

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-301
DA Number	DA2021/2173
LGA	Northern Beaches
Proposed Development	Alterations and additions to a surf lifesaving club and construction of coastal protection works
Street Address	Lot 7094 DP 1059297, 394 Barrenjoey Road NEWPORT NSW 2106 Lot 1 DP 1139445, 394 Barrenjoey Road NEWPORT NSW 2106
Applicant/Owner	Northern Beaches Council NSW Government - Department of Industry - Lands
Date of DA lodgement	12/11/2021
Number of Submissions	38
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Crown Development with a Capital Investment Value (CIV) of more than \$5 million (\$7.365M)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • Environmental Planning and Assessment Regulations 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Pittwater Local Environmental Plan 2014 • Pittwater 21 Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects • Clause 4.6 Variation • Survey Plan • Architectural Plans • Photomontages • Buried Coastal Protection Works Plans • Landscape Plan • Acid Sulfate Report • Access Report • Acoustic Report • Traffic and Parking Assessment • BCA Report • Conservation Management Plan • Coastal Engineering Report • Arboricultural Impact Assessment • Section J Assessment • Operational Plan of Management • Geotechnical Report • ESD Report • Liquor Licence • Statement of Heritage Impact • Waste Management Plan • Site Sediment Control Plan

	<ul style="list-style-type: none"> Stormwater Management Plan Public Domain View Assessment
Clause 4.6 request	Yes
Report prepared by	Hugh Halliwell (Independent Consultant Planner – Mecone)
Responsible Officer	Hugh Halliwell (Independent Consultant Planner – Mecone)
Report date	2 September 2022

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **YES**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **YES**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **YES**

Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report **YES**

EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of Development Application (DA20021/2173) from Northern Beaches Council for alterations and additions to a surf lifesaving club, including coastal protection works at Lot 1 DP 1139445 and Lot 7094 DP 1059297, 394 Barrenjoey Road, Newport.

The overall area of the two lots which comprise the subject site is 13,620m². The site is irregular in shape and stretches to the south of Newport Beach to Myola Road. The existing surf club sits centrally on the lot which also includes parking and open space areas.

The subject site is zoned RE1 Public Recreation under the Pittwater Local Environmental Plan 2014 (PLEP 2014). Development for a community facility is a permissible use with development consent.

The proposed development constitutes 'Regional Development' requiring referral to the Sydney North Planning Panel (SNPP) as it has a Capital Investment Value greater than \$5 million and occupies land owned by Northern Beaches Council. SNPP is the consent authority for this application.

The proposed alterations and additions maintain an existing two-storey building, sitting essentially within the same footprint as the existing surf club. Alterations to parking and landscaping are also proposed.

The application was notified to surrounding properties in accordance with the Environmental Planning and Assessment Act 1979, the Regulations and Council's Community Participation Plan on two separate occasions, as follows:

1. 19 November 2021 – 10 December 2021
2. 12 July 2022 – 26 July 2022

The majority of submissions received support the proposed upgrades to the club, however, several raise concerns whether the architectural composition of the building appropriately reflects the heritage significance and architectural style of the existing building. In addition to this, several submissions raise issue with regard to the proposed seawall and coastal protection works. The matters raised have been considered and addressed within the report.

Key issues considered in the assessment have included heritage, coastal protection works, bulk and scale of built form, proposed uses, and external finishes. Through a combination of the provision of additional information from the applicant and conditions of consent, all the above issues have been satisfactorily addressed.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is an appropriate development, which will be of benefit to the local community and that it is worthy of support.

Accordingly, it is recommended that the SNPP, as the determining authority, approve the application subject to the conditions detailed in the Recommendation section of this report.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

- SEPP (Resilience and Hazards) 2021
- Pittwater LEP 2014 – 5.10 Heritage conservation
- Pittwater LEP 2014 – 7.5 Coastal risk planning
- Pittwater DCP – D9.1 Character as viewed from a public place

SITE HISTORY

A search of Council's records has revealed the following relevant history:

- **N0530/01** – Use of Newport Beach for Surf School, approved on 4 March 2002.
- **N0327/06** – Alterations and additions to the existing surf club building, including a first floor addition, approved on 8 February 2007.

- **PLM2017/0173** – A pre-lodgement meeting was held on 18 January 2018 to discuss proposed alterations and additions to the existing SLSC building. The conclusion of the Council staff in the pre-lodgement advice was as follows:

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.

- **Design and Sustainability Advisory Panel (DSAP)** – On 9 December 2021, the subject Development Application was presented before the DSAP. The Panel reviewed the proposal and provided the following conclusion:
 - 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.

PROPOSED DEVELOPMENT IN DETAIL

The Development Application seeks consent for alterations and additions to the existing Newport Surf Lifesaving Club, including construction of coastal protection works.

Specifically, the proposal seeks approval for the following works:

- Partial demolition of the existing Newport SLSC building (removal of building fabric that is identified as not having any heritage significance in the CMP),
- Construction of:
 - New northern wing comprising a gear storage compound on the ground floor with new committee room, multi-purpose training room, practical SLS training and assessment room, bar, and terrace on the first floor,
 - Reconfiguration of internal layout of building to improve building functionality and circulation while retaining building fabric identified as having heritage significance, and
 - Upgrade to club and public (male and female) amenities.
- Associated landscape upgrades, and
- Coastal protection works.

A breakdown of the works is as follows:

Ground Floor:

- Construction of a new northern wing containing large gear storage compound for SLSC boats and equipment and new plantroom,
- Reconfiguration of building and beach entries to provide a clear line of sight through the building,
- Relocation of first aid and Council lifeguards' rooms adjacent to beach entry,
- New retail shop in the south-east corner of the building facing the beach,
- New internal stairs and lift to first floor,
- New and upgraded male and female Newport SLSC members' amenities,
- New and upgraded male and female public amenities, and
- Relocation of administration office from first floor to ground floor.

First Floor:

- Construction of new northern wing containing committee room and lounge, club bar, practical SLSC training & assessment room, multi-purpose training room and terrace,
- Relocation of male, female and accessible amenities and kitchen, and
- Relocation of hall to southern end of the building with new a balcony.

Coastal Protection Works

The proposed development includes buried coastal protection works located to the east (seaward) of Newport SLSC. The buried coastal protection works comprise a secant pile wall with a reinforced concrete capping beam and high-level steps. The design of the proposed coastal protection works has been designed regarding coastal, geotechnical and structural issues. The works have a 60-year design life.

Landscaping

New and upgraded landscaping is proposed between the Newport SLSC building and the public carpark. The new landscaping comprises a mix of native and exotic coastal plants, including a Frangipani, Pandanus Palm and Coastal Banksia. Existing concrete pavement around the building is to be renewed to create safe and level pedestrian access to Newport Beach.

Vehicular Access, Car Parking and Loading

No changes are proposed to the existing vehicular access to the site from Barrenjoey Road. In addition, the proposed development will not result in any changes to the total number of parking spaces available within the Council carpark. Two (2) accessible spaces are located adjacent to the recently completed Youth Space.

Bicycle parking rails to accommodate eight (8) bicycles are located adjacent to the new external stairs to the first floor.

