the public interest.

7 Environmental Planning and Assessment Act

7.1 Section 4.15(1) of the EP&A Act

The matters prescribed by section 4.15(1) of the EP&A Act are considered in **Table 7-1**.

Table 7-1 Clause 4.15(1) Provisions and Comments

Clause	Provision	Comment
(a)	<p><i>the provisions of—</i></p> <ul style="list-style-type: none"> <i>i. any environmental planning instrument, and</i> <i>ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i> <i>iii. any development control plan, and</i> <i>iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i> <i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The relevant provisions of PLEP 2014, all relevant SEPPs, and P21 DCP have been considered and addressed in this ASEE.</p>
(b)	<p><i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>	<p>The likely impacts of the proposed development have been addressed with respect to the relevant plans and policies listed in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.</p> <p>There would be significant socio-economic benefit arising from the proposed development as it would provide for improved protection from coastal hazards for the SLSC, which is an important public asset and is heritage listed. The SLSC has</p>

Clause	Provision	Comment
		significant social value for the local community through the provision of training services and as a community hub.
(c)	<i>the suitability of the site for the development,</i>	The subject site is suitable for the proposed development. Whilst the site is exposed to coastal hazards, the proposed development will provide protection for the SLSC building and its heritage significance for the next 60 years. See further discussion in Table 7-2 in relation to contentions raised.
(d)	<i>any submissions made in accordance with this Act or the regulations,</i>	The original Development Application was publicly notified to all neighbouring land and submissions were considered by the consent authority. If the amended application is re-exhibited, it is anticipated that any submissions received will also be considered by the consent authority
(e)	<i>the public interest.</i>	The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of PLEP 2014 and P21 DCP. See further discussion in Table 7-2 in relation to contentions raised.

Part B – Contentions	Response
B1: Contentions which warrant refusal of the Application	
Coastal	
<p>1. <i>The Application should be refused because the selection of design life is excessive, in particular when applied to the existing building upgrade works.</i></p> <p><u>Particulars</u></p> <ul style="list-style-type: none"> a. <i>Two documents are provided in the Application which relate to coastal management:</i> <ul style="list-style-type: none"> i. <i>Coastal Engineering and Flooding Advice for Newport SLSC Clubhouse Redevelopment, Horton Coastal Engineering, 26 August 2021 (Horton, a).</i> ii. <i>Coastal Engineering Report and Statement of Environmental Effects for Buried Coastal Protection Works at Newport SLSC, Horton Coastal Engineering, 26 August 2021 (Horton, b).</i> b. <i>The proposed Surf Life Saving clubhouse building upgrade works consider a 60-year design life (Horton b, section 5.1). The rationale is based on coastal engineering guidelines predominantly applicable to beachfront residential developments.</i> c. <i>The existing clubhouse is a non-habitable building and can operate at a lower design life standard.</i> d. <i>This design life criteria is excessive, considering the nature of the existing building and its use. Consequently, the Proposal has included considerable coastal engineering and structural works to provide an extended design life.</i> e. <i>A lower design life could provide substantial benefits in the short term, including shorter works programs and more straightforward approval pathways that remain open-ended.</i> f. <i>The Proposal does not provide a robust rationale for selecting design life that considers separately the existing clubhouse upgrade works and the proposed clubhouse extensions separately.</i> g. <i>The selection of design life is also a matter of cost-benefit analysis. Such analysis is missing in the Proposal.</i> 	<p>The design life for the clubhouse building has been considered in Section 3.2.2 of the <i>Supplementary Coastal Engineering</i> report (RHDHV, 2024). A 60-year design life is considered reasonable without reference to residential developments, having regard to the majority portion of the redevelopment comprising new build, the magnitude of the investment in the redevelopment (approximately \$6M), the actual life in practice of SLSC buildings, and recent specifications of design life for SLSC buildings by the asset owners.</p> <p>The fact that the building is non-habitable is not considered to be the determinant of design life. This contention may be inferring that since risk to life for a non-habitable building may be low the design life for the building should be low. In general, the likelihood of risk to life even for beachfront habitable/residential development is low because of the available warning times for severe storms and the existence of coastal erosion emergency action plans. If this contention was to hold, the design life for residential development would also be low.</p> <p>The design life criteria is not considered excessive as contended in point d). The function of the SLSC building is to support surf lifesaving services, which are an ‘essential public purpose’ under the NSW Coastal Design Guidelines (DPE, 2023). SLSC buildings should therefore be understood to be civic buildings providing important community use. Further, as documented in the <i>Supplementary Coastal Engineering</i> report (RHDHV, 2024), the age of numerous existing SLSC buildings demonstrates in practice their (relatively long) actual design life.</p> <p>If a shorter design life was adopted as per point e), say 20 years, which is at the lower end of the suggested design life for assets such parkland and low value infrastructure and an acceptable encounter probability of 10% was adopted, the protective structure would need to withstand without failure a 200-year ARI event (RHDHV, 2024). This outcome would still lead to substantial coastal protection works.</p>

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	<p>Regarding the contention raised in point f), the reader is referred to Section 3.2 of the <i>Supplementary Coastal Engineering</i> report (RHDHV, 2024). It makes sense to adopt a single design life for the redeveloped existing section of building and the new northern section of the building since the overall completed building functions as an integrated whole. It is however appropriate to consider the existing and new sections of the building differently in terms of encounter probability and risk of damage. It would be unreasonable to expect a building structure constructed in 1933 to have the same risk profile for storm damage as a building constructed in 2024.</p> <p>The consideration of cost in selection of design life is irrelevant. Derivation of appropriate design criteria is risk driven and is independent of cost, as discussed in Gordon <i>et al.</i> (2019).</p>
<p>2. <i>The development application should be refused because the proposal results in unacceptable coastal impacts.</i></p> <p><u>Particulars</u></p> <p>a. <i>The proposed contiguous deep-piled wall foundation with stair access appears to have been selected without considering alternative seawall options. A rock structure could be envisaged in front of the proposed clubhouse to reduce wave actions. The wave overtopping and run-up on a dissipative rock structure are typically lower than on a reflective vertical/stepped structure. This seawall configuration could reduce the hydraulic loads on the proposed upgrade works.</i></p> <p>b. <i>The feasibility of designing the building extension on the deep-piled foundation option was rejected because it was hypothesized that such piling work would be invasive and costly for the existing building (Horton a, Section 4). However, a contiguous deep-piled seawall is proposed only 3.5m from the existing building. This supports that – at least - the extension could be built on deep-piles foundation, which could reduce the length of the proposed seawall. While this would not mitigate coastal hazards on the existing building this would allow for the extension to be resilient to coastal erosion. This option was discussed in the Partridge report (Horton a, Appendix D).</i></p> <p>c. <i>The existing rubble rock structure placed in 1974 along the edge of the clubhouse is not of suitable engineering standard. However, this structure could be used to manage some level of beach erosion, as it was over the 1974-1975 period. Scour along the rock rubble structure could trigger sand scrapping or sand nourishment works on the beach, particularly between</i></p>	<p>Refer to Section 4 of the <i>Supplementary Coastal Engineering</i> report (RHDHV, 2024) which sets out consideration of alternative options for the coastal protection works, comprising a rock revetment that meets current coastal engineering standards, an offshore artificial reef, and beach nourishment (in addition to the preferred sub-option 2.2, the secant piled seawall). Figure 4-1 of the <i>Supplementary Coastal Engineering</i> report (RHDHV, 2024) shows the envelope of a rock revetment option compared to the extent of the proposed works. A rock revetment is not preferred due to its significantly greater encroachment on the beach and reduced amenity for beach access and seating. Some reduction in wave overtopping may be possible with a rock revetment, however based on observations in the physical model testing the introduction of wave parapets and relocation of roller shutters would still be necessary.</p> <p>From a coastal engineering perspective, if the new section of building was constructed on piles and the coastal protection works were reduced in length:</p> <ul style="list-style-type: none"> • The secant pile wall would need to be returned landward under the new section of building to prevent undermining of the existing section of building due to outflanking and end effects. • The northern section of promenade and the path alongside the northern side of the building would need to be piled unless undermining and collapse was accepted, noting that these structures provide pedestrian and watercraft access to the beach. • The northern Norfolk Island Pine would be undermined by end effects. <p>It is agreed that it is not uncommon to carry out beach scraping to maintain beach amenity. It is also agreed that the existing rock on the beach placed in 1974 is not of suitable engineering standard. As noted in Section 2.1.2 of RHDHV (2024), this rock is undersized, demonstrates</p>