The proposed alterations and additions will improve the access for surf boats and other surf equipment with increased space for manoeuvring.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Non applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Division 8A</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2021, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. Additional information was requested on 12 April 2022 with regard to heritage, waste management, landscape, acoustic, temporary facility arrangements, views, building height and liquor license. Details of these are discussed later within this report and all can be resolved through the information provided to Council and/or conditions of consent.</p> <p><u>Clause 92</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment have been carefully considered as part of the assessment of the application. Further information has been requested, where required, while additional conditions of consent have been recommended to address any potential environmental impact. The proposed coastal protection works have been carefully designed to ensure the ongoing protection of the environment. The design of the addition has carefully considered and balanced the heritage significance of the existing building, while noting the need to provide for a contemporary and functional community facility to meet the</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>demands for future users. For a detailed assessment of the proposal, refer to the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>The proposed development is consistent with the existing use as a surf club. The scope of works, including the built form, has considered the suitability of the site with regard to the surrounding coastal environment and adjoining land uses. The site is considered suitable for the proposed development, as it remains consistent with the existing land use.</p>
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	<p>The application has received a total of 38 submissions from surrounding properties. The submissions have raised support and objection to the proposal. Many of the objections have raised concerns regarding the suitability of the development in its current location and its relationship with the heritage significance of the building, as well as the proposed coastal protection works.</p> <p>These concerns have been carefully considered by Council with an extensive assessment of the coastal protection works undertaken (refer below for further detail). While a peer review of the proposed works in relation to the heritage item have has been undertaken. Conditions have been applied to address concerns, where practicable (refer to draft conditions of consent).</p> <p>For a detailed assessment of submissions, refer to “Notification & Submissions Received” in this report.</p>
Section 4.15 (1) (e) – the public interest	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest. The proposal remains in the public interest by providing a contemporary upgrade to a community facility that will continue to benefit the public into the future, while balancing the sensitivities of the environment</p>

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Northern Beaches Community Participation Plan 2019. ~~relevant~~ Development Control Plan.

As a result of the public exhibition process council is in receipt of thirty-eight (38) submission/s from:

Name:	Address:
Mr Angus Donald Gordon	46 Taiyul Road NORTH NARRABEEN NSW 2101
Mr Gregory Thomas Ochs	10 / 391 Barrenjoey Road NEWPORT NSW 2106
Mr Timothy Mitchell Barber	20 Argyle Street BILGOLA PLATEAU NSW 2107
Peter Probert	41 Laurel Road West INGLESIDE NSW 2101
Mr Glen Anthony Borg	48 Beaconsfield Street NEWPORT NSW 2106
Mr Jayke David Rees	14 Sydney Road WARRIEWOOD NSW 2102
Mr Roderick Owen Stevens	33 Hillcrest Avenue MONA VALE NSW 2103
Mrs Frances Judith Davies	5 Walworth Court NEWPORT NSW 2106
Ms Janet Maree Proudfoot	23 Gladstone Street NEWPORT NSW 2106
Mrs Grace Bird	5 Walworth Court NEWPORT NSW 2106
David Oatley	1/12 Rawson Street MOSMAN NSW 2088
Mr Guyren Murdo Smith	PO Box 423 CHURCH POINT NSW 2105
Mr Rudi Valla	2/23 Karloo Parade NEWPORT NSW 2106
Mrs Carolyn Nicola Hayes	2 Bushrangers Hill NEWPORT NSW 2106
Mrs Katherine Therese Euers	6 Hollywood Road NEWPORT NSW 2106
Mrs Elaine Denise Krek	3 Goodwin Road NEWPORT NSW 2106
Ms Suzanne Maree Debelak	16 Gertrude Avenue NEWPORT NSW 2106
Mr Steven Jon McInnes	35 Elanora Road ELANORA HEIGHTS NSW 2101
Daniel Sealey	1 / 49 Eurobin Avenue MANLY NSW 2095
Peter Euers	6 Hollywood Road NEWPORT NSW 2106
Ms Tracy Dianne McGuire	46 Sydney Road WARRIEWOOD NSW 2102
Olivia Gligorevic	Address Unknown
Rob Barkley	49 Attunga Road NEWPORT NSW 2106
Ms Hilary Joy Maggs	13 Benelong Street SEAFORTH NSW 2092
Mrs Anna Ruth Gonzalo	46 A Gladstone Street NEWPORT NSW 2106
Mr David John Buchan	48 Bardo Road NEWPORT NSW 2106
Mr Matthew Francis James	1 Grandview Drive NEWPORT NSW 2106
Mrs Rowan Sarah Hanley	9 The Serpentine BILGOLA BEACH NSW 2107
Mr Brendan Donohoe	35 Ramsay Street COLLAROY NSW 2097
Mrs Jacqueline Maree Havelka	5 Hollywood Road NEWPORT NSW 2106
Mrs Margaret Josephine Jones	41 Seaview Avenue NEWPORT NSW 2106
Mrs Susan Lois Rogers	96 Bungan Head Road NEWPORT NSW 2106
Mr Roger Timothy Johnston	96 Bungan Head Road NEWPORT NSW 2106
Rosalynd Catherine Margaret Gooding	1 Park Road LAWSON NSW 2783
Rod Mckelvey	Address Unknown
Mr Paul Maddock	2 Oceania Crescent NEWPORT NSW 2106
Surfrider Foundation Ltd	Po Box 968 MONA VALE NSW 1660
Edward Richards	19 Kanimbla Crescent BILGOLA PLATEAU NSW 2107

Thirty-eight (38) submissions were received. While the submissions received were generally favourable of the proposed development, several raised concerns in relation to the proposal, specifically relating to the following matters:

1. Heritage

The majority of the concerns raised relate to the proposed works and their relationship with the existing surf club and its heritage significance.

During the assessment process, in addition to Council's Heritage Planner reviewing the proposal, Council has engaged an external heritage architect to undertake a peer review process of the design and supporting documentation. Detailed heritage comments are provided further within this report.

2. Seawall and coastal erosion

There have been concerns raised regarding the proposed seawall and its impact on the environment, in addition to the increased risk to the building associated with erosion. Further concern was raised in relation to the siting and level of the existing surf club, with all proposed new works should be located landward of the existing surf club. These concerns have been closely considered as part of the assessment process, including meetings with respective Council officer's and the Applicant's coastal engineer.

Council's Team Leader – Coast has provided the following comments on the proposal in relation to the above concerns:

Coastal Processes

Newport Beach and the structures adjacent to the beach, including Newport Surf Club have historically been impacted by coastal storms. As a result, emergency works, in the form of rock protection have historically been undertaken. These emergency works remain in place seaward of the surf club building and are covered in sand most of the time. The current proposal will result in formal protection works that provide the necessary protection to the surf club building and will allow for the removal of the historical works from the beach. As the proposed works will be located further landward than the existing works, they are not expected to change the prevailing coastal processes adjacent to the surf club building or the embayment. The beach will still experience erosion during coastal storms and recover naturally as it does at present.

Public access

There is currently no access to the beach from the promenade and club when the beach is in an eroded state. The proposal seeks to address an existing threat to public safety, being the damage to the existing building and existing informal rock protection. Therefore, it will improve public safety. When the beach is in an accreted state, the proposed protection works, and stairs will be covered in sand and are not expected to limit public access. In severely eroded conditions, the stairs will be exposed east of the seawall which is not expected to impact on access to an along the beach, and as stated, will improve access to the club and promenade.

The impacts of sea level rise Sea Level Rise

The impact of sea level rise on beaches in NSW has been comprehensively investigated. These investigations conclude that all beaches will experience recession because of sea level rise. Such impacts at Newport Beach will not be made worse by the existence of coastal protection works of any design, including those proposed as part of this application

3. Internal layout and configuration

Issue has been raised in relation to the storage facilities appearing too bulky and should be located elsewhere in Newport.

As part of the proposal, it is intended to provide temporary storage facilities for the purposes of storing equipment used on a day-to-day basis by the clubhouse. Locating these facilities elsewhere in Newport is impracticable, as the equipment being stored is required to be located close-by for the purposes of the on-going operation of the clubhouse.

A further point was raised about showers not providing doors, leading to privacy concerns. The design and layout of the showers is considered suitable and not unusual for a surf club and not dissimilar to the existing showers, therefore will not detrimentally impact upon the privacy of users.