Part B – Contentions	Response
<p>storms. It is not uncommon to carry out beach scraping to maintain beach amenities. This softer coastal management pathway has not been explored in the proposal and is also a matter for the local Coastal Management Plan.</p> <p>d. Sea level rise and coastal hazards will continue beyond 2080 and are not fully addressed, even by adopting a 60-year design life. Whether the building upgrade works are carried-out or not the existing clubhouse will remain vulnerable to coastal hazards.</p> <p>e. A 4.9% probability of exceeding the hydraulic loads during the design life of the building is not negligible (Horton b, Section 5.7). As a consequence, it will not be possible to retain the clubhouse at its current location, in perpetuity. Such considerations underpin the 1985 Public Work Department on building relocation (Horton a, Section 8.5). If hydraulic actions damage the existing clubhouse and cannot be repaired, the clubhouse may be relocated landward to an appropriate position.</p> <p>f. It is not uncommon for a Surf Life Saving Club clubhouse to be relocated to manage coastal hazards. This is an efficient risk mitigation strategy in the long-term, which has not been considered.</p>	<p>poor interlocking, comprises only a single layer of armour rock, and has an inadequate (very high) toe level. The suggestion in the contention that this rock could manage ‘some level’ of beach erosion is vague and has no certainty as a management approach. The approach suggests beach scraping would be triggered when scour (beach erosion) reaches the rock; this would be during a storm and at such times beach scraping would be dangerous. Furthermore, sand is unlikely to be available. Beach scraping is a post storm activity, to accelerate natural beach recovery, improve beach access, cover dangerous objects, or the like.</p> <p>It is agreed that sea level rise is projected to continue beyond 2080 (or 2084 for the current proposal) and that coastal hazards will continue. The proposed coastal protection works will address the vulnerability of the clubhouse over its design life. Consideration of sea level rise and coastal hazards beyond the design life is managed by imposing a time limited consent. This has become an accepted approach for managing the uncertainty of sea level rise and future coastal hazards in the assessment of coastal protection works. Adaptation strategies are also a tool for managing future hazards.</p> <p>An encounter probability of approximately 5% (1,000-year ARI design event) is considered reasonable for design of the coastal protection works. As noted in Section 3.2, several other factors contribute to a conservatism in the design approach; namely, the application of the design storm in the last year of the design life, the assumed concurrence of the 1,000-year ARI wave height 1,000-year ARI water level, and given that a structural factor of safety would be included in the design. Hydraulic loads on the SLSC building estimated by WRL (2024) are considered in the Structural Engineering Report (Partridge, 2024), which states that the proposed coastal protection works could feasibly protect the additions to the building for wave loading, and that it is also feasible to strengthen the existing heritage structure to resist wave forces.</p> <p>Reference is made to the <i>Options Assessment and Review</i> report in Attachment 1. The relocation of the clubhouse landward of its current location was considered infeasible, largely from an operational perspective for surf lifesaving operations.</p>
<p>3. The Application should be refused because hydraulic loads and structural works have not been investigated sufficiently to confirm the feasibility of the structural reinforcement works and the corresponding heritage impacts on the existing clubhouse.</p> <p><u>Particulars</u></p> <p>a. The feasibility of the proposed structural works on the existing clubhouse (solid seating, wall reinforcements, etc.) depends on the hydraulic load associated with wave overtopping and run-up into the clubhouse.</p>	<p>The proposed coastal protection works include wave walls to mitigate wave overtopping and wave forces on the clubhouse. The wave forces on the clubhouse have been assessed in the physical model testing carried out by WRL, as reported in the <i>Newport SLSC stepped seawall physical modelling</i> report. The testing enabled derivation of wave forces, which have been considered by Partridge Structural Engineers. The <i>Structural Engineering Report</i> reconfirmed their previous advice that ‘with the construction of the proposed seawall we consider it feasible</p>

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<p>b. <i>The Water Research Laboratory (WRL) Report (Horton a, Appendix B) calculated a design hydraulic uniform load along the building for a run-up bore to be 103kN/m for a duration of a wave period (several seconds). On the other hand, the James Taylor engineering report (Horton a, Appendix C) considered that the 103kN/m load would be applied partially and for ultimate limit state design conditions; however, the WRL load is not a peak load. Peak wave hydraulic loads are of brief duration (milliseconds) but significantly affect unreinforced brickworks (fissures, cracking). The Proposal appears to underestimate the ultimate hydraulic load due to wave slamming.</i></p> <p>c. <i>The feasibility of the proposed building works relies on structural engineering work. The structural engineering works do not provide sufficient detail to provide reasonable confidence in the Proposal’s feasibility and likely cost aspects.</i></p> <p>d. <i>Physical testing is necessary to accurately quantify the hydraulic load and the resulting structural works. Physical testing should be carried-out to investigate the feasibility of the clubhouse upgrade works.</i></p> <p>e. <i>Solid seating and other systems designed to reduce wave load on the building will need anchoring. The feasibility of such anchors poses similar design challenges to the invasive and costly deep pile foundation option discarded in the brief option selection discussion.</i></p> <p>f. <i>The addition of reinforced concrete walls, solid seating and bollard will also have a detrimental effect on the Heritage value of the building. The structural engineer report has not appraised the pose and effect of ground anchors beneath the existing building and trees despite the WRL recommendation (Horton b, Appendix B). Anchoring could dramatically influence the feasibility of the upgrade works if the anchor installation load and working loads in the soil results in cracks in the existing clubhouse brickworks.</i></p>	<p><i>to design the new structure to resist the WLR wave loading, and feasible to strengthen the existing structure to resist the overtopping forces.’</i></p> <p>The design of the coastal protection works include wave walls to reduce wave forces on the building. These walls would be reinforced concrete and would be constructed integrally with the other reinforced concrete structural elements.</p> <p>The proposed design arrangement for the wave walls to reduce wave forces on the building, and the coastal protection works generally, has been developed in consultation with the Heritage Consultant. NBRS (2024) and Partridge Structural Engineering (2024) advise that it would be possible to undertake the strengthening works on the inside of the eastern façade such that they would not impact the brick masonry, which comprises a highly significant component of the heritage fabric of the building.</p> <p>The ground conditions for installation of the permanent ground anchors comprise loose to medium dense sands overlying stiff to very stiff silty sandy clay (JK Geotechnics, 2021). A consideration for installation of the anchors is the possibility of collapse of loose sand into the drill hole, particularly below the water table. Techniques are available to prevent this situation occurring, such as casing the drill hole. Permanent ground anchors have been installed successfully in similar ground conditions, including for the construction of coastal protection works along Collaroy Narrabeen Beach. Installation of permanent ground anchors is considered feasible.</p>
<p>Planning</p>	
<p>4. <i>The Application should be refused because the proposed building height is excessive and does not comply with the objectives or controls in clause 4.3(2) of Pittwater LEP 2014 in circumstances where the written request made pursuant to clause 4.6 of PLEP 2014 in relation to the contravention of the development standard is inadequate and should not be upheld.</i></p> <p><u>Particulars</u></p>	<p>The subject site is shown within Area I on the Height of Buildings Map of PLEP 2014, with a maximum building height of 8.5 m. Since issue of the Development Application the design of the proposed additions have been amended to ensure strict compliance with the 8.5 m height limit. As shown in the Architectural Plans (dated 31/07/2024), the pitch of the roof over the proposed northern additions has been modified to achieve compliance with the height limit. The request</p>

Part B – Contentions

Response

- a. *Clause 4.3 of PLEP 2014 states:
Height of buildings*
- (1) The objectives of this clause are as follows—*
- a. to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
 - b. to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
 - c. to minimise any overshadowing of neighbouring properties,*
 - d. to allow for the reasonable sharing of views,*
 - e. to encourage buildings that are designed to respond sensitively to the natural topography,*
 - f. to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- b. *The maximum building height permitted for the site pursuant to the Height of Buildings Map is 8.5m. The development proposes a maximum height of 9.11m which exceeds the height of buildings development standard by 610mm (7.2%).*
- c. *The excessive height of the development will result in a visually intrusive building that will appear out of character in the local context, and when viewed from surrounding properties and the public domain.*
- d. *The proposed alterations and additions to the existing building will result in negative impacts on the heritage significance of the local heritage item.*
- e. *The Applicant has submitted a written request pursuant to clause 4.6 of PLEP 2014 seeking to justify the contravention of the height development standard in clause 4.3(2) of PLEP 2014. The Court, having the functions of the consent authority for the purpose of hearing and disposing of this appeal, would not be satisfied that:*
- i. The Applicant’s written request under clause 4.6 of PLEP 2014 has adequately addressed the following matters required to be demonstrated:*
 - (1) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (2) that there are sufficient environmental planning grounds to justify the contravention of the development standard in clause 4.3 of PLEP 2014.*

pursuant to clause 4.6 of PLEP 2014 seeking to justify the contravention of the height development standard in clause 4.3(2) of PLEP 2014 is therefore no longer relevant.

In relation to point c., it is considered that the height of the building is unlikely to render the Proposal visually intrusive in the local context or when viewed from surrounding properties and the public domain. The proposed additions are subservient to the height of the existing building and at two storeys, are well below the height and scale of surrounding and nearby buildings that reach up to four storeys in height.

In relation to point d., the potential impacts of the proposed alterations and additions to the existing building on its heritage significance, the updated HIS (NBRS, 2024) concluded that the proposed alterations and additions, including the coastal protection measures, will not result in an unacceptable level of impact on the heritage significance of the heritage listed building. The Heritage Consultant concluded that the design of the proposed additions and internal alterations have been carefully considered, enabling the aesthetic, historic and social significance of the place to be conserved, whilst enabling the historic, current and future surf lifesaving use to continue in this location.