A submission has raised issue regarding altering of the existing hall to make way for bathrooms, while requesting the existing heritage footprint remain unchanged. The proposal, while altering the existing hall, does not diminish the space, but continues to provide a large area for users. The change to the footprint is considered necessary to upgrade the clubhouse to provide a contemporary clubhouse, while the design does not detrimentally impact the heritage significance of the building.

4. Colours and materials

Submissions have raised concern regarding the colours and materials, being not sympathetic to the area and being too consistent with other surf clubs along the Northern Beaches, specifically Palm Beach Surf Club. Paint colours should complement the natural surroundings such as Bert Payne Park. The colours and materials are found to be suitable and sympathetic to the environment and existing building.

SITE DESCRIPTION

Property Description:	Lot 1 DP 1139445 and Lot 7094 DP 1059297, 394 Barrenjoey Road, Newport
Detailed Site Description:	<p>The subject allotment comprises a large area of public open space on Newport Beach and existing carpark to the west of the existing surf club. The irregularly shaped allotment has an area of 13,620m² and is zoned RE1 Public Recreation.</p> <p>Surrounding allotments consist of further public open space and car parking to the north and playground immediately to the west. Located on the western side of Barrenjoey Road is an R3 residential zone, while further to the south is the Newport commercial centre.</p> <p>This application refers to the area of the lot which is currently occupied by the two storey Newport Surf Club. The clubhouse is set back approximately 50m from the Barrenjoey Road frontage to the west and has immediate access to the beach to the east. It is surrounded by 260 existing parking spaces to the north and west within the Ticket parking zone. Another car park is located to the south-west of the clubhouse within the commercial centre, comprising 61 parking spaces. Significant Norfolk pine trees line the beachfront and parking area.</p>

Map:



REFERRALS

Internal Referral Body	Comments
<p>NECC (Coastal Risk Management)</p>	<p>Supported subject to conditions</p> <p>Coastal Processes Newport Beach and the structures adjacent to the beach, including Newport Surf Club have historically been impacted by coastal storms. As a result, emergency works, in the form of rock protection have historically been undertaken. These emergency works remain in place seaward of the surf club building and are covered in sand most of the time. The current proposal will result in formal protection works that provide the necessary protection to the surf club building and will allow for the removal of the historical works from the beach. As the proposed works will be located further landward than the existing works, they are not expected to change the prevailing coastal processes adjacent to the surf club building or the embayment. The beach will still experience erosion during coastal storms and recover naturally as it does at present.</p> <p>Public access There is currently no access to the beach from the promenade and club when the beach is in an eroded state. The proposal seeks to address an existing threat to public safety, being the damage to the existing building and existing informal rock protection. Therefore, it will improve public safety.</p> <p>When the beach is in an accreted state, the proposed protection works, and stairs will be covered in sand and are not expected to limit public access. In severely eroded conditions, the stairs will be exposed east of the seawall which is not expected to impact on access to an along the beach, and as stated, will improve access to the club and promenade.</p> <p>The impacts of sea level rise Sea Level Rise</p>

Internal Referral Body	Comments
	<p>The impact of sea level rise on beaches in NSW has been comprehensively investigated. These investigations conclude that all beaches will experience recession because of sea level rise. Such impacts at Newport Beach will not be made worse by the existence of coastal protection works of any design, including those proposed as part of this application.</p> <p>Refer below for further assessment.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>Supported</p> <p>The subject site is partially affected by the Low Flood Risk Precinct, but there are no applicable flood related development controls.</p> <p>The proposal is therefore supported.</p>
NECC (Bushland and Biodiversity)	<p>Approval Supported subject to conditions</p> <p>The application seeks approval for alterations and additions to a surf club building with an extension to the northern side and coastal protection works in the form of a buried seawall along the length of the building. Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Pittwater Development Control Plan (PDCP)</p> <ul style="list-style-type: none"> • B4.5 Landscape and Flora and Fauna Category 3 Land <p>The application does not seek approval for the removal of any native vegetation. The Arboricultural Impact Assessment (Tree Management Strategies 2021) has determined that no trees will be adversely impacted by construction, therefore no objection is raised by Council's Natural Environment Unit - Biodiversity.</p> <p>The submitted Landscape Plan (Adriano Pupilli Architects 2021) does not include environmental weeds, and although provides visual amenity rather than biodiversity value, no objection is raised given the landscape context of the proposed development.</p> <p>Landscaping is considered compliant with B4.5 of the PDCP. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p> <p>The proposal is therefore supported.</p>
Water Management	<p>Approval Supported subject to conditions</p> <p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater.</p> <p>No objection to the proposal, subject to conditions as recommended.</p> <p>The proposal is therefore supported.</p>

Internal Referral Body	Comments
Environmental Health – Industrial Use	<p>Supported subject to conditions</p> <p>The proposed changes to the Newport SLSC building have been considered within the context of noise generating activities. Assessed against noise control regulations and guidelines Protection of Environment Operations Act 1997, Protection of Environment Operations (Noise Control) Regulation 2017, and Noise Policy for Industry 2017, we concur with the findings of the acoustic report, in that, ongoing operations are able to be controlled in such a way as to limit noise impacts on residents, using the below conditions as controls.</p> <p>The proposal is therefore supported.</p>
NECC (Development Engineering)	<p>Supported subject to conditions</p> <p>The Applicant seeks approval for alterations and additions to Newport Surf Life Saving Club, including: partial demolition of the existing Newport SLSC building and part of the existing carpark; construction of a new two-storey northern wing including new storage facilities on the ground floor which extend into the existing beach carpark area.</p> <p>Any impact on loss of car parking spaces is to be approved by Council's traffic engineer. Stormwater to be connected to existing internal drainage system. No Development Engineering objection subject to recommended conditions.</p> <p>The proposal is therefore supported.</p>
Strategic and Place Planning (Heritage Officer)	<p>Supported subject to conditions</p> <p>Updated heritage comments (Amended Plans received 29/06/2022)</p> <p>The amended plans were sent back to PTW Architects for review, in light of their previous heritage comments. The amended plans and relevant documents were assessed in terms of the heritage impact upon the surf club building, which is a local heritage item.</p> <p>PTW Architects recommended that the amended DA could be supported, subject to the resolution of a number of issues, specifically:</p> <ul style="list-style-type: none"> • <i>The design of the proposed addition, incorporating a flat roof, a small gable roof with a glazed junction and a neutral palette of materials seems reasonable and therefore has a minimal visual heritage impact. The general relocation of the proposed addition, along with changes in the material selection, is adequate and is therefore generally supported. The finish to the proposed “off the form concrete”, including spandrel beams, soffits and a column are to be smooth (Class One Finish) and remain unpainted,</i> • <i>On the assumption that the upper-level floor plan will remain and not be re-planned as per our previous recommendation, adjust the extent of the proposed raked ceiling line so that it only follows the extent of the original Hall. The original gable ends to this room are to be retained and expressed internally along with four nib walls so that the volumetric form of the Hall, identified as having “High Significance” in the CMP, is</i>

Internal Referral Body	Comments
	<p><i>partly retained. Provide an additional architectural section in the long direction to clearly demonstrate the extent of this raked ceiling,</i></p> <ul style="list-style-type: none"> • <i>The Honor Rolls and archival images are to remain on site and the architectural drawings do not confirm the location of the site's moveable heritage items. Again, revise the architectural plans to clearly identify the location of these important Honor Rolls and the framed archival images. Have the CMP and HIS adjusted so that the moveable heritage items are identified, including what measures will be adopted to manage these items in place, and</i> • <i>Adjust the HIS, Section 7.2.3 Interpretation Strategy to include the aesthetic and social heritage significance of the original hall, and the moveable heritage items.</i> <p>The issues raised by the first 2 points can be conditioned as part of any approval.</p> <p>In relation to the Honor Rolls and other moveable heritage, since these comments were made an amended Conservation Management Plan (CMP) has been received. This amended CMP now includes the identification of all movable heritage items (including the Honor Rolls) in Appendix A. It also outlines policies for their future management, including suggestions for the future placement of these moveable heritage items as part of the new development. Conditions will be imposed to ensure that all movable heritage is documented in-situ, prior to removal for storage or relocation.</p> <p>In relation to the final point from PTW, a condition will be imposed requiring a Heritage Interpretation Plan to be prepared and implemented for this site. The condition will also ensure that moveable heritage, as well as the aesthetic and social significance of the original hall, is included within this Heritage Interpretation Plan.</p> <p>The heritage team have also internally reviewed these amended plans and amended heritage documents and agree with the comments by PTW Architects.</p> <p>Therefore, taking everything into consideration, the amended proposal can be supported on heritage grounds, subject to a number of conditions being imposed.</p> <p>These conditions relate to:</p> <ul style="list-style-type: none"> • the extent of the proposed upper floor raked ceiling, • the finish of the off-form concrete used in the extension, • the submission of full details of external materials, finishes and colours, prior to CC; • the submission of a Heritage Implementation Plan (for the building and moveable heritage), prior to CC; • the submission of a comprehensive Photographic Archival Record, covering the building (internal and external), its setting along with all moveable heritage items, prior to CC;

Internal Referral Body	Comments
	<ul style="list-style-type: none"> the appointment prior to CC of a heritage architect to oversee construction and to ensure that all policies of the CMP are complied with during works; satisfactory implementation of the Heritage Interpretation Plan, prior to the issuing of the OC.
Waste Officer (Council Land)	<p><i>Not supported (Conditions proposed)</i></p> <p>This proposal is not supported because there are insufficient bin storage facilities provided. There is a requirement for 2 separate bin rooms, one to cater for the waste generated by the club activities e.g. volunteers, nippers, general training and surf lifesaving activities. A second bin room is required for the commercial activities that take place, e.g. kiosk, the function room, the bar.</p> <p>The proposal for 3 x 240L bins to be stored in a plant room is unacceptable, bins need to be stored in a dedicated separate room. It is recommended that the bin room for the club activities waste be able to house 6 x 240L bins and the bin room for the commercial activities house 8 x 240L bins. These rooms must be easily accessible for servicing and use, via a flat, smooth, concrete path that is 1.2m wide.</p> <p>Both bin rooms must remain under the control of Council and are not to be included in area leased by the club.</p> <p>To address the above concern, a condition of consent is recommended requiring the plans to be amended prior to the issuing of a Construction Certificate requiring sufficient bin storage space to be provided within the building footprint to the satisfaction of Council's Waste Officer.</p>
Landscape	<p><i>Supported subject to conditions</i></p> <p>An updated Landscape Site Plan is submitted addressing previous concerns with the impact to the public recreational facilities, i.e.: i) relocation of disabled car parking spaces; and ii) physical encroachment into the multi-purpose court (Youth Space area), and Council operational services: iii) removal of existing crossover for Council's beach brake tractor. The proposed building forecourt works as shown on the Landscape Site Plan retain the aforementioned public recreational facilities and Council operational services, and thus the landscape works as shown is considered appropriate.</p> <p>It is noted that the Landscape Site Plan is a one page layout document indicating proposed building and building forecourt layout and the proposed landscape works, and is identified as drawing number LA-01 issue B. No updated Landscape Planting Plan is issued to document the planting plan commensurate with the updated layout shown on the Landscape Site Plan. Conditions of consent shall be imposed for a updated Landscape Planting Plan to be co-ordinated with the landscape areas as shown on the Landscape Site Plan.</p> <p>The proposal is therefore supported.</p>
Roads and Assets	<i>Supported subject to conditions</i>

Internal Referral Body	Comments
	<p>The proposed extension of the boat garage into the car park is noted. It is assumed the shipping containers will be removed.</p> <p>The plans do not indicate the Ausgrid street light impact by the works. This will need to be relocated.</p> <p>The survey plans indicate the gutter flows from north to south. The extension of the garage to the west will create a trapped low point preventing gutter flows to the south past the club. The resulting pond of water will collect at the kerb ramp to pathway on the north side of the building. The stormwater issues have not been adequately addressed.</p> <p>The Landscape Plan proposal indicates changes to the kerb alignment on the east boundary of the car park/basket ball court although no details are provided. Detailed engineering design and Council approval from Transport and Civil Infrastructure Assets and/or Parks Assets will be required prior to obtaining a construction certificate.</p> <p>17/07/2022 – Re-referral comments</p> <p>The amended plans do not appear to have addressed the above drainage issues. The proposal impedes the runoff of stormwater from Council's car park asset and would appear to redirect runoff in the direction of the "Proposed drop off area and emergency vehicle access" towards the building forecourt and entry based on the survey levels provided.</p> <p>The proposal is therefore unsupported.</p> <p>The issues raised by Road Assets are stormwater related or can be resolved under a s138 application, as a separate condition of consent.</p>
Parks, Reserves and Foreshore	<p><i>Supported subject to conditions</i></p> <p>The development application is for alterations and additions to Newport Surf Life Saving Club, including: partial demolition of the existing Newport SLSC building and part of the existing carpark; construction of a new two-storey northern wing comprising storage facilities on the ground floor, and committee room, lounge, training rooms and terrace on the first floor; reconfiguration of internal layout of building to improve building functionality and circulation; upgrade of public and member male and female amenities; new hard and soft landscaping; and coastal protection works.</p> <p>Council's Parks, Reserves and Foreshores Referral section have assessed the application against the Crown Land Management Act 2016, Pittwater Council's Ocean Beaches Plan of Management 2006, Pittwater Local Environment Plan, and the Pittwater 21 DCP.</p> <p>Under the Pittwater Ocean Beaches Plan of Management, chapter 12 - Newport Beach Master Plan, figure 25, point 11 recommends "to maintain and upgrade the surf club building and surrounds as required having regard to public safety."</p>

Internal Referral Body	Comments
	<p>In review of the proposal, Parks, Reserves and Foreshores Referral raise no general concerns with the proposal as the recreational open space areas are generally not impacted by the development proposal, excluding the following site works proposal which is not supported:</p> <ul style="list-style-type: none"> Waste Management Plan: Demolition, Construction & Ongoing Plan, which encroaches upon the use of the Public Reserve, including Material Stockpile over two disabled carspaces - utilised by beach, park and playground visitors; and the Sortation area during demolition over the Youth Space half size basketball court. <p>All public recreational open space and facilities utilised by the public are to remain open and accessible including the two disabled car spaces and the half size basketball court.</p> <p>An Amended Waste Management Plan shall be submitted to address the above concerns and shall be issued to the relevant Council departments for approval prior to the issue of the Construction Certificate. Areas to be excluded from demolition or construction activities requiring temporary land space include: the recreational park areas identified by grassed open space, all of the Youth Space area, disabled car spaces and accessible areas for entering and exiting with vehicles, public car spaces not provided for demolition and construction activities as directed by Council, and all pedestrian connections linking the aforementioned areas.</p> <p>The proposal is therefore supported.</p>
Traffic Engineer	<p><i>Supported subject to conditions</i></p> <p>The development application is for alterations and additions to Newport Surf Life Saving Club, including: partial demolition of the existing Newport SLSC building and part of the existing carpark; construction of a new two-storey northern wing including new storage facilities on the ground floor which extend into the existing beach carpark area.</p> <p>It is noted that the proposed changes will increase the size of the boat storage area into the carpark impacting upon approximately four car spaces. It is however noted two shipping containers currently occupy 3 parking spaces in this section of the carpark with a fourth space currently occupied by a surf boat. The increase in the size of the boat storage area plus increases to other storage areas will allow for the surf boat to be accommodated within the club house and should allow for the removal of the shipping containers. This should ensure that there is no effective net loss in parking as a result of the development.</p> <p>The proposed extension of the boat storage area appears to impact upon an existing streetlight pole located at the buildings north west corner. It is noted that the comments from the NSW Police have highlighted security concerns associated with inadequate lighting and as part of this development application any existing streetlights impacted by the work must be relocated to an appropriate location</p>