Part B – Contentions	Response
<p><i>ii. The proposed development will be in the public interest because it is consistent with the objectives of clause 4.3 of PLEP 2014 and the objectives for development in Zone RE1 Public Recreation pursuant to PLEP 2014.</i></p>	
<p>5. <i>The Application should be refused because the proposed alterations and additions will result in a built form that will cause an adverse impact on the visual amenity and scenic qualities of the coast and is incompatible with the heritage significance of the local item and with the character of the locality.</i></p> <p><u>Particulars</u></p> <p>a. <i>The Application does not satisfy Clause 14 (a)(iii) of the Coastal Management SEPP because the proposal will have adverse impacts on the visual amenity and scenic qualities of the coast as a result of siting, height, bulk and scale of the proposed alterations and additions.</i></p> <p>b. <i>The subject site is within the Newport Locality, as identified in Section A ‘A4.10 Newport Locality’ under Pittwater 21 DCP. The proposal is not consistent with the desired future character identified. In particular, the proposed alterations and additions result in a building footprint, height and scale of development that is inconsistent with the desire to minimise bulk and scale, harmonise with the natural environment and to be designed to be safe from hazards. The proposal is also unacceptable regarding the heritage conservation intent set out in the character statement.</i></p> <p>c. <i>The proposal does not satisfy the “outcomes” set out in Section D10.1 of Pittwater 21 DCP as proposed height and architectural design of the built form will not achieve the desired future character of the Locality and does not respond to or reinforce the spatial characteristics of the existing built form and natural environment, nor does it promote a scale and density that is in scale with the height of the natural environment. The visual impact of the built form will not be secondary to landscaping and vegetation and the proposed alterations and additions are not of high quality built for the natural context and any natural hazards.</i></p> <p>d. <i>The proposal does not satisfy the “outcomes” set out in Section D10.1 of Pittwater 21 DCP as proposed height and architectural design of the built form will not achieve the desired future character of the Locality and does not respond to or reinforce the spatial characteristics of the existing built form and natural environment, nor does it promote a scale and density that is in scale with the height of the natural environment. The visual impact of the built form will not be secondary to landscaping and vegetation and the</i></p>	<p>As discussed above in relation to Contention 4, the design of the proposed additions has been amended to sit lower than the height of the existing building and to ensure strict compliance with the 8.5 m height limit. As a result, it is considered that the height of the building is unlikely to render the Proposal visually intrusive in the local context or when viewed from surrounding properties and the public domain.</p> <p>When viewed from the public domain, the existing club building is obscured by a combination of the topography of the locality and existing trees and other vegetation, as well as the two temporary storage containers located behind the western façade of the building (Heritage 21, 2022; NBRS, 2024). The building does not front the street, is well set back and lies within a very place specific setting, with the surrounding public open space and facilities integral to an appreciation of the heritage significance of the place as a community facility (NBRS, 2024).</p> <p>The best view of the club building is in a northerly direction from Bert Payne Park and from the beach looking west. The compositional elements of the public domain views towards the club building are dominated by the building itself, the car park and public reserves, including the children’s playground, Youth Space and basketball court, landscaping and large Norfolk Pines. The club building and its curtilage are static elements of the views, the changing surf, beach and weather conditions comprising more dynamic elements.</p> <p>Under the Pittwater 21 DCP, Section D10 sets out development controls relating to the Newport Locality, although it is noted that the majority of the controls in Section D10 address the nearby Newport Commercial Centre. The proposed northern addition replaces later unsympathetic additions and is clearly understood as a contemporary addition that is subservient to the scale and form of the original 1930s building.</p> <p>The type, bulk, scale and size of the development, with a high-quality selection of building materials, is not considered inappropriate for the site given the current use of the Newport SLSC building. The height of the addition sits below the existing ridge height, with the seaward building alignment being respected. The choice of colours, including the distinctive ‘buttery yellow’ typical of SLSC buildings are not in keeping with the preferred colours specified in the control. This is acceptable however for the following reasons, firstly the ‘buttery yellow’ is strongly tied to the historic and ongoing use of the building and is clearly understood by the community (NBRS, 2024). The natural and neutral colour palette of the additions are also</p>

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<p><i>proposed alterations and additions are not of high quality built for the natural context and any natural hazards.</i></p>	<p>appropriate to the immediate beach side context, which is set sufficiently away from the Commercial Centre.</p> <p>The proposed alterations to the club building and the coastal protection works will represent a permanent change, but are considered to visually enhance and complement the public domain views of the building and its public reserve curtilage as viewed within the Newport Beach locality. There would be no adverse impacts to key views to or from the heritage building, and the original building and its Mediterranean architectural character and appreciation of its form is retained and conserved (NBRS, 2024).</p> <p>The Proposal is not expected to negatively impact on the scenic quality and visual amenity of the coast. The Proposal would not alter the existing landscaped character of the beach edge, which is strongly characterised by the series of Norfolk Pines, all of which would be retained. Key views from the north and south along the beach are retained, as are views of the primary entry on the western side of the building (currently partially obscured by the container storage) (NBRS, 2024).</p>
Heritage	
<p>6. <i>The Application should be refused because the heritage significance and potential retention/alteration of the building has not been fully considered in terms of its location within the ongoing Coastal Management program.</i></p> <p><u>Particulars</u></p> <ul style="list-style-type: none"> a. <i>The heritage impact statement does not analyse the opportunity for the conservation of the early configuration of the building.</i> b. <i>The existing and proposed additions to the original Surf Club design do not complement the building in form, scale, or materials.</i> c. <i>There has been no analysis of the alternative location for additions, possibly to the west, that would have less impact on the building’s significance and the beach front stability.</i> d. <i>The building has been significantly altered and added to and the Application does not provide analysis for the removal of these unsympathetic additions, the potential to relocate the original building fabric or to demolish the building and interpret the structure in a new building that would be located to meet the environmental engineering constraints of the site.</i> 	<p>The potential impacts on the heritage significance of the building have been considered in an updated <i>Heritage Impact Statement</i> (HIS) prepared by NBRS (2024).</p> <p>Whilst the existing works at the northern and southern ends/wings of the building are identified as being of little significance in the Conservation Management Plan by Heritage21 (2020), the two elements provide evidence of the original footprint of the building and thus their retention is encouraged and supported, as confirmed in the HIS by (NBRS, 2024). Furthermore, the loss of these spaces, which do not detract from the heritage significance of the building, would be counter-productive to one of the key drivers of the proposed development, which is to provide additional floor space within the building to meet the contemporary requirements of the Newport SLSC, whilst also providing essential public amenities for the community. The proposed northern addition replaces later unsympathetic, ‘intrusive’ additions (Heritage 21, 2022) and is clearly understood as a contemporary addition that is subservient to the scale and form of the original 1930s building (NBRS, 2024).</p> <p>The Proposal has been designed to provide a much-needed upgrade to the existing facility and coastal protection works to the meet the operational demands of the club and the community, whilst also ensuring the preservation of the locally significant heritage item for the next generation to come. The additions to the original surf club have been</p>

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	<p>Reference is made to the <i>Options Assessment and Review</i> report (Attachment 1), which provides analysis of alternative locations for the building or for the provision of additions to the club building. Demolition of the building in its entirety was considered to result in an unacceptable level of heritage impact, and would be inconsistent with Outcome C.1 if the NSW Coastal Design Guidelines (DPE, 2023), to protect and promote heritage values.</p> <p>Further, it is noted that not proceeding with the Proposal would leave the existing heritage listed building exposed to coastal hazards, with potential for undermining of the foundations due to coastal erosion, with a risk of significant damage to or loss of the building.</p>
Traffic and Parking	
<p>7. <i>The Application should be refused because it did not conduct an analysis of alternative arrangements to the parking layout which would enable the consideration of alternative footprints for the surf club building (for example, moving the bulk of the surf club building away from the ocean).</i></p>	<p>The <i>Options Assessment and Review</i> undertaken for the Proposal (refer Attachment 1) considers the impacts of the various built form options on parking, supported by an analysis by Traffic and Transport Planning Associates (TTPA) dated 27 February 2023.</p> <p>TTPA specifically considered the current parking demand and potential loss of parking spaces associated with the construction of a new Club building within the existing car park, adopting a building footprint of 1,000 m² consistent with the footprint of two recent clubhouse developments for the Mona Vale and Long Reef SLSCs, both of which have similar sized memberships and service similar sized populations. TTPA considered that, although the potential impacts to parking would depend exactly where the new building was located, up to 50-55 car spaces would be lost, with the effect of significant impacts for:</p> <ul style="list-style-type: none"> • Parking intrusion into residential streets; • Significant enter, search and depart movements, heightening the movements at the Barrenjoey Road access; • Higher demands on the other Council car parks which are provided to support businesses in the Newport Commercial Village; and • Parking available for commuters using the bus services to and from the City (e.g. the B-Line service). <p>The potential impact on parking was considered for each of the alternatives to the Proposal considered in the <i>Options Assessment and Review</i> report (refer Attachment 1), including the ‘do nothing’ option (Option 1) and a total of four alternatives that would involve construction of a SLSC building in the car park. The Proposal was found to have the lowest level of impact on parking, noting the current level of impact of SLSC operations on parking associated with the storage of club equipment in at least three spaces (and up to around six) at any given time.</p>

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Response

Public Interest

8. *Given the number of objections received during the public notification process, the strong representations made by residents, the inadequacy of the Application and its adverse impacts, the public interest would not be served by granting consent to the Application.*

Particulars

- a. *A total of thirty-eight (38) submissions were received in response to the Application. The matters raised by the resident objectors (in so far as those matters coincide with the Contentions above) are matters warranting the refusal of the Application. The submissions received are relevant matters for consideration in the Court’s determination of the Application in accordance with section 4.15(1)(d) and (e) of the EP&A Act.*
- b. *Contentions 1 – 7 are repeated.*

The public interest is a material reason for the Application being lodged and has been a key driver of the proposal. The Newport SLSC building is a public asset currently leased to the Newport SLSC. The Newport SLSC has 1,059 members (Newport SLSC Inc., 2021) and serves a pivotal role in the Newport locality. The not-for-profit organisation is largely comprised of volunteers and provides education and training for residents of the area, enhances public safety at the beach and fosters a sense of community by promoting volunteerism, competition and group/team recreation. The location of the building, the amenities/spaces within the building, and the relationship between the building and the adjoining reserve are all critical to the efficient operation and function of Newport SLSC.

The proposal has been designed to provide a much-needed upgrade to the existing facility to meet the operational demands of the club, whilst also ensuring the preservation of the locally significant heritage item for the next generation to come. In this respect, the proposed development is in the public interest, in that it will allow for the continuation and betterment of the Newport SLSC and will preserve and enhance the historical significance of the site.

Whilst leased to the Newport SLSC, the building’s use is not limited to that of its members. The building is proposed to provide public amenities and training and function spaces that are able to be used by the general public. The location of the building is centrally located with respect to the beach, the carpark, the playground, and the reserve, and serves as a bookend to the Newport Commercial Village. The building will contribute to local tourism and both the day and night-time economy of the Newport locality.