Internal Referral Body	Comments
	<p>to provide sufficient illumination to the building and to adequately illuminate the carpark and pedestrian areas.</p> <p>The proposal is therefore supported.</p>
<p>Building Assessment - Fire and Disability upgrades</p>	<p><i>Supported subject to conditions</i></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p> <p>The proposal is therefore supported.</p>

External Referral Body	Comments
<p>Ausgrid: (SEPP Infra.)</p>	<p><i>Supported subject to conditions</i></p> <p>The proposal was referred to Ausgrid. A response was received on 13 December 2021, including one recommended condition of consent, which has been included in the draft determination attached.</p>
<p>NSW Police - Local Command (CPTED)</p>	<p><i>Supported subject to conditions</i></p> <p>A response was received from NSW Police on 25 November 2021. The response comments on a number of CPTED design principles, and includes a series of recommendations, which are included as conditions of consent in the draft determination attached.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)

SEPP (Transport and Infrastructure) 2021

Clause 2.48 of SEPP (Transport and Infrastructure) requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),

- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

Council advised Ausgrid of the proposal in a letter dated 11 November 2021. A response was received on 8 December 2021 in support of the proposal, subject to conditions of consent.

State Environmental Planning Policy (Resilience and Hazards) 2021

The site is subject to SEPP (Resilience and Hazards) 2021. Accordingly, an assessment under the SEPP has been carried out as follows:

Clause 4.6(2) of SEPP (Resilience and Hazards) 2021 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for recreation and community purposes for a significant period with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 4.6(2) of SEPP (Resilience and Hazards) and the land is considered to be suitable for the land use.

In addition to the above, the following documents have been reviewed:

- Horton Coastal Engineering (2021) Coastal Engineering and Statement of Environmental Effects for Buried Coastal Protection Works at Newport SLSC
- UNSW Water Research Laboratory (2021), Newport SLSC coastal engineering advice.

This assessment has reviewed compliance of the proposal with the NSW Coastal Management Act 2016 and State Environmental Planning Policy (Natural Hazards and Resilience). In summary the information provided with the application has been assessed and is considered suitable to enable Council to be satisfied that the requirements of the relevant legislation can be satisfied. A summary is provided below in Tables 1 and 2.

In additional to this assessment the suitability of the works with reference to current and future coastal process and hazards at the site is addressed in Horton Coastal Engineering (2021) Coastal Engineering and Flooding Advice for Newport SLSC Clubhouse Redevelopment and UNSW Water Research Laboratory (2021), Newport SLSC coastal engineering advice. Both of these documents have confirmed that the proposed design is appropriate for this type of structure and the nominated design life.

Coastal Management Act

Clause	Consideration / Clause	Document/ Section where this is considered in application	Assessment/ Comment
Part 5 Section 27(1)a(i)	(a) the works will not, over the life of the works— (i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022,	<input checked="" type="checkbox"/> No, the works will not unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland <input type="checkbox"/> Yes, the works will unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland.



		(Sections 6.6.2, 6.7.2)	<p>Comment: There is currently no access to the beach from the promenade and club when the beach is in an eroded state.</p> <p>The proposal incorporates stairs to improve public access to and along the beach following erosion events and therefore will improve public access when the beach is eroded.</p> <p>When the beach is in an accreted state, the proposed seawall and stairs will be covered in sand and are not expected to limit public access.</p> <p>In severely eroded conditions, the stairs will be exposed east of the seawall which is not expected to impact on access to an along the beach, and as stated, will improve access to the club and promenade.</p> <p>Council is satisfied the works will not, over the life of the works unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland.</p>
Part 5 Section 27(1)a(ii)	(a) the works will not, over the life of the works— pose or be likely to pose a threat to public safety	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Sections 6.6.2, 6.7.2)	<p><input checked="" type="checkbox"/> No, the works will not pose or be likely to pose a threat to public safety</p> <p><input type="checkbox"/> Yes, the works will pose or be likely to pose a threat to public safety</p> <p>Comment: There is currently no access to the beach from the promenade and club when the beach is in an eroded state.</p> <p>The proposal seeks to address an existing threat to public safety, being the damage to the existing building and existing informal rock protection. Therefore, it will improve public safety. When the beach is in an accreted state, the proposed protection works, and stairs will be covered in sand and are not expected to limit public access.</p> <p>In severely eroded conditions, the stairs will be exposed east of the seawall which is not expected to impact on access to an along the beach, and as stated, will improve access to the club and promenade.</p>

			Council is satisfied the works will not, over the life of the works pose or be likely to pose a threat to public safety.
Part 5 Section 27(1)b(i)	(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 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,	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Sections 6.7.2)	Comment: As a public authority Council has a statutory responsibility to maintain both the asset and adjoining land, including the beach. These requirements will be included in the conditions of consent and arrangements outlined in the appropriate asset management plans.

State Environmental Planning Policy (Natural Hazards and Resilience)

Clause	Consideration / Clause	Document/ Section where this is considered in application	Assessment: Are the works Likely to cause an Adverse Impact?
Division 3 2.10-1(a)	(1) 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,	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.2)	<input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact <input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact <input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact. <input type="checkbox"/> Yes, cannot be managed to minimise or mitigate Comment: Based on the presence and footprint of the existing building and informal rock protection works, Council is satisfied that the proposal will not have an adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.
Division 3 2.10-1(b)	(1) considered whether the proposed development is likely to cause an adverse impact on the following— (b) coastal environmental values and natural coastal processes,	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.2)	<input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact <input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact



			<input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact. <input type="checkbox"/> Yes, cannot be managed to minimise or mitigate Comment: The proposed coastal protection works are landward of the existing informal works and when the beach is in an accreted state, the proposed protection works and stairs will be covered in sand. Council is satisfied that the proposal will not have an adverse impact on coastal environmental values and natural coastal processes,
Division 3 2.10-1(c)	<p>(1) considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(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,</p>	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022 (Section 6.7.2)	<input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact <input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact <input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact. <input type="checkbox"/> Yes, cannot be managed to minimise or mitigate Comment: The location of the works is well above mean high tide and not in the vicinity of any coastal lakes. Therefore, Council is satisfied that the proposal will not have an adverse impact on water quality or any sensitive coastal lakes.
Division 3 2.10-1(d)	<p>(1) considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p>	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.2)	<input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact <input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact <input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact. <input type="checkbox"/> Yes, cannot be managed to minimise or mitigate



			<p>Comment: Based on the location of the works and information provided with the application, as well as the presence of the existing structures on the site,</p> <p>Council is satisfied that the proposal will not have an adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, and rock platforms.</p>
Division 3 2.10-1(e)	<p>(1) considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(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,</p>	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.2)	<p><input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact</p> <p><input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact</p> <p><input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><input type="checkbox"/> Yes, cannot be managed to minimise or mitigate</p> <p>Comment: There is currently no access to the beach from the promenade and club when the beach is in an eroded state.</p> <p>The inclusion of stairs in the design for when the beach is eroded will improve public access and safety when the beach is eroded.</p> <p>Therefore, Council is satisfied that proposal will not cause an adverse impact on the existing public open space and safe access. In fact, the proposal will improve access following coastal storms.</p>
Division 3 2.10-1(f)	<p>(1) considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(f) Aboriginal cultural heritage, practices and places</p>	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.2)	<p><input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact</p> <p><input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact</p> <p><input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><input type="checkbox"/> Yes, cannot be managed to minimise or mitigate</p>



			<p>Comment: A review of council's register of Aboriginal cultural heritage items has confirmed that there are not items of this nature within the area of the proposed works. Therefore, Council is satisfied that the proposal will not cause an adverse impact on Aboriginal cultural heritage, practices and places.</p>
Division 3 2.10-1(g)	(1) considered whether the proposed development is likely to cause an adverse impact on the following— (g) the use of the surf zone.	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.2)	<p><input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact</p> <p><input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact</p> <p><input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><input type="checkbox"/> Yes, cannot be managed to minimise or mitigate</p> <p>Comment: The works are located away from the mean high tide mark and are designed to improve the functionality of the surf club and access to the beach following erosion, thereby improve the safe use of the surf zone. Therefore, Council is satisfied that the proposal is not likely to cause an adverse impact on the following the use of the surf zone.</p>
Division 4 2.11 (1) (a)(i)	(1) 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,	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.3)	<p><input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact</p> <p><input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact</p> <p><input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><input type="checkbox"/> Yes, cannot be managed to minimise or mitigate</p> <p>Comment: As noted above, the inclusion of actions to improve public access when the beach is eroded within the design of the works will improve public access and safety when the beach is eroded.</p> <p>Therefore, Council is satisfied that proposal will not cause an adverse</p>



			<p>impact on the existing public open space and safe access. In fact, the proposal will improve this situation following coastal storms.</p>
<p>Division 4 2.11 (1) (a) (ii)</p>	<p>(1) has considered whether the proposed development is likely to cause an adverse impact on the following— (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p>	<p>Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.3)</p>	<p><input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact</p> <p><input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact</p> <p><input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><input type="checkbox"/> Yes, cannot be managed to minimise or mitigate</p> <p>Comment: The proposed coastal protection works are largely within the existing building footprint, will be buried under sand for the majority of the time and will only be visible following significant coastal storms. Additionally, when the works are exposed, they will not increase any overshadowing, wind funnelling or the loss of views from public places to foreshores, compared to the existing situation.</p> <p>Therefore, Council is satisfied that the proposal will not cause an adverse impact on overshadowing, wind funnelling and the loss of views from public places to foreshores,</p>
<p>Division 4 2.11 (1) (a) (iii)</p>	<p>(1) has considered whether the proposed development is likely to cause an adverse impact on the following— (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p>	<p>Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.3)</p>	<p><input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact</p> <p><input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact</p> <p><input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><input type="checkbox"/> Yes, cannot be managed to minimise or mitigate</p> <p>Comment: The proposed coastal protection works, and access stairs will be buried under sand for the majority of the time and will only be visible following significant coastal storms. Additionally, when the works are exposed, they will</p>



			<p>not negatively impact the visual amenity and scenic qualities of the beach compared to the existing situation.</p> <p>Therefore, Council is satisfied that the proposal will not cause an adverse impact on overshadowing, wind funnelling and the loss of views from public places to foreshores.</p>
<p>Division 4 2.11 (1) (a) (iv)</p>	<p>1) has considered whether the proposed development is likely to cause an adverse impact on the following— (iv) Aboriginal cultural heritage, practices and places,</p>	<p>Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.3)</p>	<p><input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact</p> <p><input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact</p> <p><input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><input type="checkbox"/> Yes, cannot be managed to minimise or mitigate</p> <p>Comment: As noted above, a review of council’s register of Aboriginal cultural heritage items has confirmed that there are not items of this nature within the area of the proposed works.</p> <p>Therefore, Council is satisfied that the proposal will not cause an adverse impact on Aboriginal cultural heritage, practices and places.</p>
<p>Division 4 2.11 (1) (a) (v)</p>	<p>1) has considered whether the proposed development is likely to cause an adverse impact on the following— (v) cultural and built environment heritage</p>	<p>Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.3)</p>	<p><input checked="" type="checkbox"/> No the development is designed, sited and will be managed to avoid an adverse impact</p> <p><input type="checkbox"/> Yes, impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact</p> <p><input type="checkbox"/> Yes, impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><input type="checkbox"/> Yes, cannot be managed to minimise or mitigate</p> <p>Comment: A search of Council’s heritage register has confirmed that the proposal will not cause an adverse impact on cultural and built environment heritage. In fact, it will prevent damage to a heritage listed item from coastal hazards.</p>

			Therefore, Council is satisfied that the proposal will not cause an adverse impact on cultural and built environment heritage.
Division 5 2.12	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.	Coastal Engineering Report and Statement of Environmental Effects, Horton Coastal Engineering 2022, (Section 6.7.4)	<p><input type="checkbox"/> Yes, the development is likely to cause increased risk of coastal hazards on that land or other land.</p> <p><input checked="" type="checkbox"/> No, the development is likely to cause increased risk of coastal hazards on that land or other land.</p> <p>Comment: Newport Beach and the structures adjacent to the beach, including Newport Surf Club have historically been impacted by coastal storms. As a result, emergency works, in the form of rock protection have historically been undertaken. These emergency works remain in place seaward of the surf club building and are covered in sand most of the time.</p> <p>The current proposal will result in formal protection works that provide the necessary protection to the surf club building and will allow for the removal of the historical works from the beach. As the proposed works will be located further landward than the existing works, they are not expected to change the prevailing coastal processes adjacent to the surf club building or the embayment. The beach will still experience erosion during coastal storms and recover naturally as it does at present.</p> <p>Therefore, Council is satisfied that the proposal will not cause increased risk of coastal hazards on that land or other land.</p>

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Aims of the PLEP2014

The relevant aims of the Pittwater Local Environmental Plan 2014 are achieved with the proposed redevelopment of the surf club being a positive development, consistent with the desired character for Pittwater. The development will be a positive social and community facility and has been sited and designed to ensure environmental and coastal concerns are adequately considered. Similarly,

heritage and landscape considerations have been appropriately incorporated into the design. Proposed conditions of consent are also provided to further ensure consistency with the aims.

Objectives of the Zone

The site is zoned RE1 Public Recreation and is a permissible use in the zone. The objectives of the RE1 Public Recreation zone are achieved by providing a community facility, which will enhance recreational uses, and which adds positively to the surrounding public open space.

It is noted the proposal seeks consent for the on-going use of surf clubhouse with ancillary uses, namely function spaces and a shop/café. These ancillary uses are not unusual for a surf clubhouse. In such instances, function spaces are provided for the on-going use of the clubhouse, while events not associated with the on-going operation of the club, may be held intermittently throughout the year. This assessment is satisfied that the proposed land use will continue to be predominately for the purposes of a community facility, being a surf clubhouse.