The proposed development is also in the public interest in so far as it is consistent with the adopted Plan of Management developed for the site through community consultation, and the objectives of the RE1 zoned land under the PLEP 2014. The proposed development will enable the continued use of the land and the existing building for recreational and community purposes, to meet the needs of the Newport community. The proposal will also protect and enhance the natural environment, with the proposed coastal protection works ensuring the safety of the existing heritage listed building, the beach and Norfolk Island Pines for a design life of 60 years. Further, the coastal protection works will significantly enhance access to and from the beach, including after a coastal erosion event, with a ramp and steps to maintain access to the beach when sand levels are reduced, when access would otherwise be restricted. The incorporation of seating into the coastal protection works design improves upon the existing level of amenity for visitors.

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Irrespective of the works proposed to the building itself, coastal protection works are required to protect the existing building and to replace the existing rock revetment located seaward of the existing building. Leaving the site in its current state is not in the public interest, as the building would be at risk of collapse, with further risk of rocks from the existing rock revetment being moved across the beach and into the surf zone during a storm. The proposed coastal protection works will significantly enhance public safety compared to the current situation.

Further, the proposed development would provide improved public access and amenity for beach users, especially when the beach is in an eroded state.

The proposed development has also been the subject of extensive public consultation in its own right, with community engagement undertaken prior to preliminary discussions with Council, at two stages during the design phase and again through the Development Application notification process. The vast majority of feedback received has been supportive of the proposal.

The proposed development can also be said to be in the public interest in so far as the proposed is consistent with Council’s 20 year vision for land-use planning across the Northern Beaches as identified in the *Towards 2040: Local Strategic Planning Statement*, in so far as it is consistent with the following nominated priorities:

- Sustainability:
 - Landscape: Priority 1: Healthy and valued coast and waterways and Priority 3: Protected scenic and cultural landscapes.
 - Efficiency: Priority 7: A low-carbon community with high energy, water and waste efficiency.
 - Resilience: Priority 8: Adapted to the impacts of natural and urban hazards and climate change.
- Infrastructure and Collaboration:
 - Priority 9: Infrastructure delivered with employment and housing growth
- Liveability:
 - People: Priority 11: Community facilities and services that meet changing community needs, and Priority 12: An inclusive, healthy, safe and socially connected community.

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	Great places: Priority 17: Centres and neighbourhoods designed to reflect local character, lifestyle and demographics changes, and Priority 18: Protected, conserved and celebrated heritage.
B3: Matters involving insufficient information	
Traffic and Parking	
<p>9. <i>There is insufficient information about the consideration given, if any, to traffic and parking at the Site.</i></p> <p>10. <i>The Application documents do not make clear the proposed modifications to the existing car parking layout and circulation within the carpark, to the west and north-west of the surf club building, that will result from the proposed development.</i></p>	<p>At present the existing SLSC is using two shipping containers for temporary storage to address insufficient provision for storage of equipment within the existing clubhouse. These shipping containers occupy three parking spaces. In addition, due to the lack of dedicated undercover storage, surf boats and trailers are also stored in the car park and can take up an additional three or four parking spaces. The subject car spaces are identified in the Site Analysis plan (Dwg # 002) of the Architectural Plans and in photographs included in Section 3.8 of the <i>Options Assessment and Review</i> report (refer Attachment 1).</p> <p>The Proposal would result in the loss of a total of seven car spaces (TTPA, 2024), although this impact would be offset due to return to use of three of the car spaces currently being used by the SLSC for equipment storage. There would be no other changes to the car parking layout or circulation.</p>
Access	
<p>11. <i>The Access Report from BCA Logic dated 22/09/2020 does not cover all works included in the Proposal and has not considered beach access issues including beach and all-ability access for the Surf Life Saving Club activities, public access, and beach management works.</i></p> <p><u>Particulars</u></p> <p>a. <i>The Proposal envisages that the beach level will change and may reduce over time. An eroded beach state is likely to persist following a significant storm. This eroded beach state could become permanent, depending on long-term beach stability and sea level rise.</i></p> <p>b. <i>The stepped seawall structure will compromise the beach access for inflatable rescue boats, jet skis and surfboat craft, through the seaward roller doors. The stepped seawall proposed should consider an all-ability access ramp and/or an access ramp for low beach positions. A longitudinal ramp could have been included in the Proposal.</i></p>	<p>Reference is made to the updated Architectural Plans (Revision D dated 31/07/2024) and the Coastal Protection Works drawings (revision P01 dated 30 July 2024), which identify the following modifications to the Proposal, which address some key issues raised in Contention 11:</p> <ul style="list-style-type: none"> • Alteration to the design of the coastal protection works, to include a secant wall, beach access stairs, beach access ramp, bleachers, and wave returns with integrated seats; • Alteration to the design of the ‘gear storage area’, with the relocation of the roller doors from the eastern façade to the northern façade; and • Relocation of the showers from the northern façade to the eastern façade. <p>The potential impacts of fluctuations in beach volume on access, in particular when the beach is in a severely eroded state are discussed in the <i>Supplementary Coastal Engineering</i> report (RHDHV, 2024). The proposed works include stair and bleacher access to the beach to a lower level than in the drawings submitted with the DA to improve beach access following storms. It is not expected that an eroded beach state would become ‘permanent’ as there will always be a level of beach recovery following storms. Beach access will also be managed by beach scraping carried out by Council. Sea level rise is predicted to cause a narrowing of beach width over time,</p>

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in common with all beaches. The most appropriate means of managing this future situation would be a universal program of ‘amenity beach nourishment’.

A ramp is proposed for watercraft access, the position and design of which has been agreed in consultation with Newport SLSC members. Council is committed to inclusion of all-ability access to the beach, however, consider this would be in a location or by means not directly along the seaward side of the SLSC building (refer Section 4.1 of RHDHV, 2024).

As noted in **Section 1**, an update to the *Access Report* has been provided in the form of a letter authored by Jensen Hughes (dated 5 August 2024) based on a review of the updated Architectural Plans and Coastal protection Works drawings and confirms that they comply with the BCA2022 and AS1428.1-2009.

Section 27(1) of the CM Act requires the consent authority be satisfied that:

- a) *The works will not, over the life of the works-*
 - (i) *Unreasonably limit public access to or use of the beach or headland, or*
 - (ii) *Pose, or be likely to pose, a threat to public safety, and*
- b) *Satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works-*
 - (i) *The restoration of the beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,*
 - (ii) *The maintenance of the works.*

It is not anticipated that the proposed coastal protection works would unreasonably limit public access to the beach during the construction and operational phases of the proposed development, even when the beach is in an eroded state. There are sufficient alternative access points to the beach that the temporary fencing of the works area during construction would not unduly impact public access or use of the beach, including for SLSC activities. In the operational phase, alongshore access may be limited following a large beach erosion event, but probably not a great deal more than is currently the case, and alternative access via the many beach accessways is available. Beach recovery is expected to be fairly rapid following such an erosion event. Further, the coastal protection works would significantly enhance access to and from the beach following an erosion event, with a ramp and steps to maintain access to the beach when sand levels are reduced, when access would otherwise be restricted.

Sea level rise is predicted to cause a narrowing of beach width over time, in common with all beaches. The most appropriate means of managing this future situation would be a universal program of ‘amenity beach nourishment’. As the Crown reserve manager, Council has a statutory responsibility to maintain both the asset and adjoining land, including the beach, in

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accordance with the requirements of the *Crown Land Management Act 2016*. To address the potential for longer term impacts of the works, in the event the beach/dunes do not naturally recover within a six month period following the storm event, Council would assist recovery by reinstating the impacted area. This requirement will be translated into the relevant asset management plan(s).

To address the requirements of Section 27(2) of the CM Act, Council proposes that this commitment be conditioned by consent authority accordingly. A draft condition is proposed as follows:

'Council must provide an irrevocable bank guarantee (or other suitable legally binding obligation) prior to the issue of any construction certificate in the amount of \$1000 per lineal metre of the coastal protection works to undertake maintenance of the coastal protection works in the event that they are damaged as a result of a coastal storm, including to:

- a) undertake any works required to remove any threat to public safety arising from the coastal protection works including the removal of rocks or debris from the public beach and adjacent public land any increase erosion caused by the works that impacts, and/or*
- b) If any adjacent dunes or beach that eroded during the storm event have not sufficiently recovered naturally over a period of six months following the storm event, the affected areas adjacent to the coastal protection works would be reinstated to their pre-storm condition.*

In this condition "maintenance" means the restoration of the works to a standard in accordance with the approved plans and specifications following any damage caused by a coastal storm.

The bank guarantee (or other suitable legally binding obligation) is to be replenished if drawn upon and increased to allow for Consumer Price Index (CPI) every 10 years from the date of establishment.'

It is noted that the proposal has a 60 year design life and there is a need to provide a mechanism to review the works and extend the operation of the consent with appropriate consideration of the holistic management strategy for the coastal compartment and with greater confidence in the projected impacts of climate change. Council also proposes the

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following time limited consent condition to satisfy the requirements of Section 27(2) of the CM Act:

'The consent operates for 60 calendar years from the date of the issue of the occupation certificate and such other period as may be extended with the written approval of Council in accordance with the following.

A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, a Review Report will be prepared by a suitably qualified independent coastal engineer. The report must review the performance of the works using the evidence and coastal hazard predictions known at that time. The report must consider whether:

- a) The coastal protection works are satisfactory in their current state and do not result in a threat to public safety, in which case the report can recommend an extension to the consent, or*
- b) Upgrades to the coastal protection works are recommended to ensure they will not result in a threat to public safety to extend the consent for a further period of time, or*
- c) Removal and replacement of the works (including the Newport Surf Life Saving Club building) structure with an alternative design is recommended to ensure they do not result in a threat to public safety, or*
- d) Demolition and removal of the works (including the Newport Surf Life Saving Club building) in the interest of public safety is recommended.*

The Review Report shall be submitted to Council for approval not later than twelve (12) months prior to the date of 60 years after the issue of the occupation certificate in the first instance, or 12 months prior to the end of such other period identified in any written approval from Council, in accordance with this condition.