Principal Development Standards

Standard	Requirement	Proposed	Variation (%)	Complies
Height of buildings	8.5m	9.11m	7.2%	No – refer to discussion under clause 4.6

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements, and instruments	Yes
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	No
4.6 Exceptions to development standards	Yes*
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.4 Floodplain risk management	Yes
7.5 Coastal planning	Yes*
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

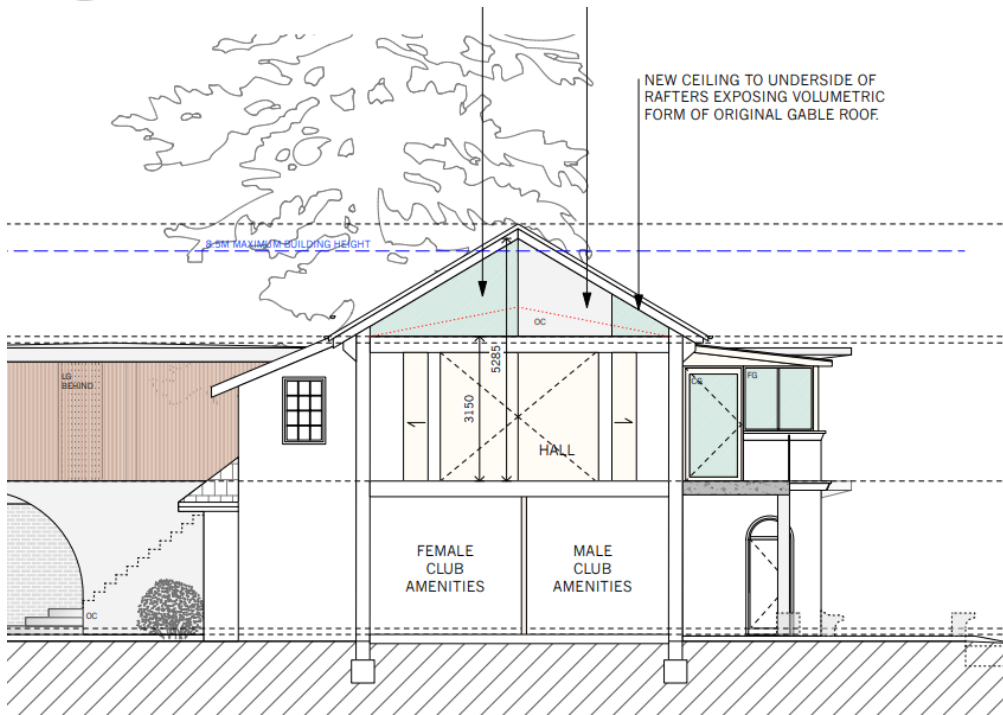
DETAILED ASSESSMENT

1. Height

Clause 4.6 Exceptions to Development Standards of PLEP 2014

Description of non-compliance:

Development standard:	Height of buildings
Requirement:	8.5m
Proposed:	9.11m
Percentage variation to requirement:	7.2%



Assessment of Request to Vary a Development Standard

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard, has taken into consideration the recent judgement contained within Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61, and RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.

Clause 4.6 Exceptions to Development Standards

(1) The objectives of this clause are as follows:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.3 - Height of Buildings development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

Clause 4.6 (4)(a)(i) (Justification) Assessment

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

The Applicant's written request has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

*'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'*

s 1.3 of the EPA Act reads as follows:

1.3 Objects of Act(cf previous s 5)

The objects of this Act are as follows:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the

health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

Applicants Environmental Planning Grounds

The applicants written request argues, in part:

The bulk and scale of the revised proposed development is considered to be appropriate to the beachside setting and landscape character of Newport Beach. The scale of the proposed alterations and additions is generally subservient to the original 1930s Newport SLSC clubhouse. The extension of the pitched roof but with a metal finish provides a link between the original building and the new addition.

The revised proposed development will have a minimal impact on the visual character and setting of Newport SLSC. The proposed development has been assessed as having a negligible impact on the significance of the heritage item and is consistent with the Conservation Management Plan developed for the item.

A detailed assessment of the revised proposed development against the view sharing planning principle established by Tenacity Consulting v Warringah Council [2004] NSWLEC 140 has been provided in the SEE. The assessment concluded that there the proposed development will result in a minor or negligible impact on views available from the residential apartment buildings located on the western side of Barrenjoey Road. The proposed alterations and additions provide a reasonable sharing of views as the proposal represents a skilful design that balances heritage considerations with the requirement.

In addition, the revised plans for the proposed development have been assessed under the planning principle for public domain views established by Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046 and is assessed to result in minimal impacts on public domain views of the Newport Beach area including the Newport SLSC, particularly due to the topography and existing screen trees and other vegetation.

Council generally concurs with the applicant's justification to vary the building height development standard. It is considered the proposed height breach will not result in any unreasonable built form, amenity or view loss impacts to adjacent dwellings or public domain areas. The height breach is due to the existing and proposed extension to the terracotta gable roof (RL 14.6) to the lowest point at existing ground level below (RL 5.49 with the existing storerooms). The majority of the building is below the building height limit.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b). T

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Clause 4.6 (4)(a)(ii) (Public Interest) Assessment

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the RE1 Public Recreation zone. An assessment against these objectives is provided below.

Objectives of Development Standard

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the PLEP 2014 are:

(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,

Comment:

While the proposal includes some numerically non-compliant built form elements, the bulk and scale of the development is considered to be reasonably managed to limit impact on other properties, given the existing ground level. The proposed development will not impact upon the existing and desired streetscape character as the building is substantially setback from Barrenjoey Road and will continue to be screened by existing established vegetation.

b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The proposed extension to the building is generally consistent with the height and scale anticipated for a surf club development of this nature with the height remaining consistent with the existing building.

c) to minimise any overshadowing of neighbouring properties,

Comment:

Due to its substantial setback to adjoining properties, including residential buildings to the west, the proposed extension, including building height encroachment, will not result any additional overshadowing. Overshadowing of public areas will also be minimal with solar access within the public domain not being unreasonably impacted on.

d) to allow for the reasonable sharing of views,

Comment:

The proposal has carefully considered the potential for impact upon view sharing from private and public property. The application is supported by a detailed view sharing assessment. The minor building height encroachment is imperceptible, as viewed from surrounding public and private property, therefore maintaining a reasonable sharing of views.

e) to encourage buildings that are designed to respond sensitively to the natural topography,

Comment:

The topography of the site is virtually flat with the proposed works being designed and sited sensitively to the land and existing surf club building.

f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,

Comment:

As previously noted, the building height encroachment is minimal and unlikely to result in adverse visual impact on the heritage item and surrounding natural environment. The proposed development is supported by a comprehensive Statement of Heritage Impact confirming the proposed works a suitable to the site and maintain the integrity of the heritage item.

Zone Objectives

The underlying objectives of the RE1 Public Recreation zone are:

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

The development will continue to operate in line with the operations of the existing surf club for the purposes of recreational uses and public open space.

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

As above, the proposed development will continue to provide for a compatible land use, being a community facility, within a recreational setting.

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

The development will not result in the diminishment of the natural environment by ensuring no significant vegetation is removed, while the proposed coastal protection works will ensure the on-going protection and enhancement of the building, including the immediately adjacent areas surrounding the building.

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

The proposed development will improve the existing public access along the foreshore area, as part of the development and coastal protection works, therefore improving upon the existing public use of, and access to, public open space.

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

The proposed surf club upgrade will provide new additional areas for members of the public to congregate, including lounge, hall, terrace, and multi-purpose areas. In doing so, the development will provide further opportunities for passive and active public open space, to meet the needs of the community.

Conclusion:

For the reasons detailed above, the proposal is consistent with the objectives of the RE1 Public Recreation zone.

Clause 4.6 (4)(b) (Concurrence of the Secretary) Assessment

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the Sydney North Planning Panel.

2. Heritage

Clause 5.10 Heritage Conservation of PLEP 2014

The proposal has undergone an extensive review and assessment in relation to its relationship and potential impact upon the heritage significance of the building. In addition to Council's Heritage Planner reviewing the proposal, Council engaged PTW Architects to undertake a peer review of the DA documentation. It is noted PTW raised initial concern and objection to the proposal, raising the following points:

"The DA documents provide an inadequate response in recognising the heritage significance of the place, including the aesthetic and social significance of the building".

In response to these comments from PTW, Council formed the following opinion:

There are two main issues to be resolved:

- *Comprehensive, updated heritage documents (CMP and SoHI) need to be prepared and submitted, to fully assess the impact of the works proposed by the DA (including changes to internal fabric and moveable heritage); and*
- *Further work is needed on the design of the new addition and its relationship to the original building and the external treatment of the addition and the eastern facade.*

Following amended information being provided, further review and assessment of the proposal was undertaken by Council and PTW. This formed the following opinion:

The amended plans were sent back to PTW Architects for review, in light of their previous heritage comments. The amended plans and relevant documents were assessed in terms of the heritage impact upon the surf club building, which is a local heritage item.