If the Review Report concludes that the structure is satisfactory in accordance with (a) above, and Council accepts the findings of the report, Council will, in writing, approve an extension of the term of the development consent for the period recommended in the Review Report, or such lesser time as Council considers appropriate.

If the Review Report recommends any upgrades or alterations to the works in accordance with (b) above, those upgrades must be dealt with under the planning laws at that time.

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If the Review Report recommends removal and replacement of the structure works with an alternative design in accordance with (c) above, the replacement structure will be the subject of a further development application for consent to Council, if required by the planning laws at that time. For the avoidance of doubt, nothing shall oblige Council to replace the coastal protection works if they instead choose to remove the works which will be removed at the expense of the owners.

If the Review Report recommends demolition and removal of the coastal protection works in the interest of public safety, such removal will be undertaken by the owners at their own expense and within such reasonable time period required by Council.

Any written approval from the Council extending the period of operation of this consent is to be recorded on the s10.7 Planning Certificate for the land and Council’s register of development consents.

A further Review Report will be provided to Council a minimum of twelve (12) months prior to the end of any extended period notified identified in writing by the Council in accordance with this condition, with the above process repeated for such extension.

In the event that,

- *The Council does not accept the recommendations of the Review Report (including an amended or replacement Report) in writing, or*
- *The Council fails to provide written notification of its acceptance of the recommendations within the Review Report within 12 months of lodgement of the Review Report, or*
- *An application for the continued use, upgrade or replacement of the works is made, this consent will continue to operate until any application to modify this condition, or for the continued use or upgrade or replacement of the works, or any proceedings seeking review of the refusal of Council to accept the recommendations, has been finally determined by Council or the Court. Any application, proceedings or appeal, must be lodged within 6 months of Council's decision to not accept the findings of the Review Report or Council's failure to notify of its acceptance of the Review Report, whichever is the later.*

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Note: This continued operation or extension may need to be facilitated by a formal application to modify the consent having regard to the planning laws at the time.'

8 Coastal Management Act

This section responds to the requirements of the CM Act, for the alterations and additions and the ancillary works (i.e. the coastal protection works), in particular the management objectives for coastal management areas.

The subject site is located within the Coastal environment area and Coastal use area. The management objectives for these coastal management areas are discussed with reference to the proposed development in **Table 8-1**. The responses should be read in conjunction with the *Supplementary Coastal Engineering* report (RHDHV, 2024).

As previously discussed, there is no certified Coastal Management Program under the CM Act for the Beach, nor is there a certified Coastal Zone Management Plan under the (now repealed) *Coastal Protection Act 1979*. A response to Clause 27 of the CM Act is provided in **Table 8-2**, summarised from Section 6.1 of the *Supplementary Coastal Engineering Report* (RHDHV, 2024).

Table 8-1 Objects for Coastal Management Areas and compliance

Management Objectives	Comment
Clause 8 Coastal environment area	
(2) The management objectives for the coastal environment area are as follows-	
(a) <i>to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity,</i>	<p>Based on the collated information presented in the <i>Supplementary Coastal Engineering</i> (RHDHV, 2024) and other reports prepared for the Proposal, as summarised in Section 3.4 of Attachment 1, it is not anticipated that the development would significantly impact natural coastal processes or environmental values in the short to medium-term. In the longer term, there is potential for the proposal to impact the dune system to the north and south of the coastal protection works due to end effects (RHDHV, 2024). Should impacts arise, the dunes would be reinstated.</p> <p>The development is not expected to materially impact coastal waters, biological diversity or ecosystem integrity of the site.</p>
(b) <i>to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change,</i>	<p>The proposed development would not reduce the existing threats to coastal waters or improve the resilience of coastal waters to threats (e.g. water quality) or climate change.</p> <p>There are no estuaries or coastal lakes or lagoons at or adjacent to the site.</p>
(c) <i>to maintain and improve water quality and estuary health,</i>	<p>The proposed development would maintain water quality and would not result in any direct impacts on coastal water quality, provided appropriate construction phase mitigation measures are implemented as per the Erosion and Sediment Plans prepared by Rise Consulting Engineers (dated 13/11/2020).</p>
(d) <i>to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons,</i>	<p>The SLSC fulfils a critical function as the focal point of social and cultural values of the locality through the involvement of local residents in club activities. The role the Club membership plays in education and training, and ensuring public safety for beach users,</p>

Management Objectives	Comment
	<p>fosters a sense of community by promoting volunteerism and group/team recreation.</p> <p>The proposal has been designed to provide a much-needed upgrade to the existing facility and coastal protection works to the meet the operational demands of the club and the community, whilst also ensuring the preservation of the locally significant heritage item for the next generation to come.</p>
<p><i>(e) to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place,</i></p>	<p>The proposed coastal protection works are not expected to significantly impact the natural features of the foreshore or beach system in the present day, apart from some dune vegetation to the north of the SLSC proposed for removal for the construction works, as per the Biodiversity Impact Assessment report (GIS Environmental Consultants, 2024). Any potential adverse operational phase impacts associated with projected sea level rise and occurring following a storm event, would be managed in accordance with the operational and maintenance measures detailed in that report, as well the proposed conditions of consent (refer Table 7-2).</p>
<p><i>(f) to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms.</i></p>	<p>The proposal would improve public amenity and encourage use of Newport Beach in two ways: by providing an improved space for the ongoing sustainable use of the SLSC building, and by providing high amenity stepped coastal protection works. The proposal is not expected to negatively impact public access or public use and enjoyment of the beach in a similar fashion to other coastal protection works in the local government area (such as at Dee Why and at Manly).</p>
<p>Clause 9 Coastal use area</p>	
<p>(2) The management objectives for the coastal use area are as follows-</p>	
<p>(a) to protect and enhance the scenic, social and cultural values of the coast by ensuring that—</p>	
<p><i>(i) the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and</i></p>	<p>The development comprises alterations and additions to an existing community asset, the Newport SLSC. The increase in floor space results in only a minor increase in footprint with an extended storage area to the west, which would occupy some existing car parking spaces. The type, bulk, scale and size of the development is not inappropriate for the site, given the current use of the Newport SLSC building.</p> <p>The proposal is not expected to negatively impact on the scenic quality and visual amenity of the coast.</p>
<p><i>(ii) adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and</i></p>	<p>The HIS (NBRS, 2024) prepared for the proposed development has concluded that the proposal would not have a significant adverse impact on the heritage listed SLSC building, provided the mitigation measures in that document are implemented.</p>
<p><i>(iii) urban design, including water sensitive urban design, is supported and incorporated into development activities, and</i></p>	<p>Landscape Plans have been prepared by APA. New and upgraded landscaping is proposed between the Newport SLSC building and the public carpark.</p>

Management Objectives	Comment
	There are no specific water sensitive urban design features proposed, noting there would be no increase in hard stand area.
<i>(iv) adequate public open space is provided, including for recreational activities and associated infrastructure, and</i>	<p>The development would not result in a reduction in the area of public open space that comprises Bert Payne Reserve or the Youth Space, or associated footpaths.</p> <p>The <i>Traffic and Parking Assessment (TPA, 2024)</i> prepared for the development notes that the additions to the SLSC would extend into the car park for purposes of boat storage, resulting in the loss of 4 car spaces. This is in addition to the three spaces occupied by shipping containers used for storage, summing to a total of 7 spaces being lost. However, those car spaces that are occupied by boat trailers would no longer be used for that purpose, returning these car spaces for public use</p>
<i>(v) the use of the surf zone is considered,</i>	The use of the surf zone is considered in Section 3.4.3 of Attachment 1 . No adverse impacts on the use of the surf zone are anticipated.
<i>(b) To accommodate both urbanised and natural stretches of coastline.</i>	The development would not change the existing land use of the site, which is currently an extensively modified urban site that comprises the Newport SLSC, car park, playground and landscaped public open space.

Table 8-2 Clause 27 Provisions and Comments

Clause 27 of the CM Act	Comment
<i>(1) Development consent must not be granted under the Environmental Planning and Assessment Act 1979 to development for the purpose of coastal protection works, unless the consent authority is satisfied that:</i>	
<i>(a) the works will not, over the life of the works:</i>	
<i>(i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or</i>	<p>The proposed coastal protection works incorporate public access to the beach by means of four sets of stairs and a series of bleachers along the full length of the seaward side of the SLSC building over a total distance of approximately 70 m. The lowest level of the stairs and bleachers accommodates access to the beach at lower beach levels.</p> <p>The access arrangements are an improvement over the existing situation where ad-hoc rock placed in May 1974 currently exists seaward of the promenade. The proposed stairs and bleachers extend a lesser distance onto the beach beyond the promenade than the existing ad-hoc rock.</p> <p>It is not considered the proposed works would unreasonably limit or be likely to unreasonably limit public access to or use of the beach.</p> <p>The proposed works are remote from any headland.</p>

Clause 27 of the CM Act	Comment
<p><i>(ii) pose or be likely to pose a threat to public safety.</i></p>	<p>The proposed works, over the life of the works, would not be expected to pose or be likely to pose a threat to public safety, in respect of the beach erosion/shoreline recession hazard.</p> <p>The proposed coastal protection works would be capable of preventing undermining of the SLSC building in the event the building was occupied in a severe storm event. In practice it is unlikely the building would in fact be occupied during a severe storm event having regard to the implementation of coastal erosion emergency action plans and the management of persons at such times.</p> <p>The coastal protection works would be designed to be structurally sound in a 1,000-year ARI event, accordingly damage to the structure which could lead to debris or the like on the beach, presenting a risk to public safety, is not considered a significant risk.</p> <p>The coastal inundation hazard (wave overtopping) does present a potential risk to public safety. It would be necessary to actively manage the public at times of storm events that lead to overtopping of the promenade via measures incorporated in an Operational Environmental Management Plan (OEMP) or similar.</p> <p>Construction of the coastal protection works would include removal of the existing ad-hoc rock protection. This is a positive outcome for public safety due to the risk the existence of this rock poses when exposed in storms and subject to being strewn across the beach and possibly into the surf zone.</p> <p>Based on the above, it is considered the consent authority can be satisfied that the proposed works will not, over the life of the works, pose or be likely to pose a threat to public safety.</p>
<p><i>(b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:</i></p>	
<p><i>(i) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,</i></p>	<p>As discussed in RHDHV (2024), the proposed works would not be expected to lead to any increased scour/erosion immediately seaward of the works compared to the existing situation. However, erosion of immediately adjacent land is predicted to occur due to end effects, caused by the presence of the works (estimated by WRL, 2021). There may also be a need to nourish the beach or undertake scraping to address loss of beach width following an erosion event.</p> <p>A draft condition of consent has been proposed in order to manage these issue, detailed in Table 7-2.</p>
<p><i>(ii) the maintenance of the works.</i></p>	<p>A draft condition has been prepared to ensure compliance by the Applicant with Section 27 (1)(b)(ii), hence the matter of maintenance of the works over the life of the works has been addressed.</p>

Clause 27 of the CM Act	Comment
<p><i>(2) The arrangements referred to in subsection (1) (b) are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either or both of the following:</i></p> <p><i>(a) by legally binding obligations (including by way of financial assurance or bond) of all or any of the following—</i></p> <p><i>(i) the owner or owners from time to time of the land protected by the works,</i></p> <p><i>(ii) if the coastal protection works are constructed by or on behalf of landowners or by landowners jointly with a council or public authority— the council or public authority.</i></p> <p><i>(b) by payment to the relevant council of an annual charge for coastal protection services (within the meaning of the Local Government Act 1993).</i></p>	<p>The draft condition detailed in Table 7-2 should be imposed to address this requirement.</p>
<p><i>(3) The funding obligations referred to in subsection (2) (a) are to include the percentage share of the total funding of each landowner, council or public authority concerned.</i></p>	<p>Not applicable.</p>

9 State Environmental Planning Policy (Resilience and Hazards) 2021

9.1 Coastal Hazards

The site is mapped as Coastal use area and the Coastal environment area under the Resilience and Hazards SEPP. Hence, the provisions of Chapter 2 of SEPP are applicable in relation to the site and this Proposal.

9.1.1 Part 2.2 Development Controls for Coastal Management Areas

Part 2.2 details development controls for management areas. The relevant development controls are discussed with reference to the Proposal in **Table 9-1** and should be read with reference to Section 6.2.3 of the *Supplementary Coastal Engineering* report (RHDHV, 2024).

Clause 2.10 Development on land within the coastal environment area

The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid adverse impacts upon the relevant matters identified in section 2.10(1) of this policy.

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

The proposed development is not expected to alter the hydrological environment.

The key relevant coastal engineering consideration is groundwater. The proposed works would not be likely to cause an adverse impact on groundwater since:

- Free draining material would exist behind the coastal protection works (in situ sand and any crushed reused rock) weepholes would be provided at the junction of the secant pile wall and capping beam;
- the area landward of the coastal protection works is comprised largely of impermeable surfaces thus inhibiting infiltration of overtopping waters; and
- any overtopping waters that do enter the groundwater system landward of the works would be able to flow laterally.

(b) coastal environmental values and natural coastal processes,

The proposal is not expected to significantly impact coastal environmental values, noting the retention of significant trees (refer Tree Management Strategies, 2024) and non-significant nature of impacts to existing dune vegetation (refer GIS Environmental Consultants, 2024).

The proposed works would not be likely to cause an adverse impact on coastal processes directly seaward of the works compared to the existing situation based on the landward position of the secant pile wall relative to the existing sloping rock protection and the results of relevant numerical modelling of beach behaviour (beach width) (refer RHDHV, 2024).

The proposed works would impact on natural coastal processes immediately to the north and south of the proposed works, causing additional end effects compared to the existing situation. The potential for

adverse impacts would be mitigated by natural beach recovery following the storm and by restoration works carried out as a condition of consent imposed to address Section 27 (1)(b)(i) of the CM Act.

A potential minor adverse impact on natural coastal processes (possible minor additional shoreline recession) has been identified due to the ‘locking up’ of sand behind the coastal protection works. To mitigate this potential adverse impact, it is recommended this potential source of recession be recognised in finalising the condition imposed in relation to Section 27 (1)(b)(i).

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

The proposed development would not result in any direct impacts on coastal water quality, provided appropriate construction phase mitigation measures are implemented as per the Erosion and Sediment Plans prepared by Rise Consulting Engineers (dated 13/11/2020). In the operational phase, there would be no change in the existing level of impact on receiving waters. The proposed coastal protection works are constructed primarily of reinforced concrete which is essentially inert with no risk of leaching contaminants when in contact with surface water, groundwater or ocean waters.

There are no Schedule 1 sensitive coastal lakes within or adjacent to the site.

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

As discussed in Section 3.10 of **Attachment 1**, no aquatic vegetation or habitat for fauna would be directly impacted by the Proposal. Around 228 m² of dune vegetation would be removed for the construction of the proposed coastal protection works, of which 170 m³ would be revegetated (GIS Environmental Consultants, 2024). The dune and dune vegetation would be reinstated following the completion of the works. The potential longer-term impacts on dune vegetation, which comprises habitat for some coastal fauna, are also discussed along with proposed mitigation measures in that document.

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

As discussed in Section 3.4 of **Attachment 1**, there would be no significant adverse impact on public open space and public access, provided the proposed mitigation measures are adopted.

The Proposal does not specifically provide for improved disabled access as it was not feasible to achieve the required grades in the ramp without materially impacting public open space and/or the beach (refer RHDHV, 2024). However, nor does it negatively impact any existing provision for people with limited mobility or a disability.

(f) Aboriginal cultural heritage, practices and places,

There would be no adverse impact on any listed Aboriginal heritage sites or places.

(g) the use of the surf zone.

As discussed in Section 3.4.3 of **Attachment 1**, no adverse impact on the use of the surf zone is anticipated. The proposed works would not be likely to cause an adverse impact on use of the surf zone

as the works are located at the back of the beach and would only be expected to interact with the surf in severe storms. Use of the surf by beachgoers would not be expected at such times.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or

The options analysis is provided in **Attachment 1** demonstrates that the site constraints support the proposal to retain the existing SLSC building in its current location, and to undertake alterations and additions to the building, in lieu of relocating it.

It is considered that the proposed coastal protection works have been generally designed, sited and managed to avoid, minimise and mitigate the impacts referred to in subsection (1). In particular it is noted that:

- the proposed coastal protection works are sited as far landward as practicable with minimal footprint;
- a maintenance plan would be prepared as a condition of consent;
- a condition of consent would be imposed to ensure satisfactory arrangements are in place, for the life of the works, for restoration of the beach and land adjacent to the beach, if increased erosion of the beach or adjacent land is caused by the presence of the works.

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

Based on the summary of the coastal engineering reports and discussion provided in RHDHV (2024) and **Attachment 1**, it is considered that the potential adverse impacts of the proposal can be appropriately managed through the detailed design process and provided the recommended mitigation measures are implemented.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Further to the response to section 210(2)(b) above, the Newport SLSC will implement operational procedures in the event of a forecast coastal storm to manage the risk to members of the public and club members from coastal hazards.

Clause 2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability

Refer to discussion on public access in earlier responses, e.g. in relation to Section 27 (1)(a)(i) of the CM Act and Clause 2.9 (b)(ii) of the SEPP (Resilience and Hazards) 2021.

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

The Proposed alterations and additions generally retain the same footprint and envelope as the existing building and are not expected to result in overshadowing or wind funnelling.

Refer to responses provided in **Section 7** with respect to potential impacts on views from public places to foreshores.

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands

It is not anticipated that the Proposal would adversely affect, visual amenity and scenic qualities of the coast, including coastal headlands, as previously discussed in **Section 7**.

(iv) Aboriginal cultural heritage, practices and places

There would be no adverse impact on any listed Aboriginal heritage sites or places.

(v) cultural and built environment heritage

There would be no adverse impact on cultural and built environment heritage, as previously discussed in **Section 7**.

(b) Is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact

The design of the proposed alterations and additions to the SLSC building have been carefully considered to avoid and minimise adverse impacts. The proposed coastal protection works have been located as far landward as possible, would be substantially buried most of the time, and the main visual elements would be coloured to match the colour of the beach sand.

Reference is also made to the proposed Condition of consent for maintenance of the beach.

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development

Refer above responses.

9.1.2 Division 5 General

The compliance of the development with respect to Clause 2.12 is discussed below. As previously discussed, there is no certified Coastal Management Program (or Coastal Zone Management Plan) for Newport Beach, hence section 2.13 does not apply.

Clause 2.12 Development in the coastal zone generally – development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Council is satisfied that that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. Based on the Supplementary Coastal Engineering report (RHDHV, 2024), provided the recommended detailed design refinements/investigations and mitigation measures

are implemented, the proposed development is not likely to cause increased risk of coastal hazards on the land or other land, and the consent authority can be satisfied with respect to section 2.12 of this policy.

9.2 Remediation of Land

Chapter 4 of the Resilience and Hazards SEPP applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any. The Court can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

Overall, the proposed development is consistent with the relevant provisions of Chapter 4 of the Resilience and Hazards SEPP.

10 Local Government Act

The site is Crown Land and forms part of a public reserve that is managed by Northern Beaches Council in accordance with the *Ocean Beaches Plan of Management: Newport Beach* (Pittwater Council, 2005).

The existing Newport SLSC building is located largely within the part of the reserve categorised for General Community Use, as shown in green on **Figure 10-1**. The northern end of the building extends onto land categorised as Natural Area – Foreshore, shown in yellow on **Figure 10-1**.

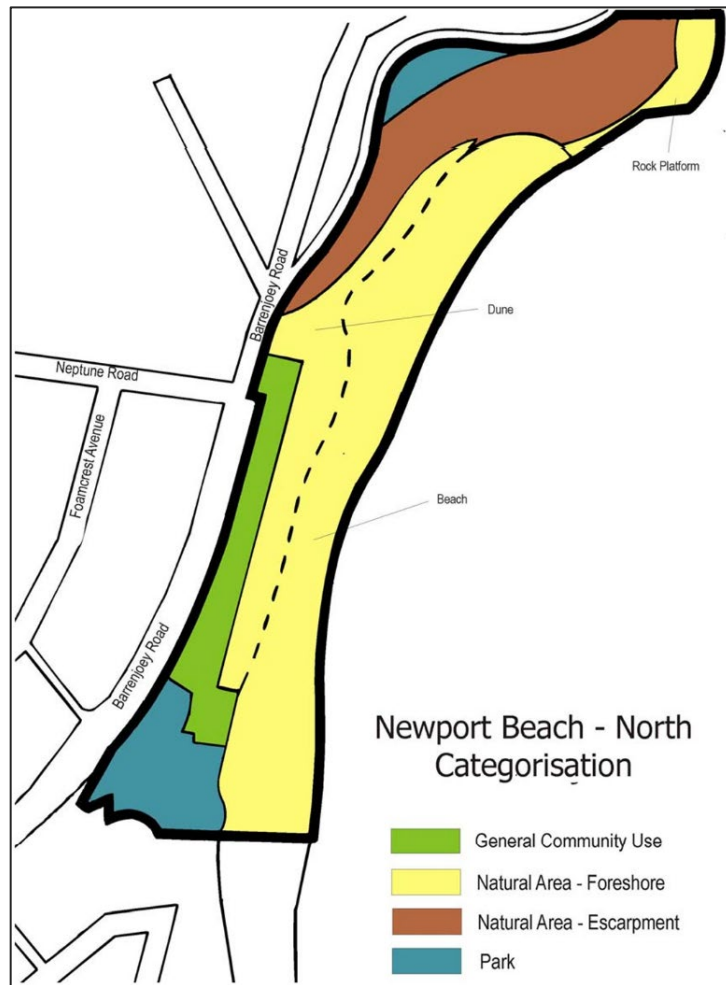


Figure 10-1 Newport Beach - North Categorisation (source: *Ocean Beaches Plan of Management: Newport Beach* (Pittwater Council, 2005))

In accordance with Section 35 of the LG Act, community land must be managed in accordance with the plan of management applicable to the land. With respect to the Newport SLSC building, the *Ocean Beaches Plan of Management: Newport Beach* (Pittwater Council, 2005) anticipates that Council, together with the Newport Beach SLSC, are to maintain and upgrade the SLSC building and surrounds as required, having regard to public safety.

The proposed alterations and additions to the existing building, together with the ancillary coastal protection works, provide for the maintenance and upgrade of the Newport SLSC building, consistent with the provisions of the *Ocean Beaches Plan of Management: Newport Beach* and the LG Act.

11 Pittwater Local Environmental Plan 2014

The site is identified on the Land Application Map of PLEP 2014 and the provisions of this policy are applicable in relation to the site and the proposed development. The relevant provisions of PLEP 2014 are considered in **Table 11-1**.

Table 11-1 PLEP Provisions Compliance Table

Clause	Standard	Proposal	Compliance
2.7 Demolition requires development consent		Consent sought via DA	Yes
Zone RE1 Public Recreation		Consistent with RE1 zoning	Yes See Section 11.1
4.3 Height of buildings	8.5m above ground level	8.5 m	Yes See Section 11.2
5.10 Heritage			Yes See Section 11.3
5.21 Flood Planning			Yes See Section 11.4
7.1 Acid sulfate soils	Class 4 and 5		Yes
7.2 Earthworks			Yes
7.6 Biodiversity		There are no works proposed within the portion of the site identified as Biodiversity on the Biodiversity Map of PLEP 2014.	Yes
7.10 Essential services			Yes

11.1 RE1 Public Recreation Zone

The land is zoned RE1 Public Recreation, as shown on the Zoning Map of PLEP 2014. The application seeks consent for alterations and additions to the Newport SLSC building, which is appropriately defined as a community facility. Community facilities are permitted with consent within the RE1 Public Recreation Zone.

The proposed development also involves coastal protection works. Such works are ancillary to the proposed alterations and additions to the community facility and accordingly are permitted with consent.

The proposed development and the continued use of the site for a community facility is consistent with the objectives of the RE1 Public Recreation zone, as follows:

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

Comment: The Newport SLSC building is used for recreational purposes, and both the works to the building and the coastal protection works will enable the building to continue to be used for this purpose. The Newport SLSC building also actively ensures the safety of people using the beach for recreational purposes.

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

Comment: The Newport SLSC building contributes to the range of recreational activities/uses that occur at the site, and the community facility is a compatible land use within the RE1 zone.

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

Comment: The proposed coastal protection works will protect the existing Newport SLSC building and its curtilage, including adjacent Norfolk Island Pines, and in turn the beach and the public reserve. Without the proposed coastal protection works, the existing building would not be adequately protected and at risk of collapse, and the existing rock wall seaward of the building would become exposed, which would be inconsistent with the need to protect and enhance the natural environment for recreational purposes.

- *To allow development that does not substantially diminish public use of, or access to, public open space resources.*

Comment: Whilst the proposed works will impact upon public access to the beach in the vicinity of the proposed works in the short-term (i.e. during construction), the proposed development would not substantially diminish public use of access to the beach in the medium or long term. Rather, the proposed coastal protection works would provide enhanced access to the foreshore for a range of users, with the proposed coastal protection works incorporating a series of steps and a ramp which will facilitate access to and from the beach in the unlikely occurrence that the wall is exposed.

- *To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.*

Comment: The Newport SLSC building facilitates use of the beach and the adjoining reserve for public recreation. The proposed coastal protection works protects the interface between the building and the sandy foreshore and provides for the continued use of this land for passive and active use into the future. In addition, the incorporation of seating into the design of the proposed coastal protection works provides improved amenity for visitors to the beach.

11.2 Clause 4.3 Height of buildings

Clause 4.3(2) of PLEP 2014 prescribes that the height of a building is not to exceed the maximum height shown for the land on the Height of Buildings Map of PLEP 2014. The subject site is shown within Area I on the Height of Buildings Map of PLEP 2014, with a maximum building height of 8.5 m.

The design of the proposed additions have been amended to ensure strict compliance with the 8.5 m height limit.

11.3 Clause 5.10 Heritage

The Newport SLSC building is identified as an item of local heritage significance, as shown on the Heritage Map of PLEP 2014 and as listed in Schedule 5 of PLEP 2014. In accordance with clause 5.10(2) of PLEP 2014, development consent is required for the works proposed to the Newport SLSC building.

Clause 5.10(4) of PLEP 2014 prescribes that the consent authority must consider the effect of the proposed development on the heritage significance of the item before granting consent. To assist consideration of the impact upon the heritage significance of the Newport SLSC building, the application is supported by a *Conservation Management Plan* (Heritage21, 2022a) and HIS (2024).

The HIS concludes:

The proposed alterations and additions, including the coastal protection measures, will have an acceptable impact on the heritage significance of the heritage item.

The design of the proposed addition and internal alterations have been carefully considered, enabling the aesthetic, historic and social significance of the place to be conserved, whilst enabling the historic, current and future surf lifesaving use to continue, in this location.

All existing views to and from the heritage item, specifically the key views from and of the beach, will be retained and conserved.

The proposed alterations and additions, including the coastal protection measures, are consistent with the heritage objectives of the Pittwater LEP 2014 and the Pittwater 21 DCP 2004. In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application as currently proposed.

The consent authority can be satisfied that the heritage significance of the Newport SLSC building, including associated fabric, settings and views will be appropriately conserved, consistent with the objectives of this clause.

11.4 Clause 5.21 Flood Planning

Part of the site is subject to low-risk flooding and the proposed development is subject to the provisions of clause 5.21 of PLEP 2014.

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.*

The consent authority can be satisfied that the development is consistent with the provisions of clause 5.21 of PLEP 2014, as the proposal:

- is compatible with the flood function and behaviour on the land, as outlined in the *Coastal Engineering and Flooding Advice for Newport SLSC Clubhouse Redevelopment Report* (HCE, 2021a), and

- 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
- 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
- incorporates appropriate measures to manage risk to life in the event of a flood, with safe refuge provided within the upper floor of the building, and
- 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.

12 Pittwater 21 Development Control Plan

P21 DCP is applicable to the site and the proposed development. The site is identified within the Newport Locality. The relevant provisions of P21 DCP are considered in **Table 12-1**.

Table 12-1 P21 DCP Controls and Compliance

Clause	Control	Proposal	Compliance
A1.7 Considerations before consent is granted	Have regard for the matters for consideration under section 4.15 of the EP&A Act.	The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered (above).	Yes
A4.10 Newport Locality			Yes
B1.1 Heritage Conservation	Alterations and additions to buildings and structures, and new development of sites containing a heritage item or archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.	The Newport SLSC building is identified as an item of local heritage significance. See HIS (NBRS, 2024).	Yes
B1.4 Aboriginal Heritage			Yes
B3.2 Bushfire Hazard		There are no works proposed within the portion of the site identified as being prone to bushfire on the NSW RFS Bushfire Prone Land Map.	N/A
B3.3 Coastline (Beach) Hazard	All development on land to which this control applies must comply with the requirements of the <i>Coastline Risk Management Policy for Development in Pittwater</i> .	The provisions of clause B3.3 of P21 DCP do not apply, as the site is not identified as Beach Management Area on the Coastal Hazards Map 97003 - P21DCP-BCMDCP016. However, the provisions of the <i>Coastline Risk Management Policy for Development in Pittwater</i> are applicable.	N/A

Clause	Control	Proposal	Compliance
B3.6 Contaminated Land and Potentially Contaminated Land			Yes
B3.11 Flood Prone Land			Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land			Yes
B5.5 Rainwater Tanks – Business, Light Industrial and Other Development	All development creating an additional hard (impervious) area of greater than 50m ² must provide a rainwater tank for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.	The proposed development does not result in a net increase of more than 50 m ² of impervious surfaces.	Yes
B5.15 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's <i>Water Management for Development Policy</i> .	The application is supported by Stormwater Management Plans demonstrating consistency with Council's <i>Water Management for Development Policy</i> .	Yes
B6.1 Access Driveways and Works on the Public Road Reserve		No works are proposed within the public road reserve.	N/A

Clause	Control	Proposal	Compliance
B6.2 Internal Driveways	The design of all Internal Driveways and ramps shall be in accordance with the current edition of Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking, and Australian Standard AS/NZS 2890.2-2002: Parking Facilities - Off-Street Commercial Vehicle Facilities, except as qualified in this control.	The application is supported by a <i>Traffic and Parking Assessment</i> which confirms the suitability of the driveway works proposed.	Yes
B6.3 Off-Street Vehicle Parking Requirements	An adequate number of parking and service spaces that meets the demands generated by the development.	The application is supported by a <i>Traffic and Parking Assessment</i> which confirms that the proposed development will result in a net loss of four car spaces.	Yes
B6.7 Transport and Traffic Management	An assessment of the impact of traffic generated by the proposed development on the local street system must be undertaken.	The application is supported by a <i>Traffic and Parking Assessment</i> which confirms that the proposal will not alter the existing traffic circumstances in the beachfront carpark or the vehicle access on Barrenjoey Road.	Yes
B8.1 Construction and Demolition – Excavation and Fill	Any excavation greater than 1.5 metres deep below the existing surface must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.	The application is supported by a <i>Geotechnical Risk Management Report</i> , consistent with the provisions of the <i>Geotechnical Risk Management Policy for Pittwater</i> .	Yes
B8.3 Construction and Demolition – Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The application is supported by a <i>Waste Management Plan</i> .	Yes

Clause	Control	Proposal	Compliance
B8.4 Construction and Demolition – Site Fencing and Security			Yes
B8.5 Construction and Demolition – Works in the Public Domain			Yes
B8.6 Construction and Demolition – Traffic Management Plan	For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m ³ or greater, a Construction Traffic Management Plan indicating truck movements and truck routes is to be provided and approved by Council prior to the commencement of works.	Traffic management during construction has been addressed in the accompanying <i>Operational Plan of Management</i> , with no objection to conditions requiring the production of a CTMP prior to the commencement of works.	Yes
C5.1 Landscaping	Landscaping shall reflect the scale and form of development and shall be incorporated into the building design through setback and modulation.	The application is supported by Landscape Plans demonstrating a high-quality landscape solution that integrates the Newport SLSC building with the adjoining reserve.	Yes
C5.2 Safety and Security	There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime.	The proposed development has had adequate regard for CPTED principles. The building will be managed in accordance with the <i>Operational Management Plan</i> that accompanies this application.	Yes
C5.4 View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The application is accompanied by <i>Visual Impact Analysis Report</i> which confirms that the proposed development will not result in any adverse impacts upon views to/from the beach.	Yes

Clause	Control	Proposal	Compliance
C5.5 Accessibility	Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access.	The application is supported by an <i>Access Assessment Report</i> confirming that convenient and safe access for all people will be provided through and around the building.	Yes
C5.7 Energy and Water Conservation	Buildings shall be designed to be energy and water efficient.	The application is supported by an <i>Ecologically Sustainable Design Assessment Report</i> and an NCC/BCA Section J JV3 Assessment Report confirming that the proposed development will incorporate passive and active energy savings measures to meet sustainability design targets.	Yes
C5.8 Waste and Recycling Facilities	All waste and recycling materials shall be contained within an approved enclosure and adequate vehicular provision is to be provided to remove waste.	The application is supported by a <i>Waste Management Plan</i> , with ongoing management of waste detailed in the <i>Operational Management Plan</i> that accompanies this application.	Yes
C5.9 Signage		No signage is proposed.	N/A
C5.10 Protection of Residential Amenity	A reasonable level of solar access and visual privacy is maintained to residential properties.	Sufficient separation is achieved between the Newport SLSC building and nearby residential receivers to ensure that the development will not result in any adverse impacts upon solar access or visual privacy.	Yes
C5.16 Building Facades	Building facades to any public place and including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.	The application seeks to improve the visual amenity of the existing building. Visible services will be limited to gutters and downpipes.	Yes

Clause	Control	Proposal	Compliance
C5.17 Pollution control	<p>Development and operations must comply with the PoEO Act, and any relevant legislation.</p> <p>Compliance with the NSW Environment Protection Authority <i>Industrial Noise Policy</i> (2000).</p>	<p>The application is supported by an <i>Acoustic Report</i> which confirms that the proposed development will not result in any adverse acoustic impacts.</p>	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure			N/A
C5.20 Liquor Licensing Applications	<p>A premise that intends to serve alcohol, which may include pubs, registered clubs and restaurants or cafes, must obtain a liquor license from the Casino, Liquor and Gaming Control Authority prior to the serving of alcohol for sale on premises.</p>	<p>The Newport SLSC holds a valid On-Premises Liquor Licence.</p>	Yes
C5.21 Plant, Equipment Boxes and Lift Over-Run	<p>Where provided, plant and equipment boxes and lift over-runs are to be integrated internally into the design fabric of the built form of the building.</p>	<p>Plant equipment will not be visible from the public domain.</p>	Yes
D10.1 Character as viewed from a public place	<p>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</p> <p>The bulk and scale of buildings must be minimised.</p>	<p>The proposed development has been sensitively designed to respond to the heritage significance of the existing building, particularly the western façade addressing Barrenjoey Road.</p> <p>The proposed additions are appropriately modulated, are not of an excessive scale and do not dominate the existing heritage listed building.</p>	Yes

Clause	Control	Proposal	Compliance
<p>D10.3 Scenic protection – General</p>	<p>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</p>	<p>The proposed additions to the Newport SLSC building are well articulated and comprise a variety of materials and design elements to reduce the apparent size of the building.</p> <p>The proposed additions to the Newport SLSC building do not result in an adverse visual impact upon the surrounding natural environment.</p> <p>The proposed coastal protection works are designed to integrate into the shoreline, providing stairs and bench seating for visitors, and siting largely below the level of the sand when the beach is in accreted state.</p> <p>However, the coastal protection works and buried access stairs/ramp will become exposed to differing degrees during extreme weather events. In response to the potential exposure of the coastal protection works, the structure has been designed as a series of steps and a ramp, to maintain pedestrian and vehicular access to the foreshore at these times.</p> <p>The visual impact of the structure as seen from the beach is demonstrated in accompanying photomontages.</p>	<p>Yes</p>
<p>D10.4 Building colours and materials</p>	<p>External colours and materials shall be dark and earthy tones.</p> <p>Heritage items may vary this control where heritage colours and fabrics appropriate to the building are applied.</p>	<p>The application seeks to retain the existing beige colour for the bulk of the Newport SLSC building. The existing colour scheme is identified as being an element of the external façade of high significance.</p> <p>The contemporary additions to the north of the building are to be finished in natural tones.</p>	<p>Yes</p>

Clause	Control	Proposal	Compliance
<p>D10.7 Front building line</p>	<p>Merit Assessment.</p>	<p>The proposed additions are setback at a minimum distance of approximately 38 m from Barrenjoey Road.</p> <p>The proposed works forward of the existing building do not result in any adverse impacts upon views or vistas to/from the beach, and the scale of the additions are in keeping with the height of the natural environment and maintained well below the height of surrounding Norfolk Island Pines.</p> <p>The proposed additions are sufficiently setback from Barrenjoey Road and are somewhat screened by existing vegetation, the carpark and playground.</p> <p>The proposed setbacks do not adversely impact upon vehicle movement through the carpark, with all vehicles able to enter and exit to/from Barrenjoey Road in a forward direction.</p> <p>The proposed additions sensitively relate to the existing spatial characteristics of the existing urban environment and will positively contribute to the Barrenjoey Road streetscape.</p> <p>As such, Council can be satisfied that the proposal is consistent with the outcomes of this control and are supportable on merit.</p>	<p>Yes</p>
<p>D10.8 Side and rear building line</p>		<p>There are no side or rear setbacks prescribed in relation to RE1 zoned land.</p>	<p>N/A</p>

13 Conclusion

The application seeks consent for alterations and additions to the existing heritage listed Newport SLSC building, including ancillary coastal protection works.

Newport SLSC serves a pivotal role in the Newport Locality. The not-for-profit organisation is largely comprised of volunteers and provides education and training for residents of the area, enhances public safety at the beach and fosters a sense of community by promoting volunteerism and group/team recreation. The location of the building, the amenities/spaces within the building and the relationship between the building and the adjoining reserve are all critical to the efficient operation and function of Newport SLSC.

The proposal has been designed to provide a much-needed upgrade to the existing facility to meet the operational demands of the club, whilst also ensuring the preservation of the locally significant heritage item for the next generation to come.

The proposed coastal protection works not only serve to protect the Newport SLSC building and its immediate curtilage, including two significant Norfolk Island Pines, but also provide for the removal and/or re-use of the existing rock wall seaward of the building, mitigating the risk associated with this historic work being moved across the beach or into the surf zone in a storm event.

The beach will still experience erosion during coastal storms and will recover naturally as it does at present. In the event that the proposed coastal protection works become exposed, the structure has been designed to maintain access with a series of stairs and a ramp, providing for the enhancement of public access during this time. The proposed development is consistent with the applicable provisions of PLEP 2014, P21 DCP and other applicable plans and policies, including the CM Act and Resilience and Hazards SEPP.

14 References

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Attachment 1

Options Assessment and Review
Report



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