PTW Architects recommended that the amended DA could be supported, subject to the resolution of a number of issues, specifically:

- *The design of the proposed addition, incorporating a flat roof, a small gable roof with a glazed junction and a neutral palette of materials seems reasonable and therefore has a minimal visual heritage impact. The general relocation of the proposed addition, along with changes in the material selection, is adequate and is therefore generally supported. The finish to the proposed "off the form concrete", including spandrel beams, soffits and a column are to be smooth (Class One Finish) and remain unpainted;*
- *On the assumption that the upper-level floor plan will remain and not be re-planned as per our previous recommendation, adjust the extent of the proposed raked ceiling line so that it only follows the extent of the original Hall. The original gable ends to this room are to be retained and expressed internally along with four nib walls so that the volumetric form of the Hall, identified as having "High Significance" in the CMP, is partly retained. Provide an additional architectural section in the long direction to clearly demonstrate the extent of this raked ceiling;*
- *The Honor Rolls and archival images are to remain on site and the architectural drawings do not confirm the location of the site's moveable heritage items. Again, revise the architectural plans to clearly identify the location of these important Honor Rolls and the framed archival images. Have the CMP and HIS adjusted so that the moveable heritage*

items are identified, including what measures will be adopted to manage these items in place;

- *Adjust the HIS, Section 7.2.3 Interpretation Strategy to include the aesthetic and social heritage significance of the original hall, and the moveable heritage items.*

The issues raised by the first 2 points can be conditioned as part of any approval.

In relation to the Honor Rolls and other moveable heritage, since these comments were made an amended Conservation Management Plan (CMP) has been received. This amended CMP now includes the identification of all movable heritage items (including the Honor Rolls) in Appendix A. It also outlines policies for their future management, including suggestions for the future placement of these moveable heritage items as part of the new development. Conditions will be imposed to ensure that all movable heritage is documented in-situ, prior to removal for storage or relocation.

In relation to the final point from PTW, a condition will be imposed requiring a Heritage Interpretation Plan to be prepared and implemented for this site. The condition will also ensure that moveable heritage, as well as the aesthetic and social significance of the original hall, is included within this Heritage Interpretation Plan.

Therefore, taking everything into consideration, the amended proposal can be supported on heritage grounds, subject to a number of conditions being imposed.

These conditions relate to:

- the extent of the proposed upper floor raked ceiling;
- the finish of the off-form concrete used in the extension;
- the submission of full details of external materials, finishes and colours, prior to CC;
- the submission of a Heritage Implementation Plan (for the building and moveable heritage), prior to CC;
- the submission of a comprehensive Photographic Archival Record, covering the building (internal and external), its setting along with all moveable heritage items, prior to CC;
- the appointment prior to CC of a heritage architect to oversee construction and to ensure that all policies of the CMP are complied with during works;
- satisfactory implementation of the Heritage Interpretation Plan, prior to the issuing of the OC.

3. Coastal Protection

Clause 7.5 Coastal Planning of PLEP 2014

Coastal Processes

Newport Beach and the structures adjacent to the beach, including Newport Surf Club have historically been impacted by coastal storms. As a result, emergency works, in the form of rock protection have historically been undertaken. These emergency works remain in place seaward of the surf club building and are covered in sand most of the time. The current proposal will result in formal protection works that provide the necessary protection to the surf club building and will allow for the removal of the historical works from the beach. As the proposed works will be located further landward than the existing works, they are not expected to change the prevailing coastal processes adjacent to the surf club building or the embayment. The beach will still experience erosion during coastal storms and recover naturally as it does at present.

Public access

There is currently no access to the beach from the promenade and club when the beach is in an eroded state. The proposal seeks to address an existing threat to public safety, being the damage to the existing building and existing informal rock protection. Therefore, it will improve public safety.

When the beach is in an accreted state, the proposed protection works, and stairs will be covered in sand and are not expected to limit public access. In severely eroded conditions, the stairs will be

exposed east of the seawall which is not expected to impact on access to an along the beach, and as stated, will improve access to the club and promenade.

The impacts of sea level rise Sea Level Rise

The impact of sea level rise on beaches in NSW has been comprehensively investigated. These investigations conclude that all beaches will experience recession because of sea level rise. Such impacts at Newport Beach will not be made worse by the existence of coastal protection works of any design, including those proposed as part of this application.

PITTWATER 21 DEVELOPMENT CONTROL PLAN

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.10 Newport Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.1 Heritage conservation – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater LEP 2014	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.2 Bushfire Hazard	Yes	Yes
B3.3 Coastline (Beach) Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.5 Rainwater Tanks - Business, Light Industrial and Other Development	Yes	Yes
B5.13 Development on Waterfront Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.1 Access driveways and Works on the Public Road Reserve	Yes	Yes
B6.2 Internal Driveways	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
B8.6 Construction and Demolition - Traffic Management Plan	Yes	Yes
C5.1 Landscaping	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C5.2 Safety and Security	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.5 Accessibility	Yes	Yes
C5.7 Energy and Water Conservation	Yes	Yes
C5.8 Waste and Recycling Facilities	Yes	Yes
C5.9 Signage	Yes	Yes
C5.10 Protection of Residential Amenity	Yes	Yes
C5.16 Building Facades	Yes	Yes
C5.17 Pollution control	Yes	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
C5.20 Liquor Licensing Applications	Yes	Yes
C5.21 Plant, Equipment Boxes and Lift Over-Run	Yes	Yes
C5.22 Environmental Sustainability	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes
D9.7 Side and rear building line	Yes	Yes

Detailed Assessment

- **Character as Viewed from a Public Place**

Clause D9.1 (Character as viewed from a public place) of P21 DCP

The development proposed is of a positive design, consistent with a public place, the coastal environment, and the large open space area. The view to the building from the immediate area, Barrenjoey Road, car park, the beach and the parkland is positive and supported.

Ocean Beach Plan of Management – Newport

The development is satisfactory when considered against the Newport Beach Plan of Management. The uses sought for the area will be retained. The use of the building as a surf club, bar, café, and function spaces are permissible, subject to appropriate lease agreements and licensing. As part of the PoM, a Master Plan for Newport Beach has been developed.

The master plan anticipates that Council, together with the Newport Beach SLSC, will 'maintain and upgrade the surf club building and surrounds as required'. The Statement of Environmental Effects, prepared by DFP, provides a detailed assessment of the proposed development against the objectives and performance measures outlined in the actions table of the Oceans Beach PoM.

The proposed upgrade works are considered to align with the provisions under the PoM. The result will be the fulfilment of the intention of the plan and will be to the benefit of the open space and the community.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$73,652 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$7,365,226.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan 2014;
- Pittwater 21 Development Control Plan;
- Ocean Beach Plan of Management – Newport, and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

PLANNING CONCLUSIONS

The proposal is reliant upon a variation to the maximum building height development standard prescribed by clause 4.3 of PLEP 2014, with a maximum variation of 7.2% for the new addition. The new addition maintains a consistent character with the existing surf club building and provides extensive setbacks to adjoining land uses to the west and south. The proposal retains existing established Norfolk Island Pines that provide for softening of the built form, as viewed from surrounding areas. The applicant's written request to vary this standard satisfactorily addresses the matters required, and overall, the consent authority can be satisfied of the relevant matters of clause 4.6 of PLEP 2014.

The proposed development has been largely sited on the location of the existing buildings and in this way, it minimises potential impacts with regards to existing flora and fauna, coastal processes, views, and visual impact. The building maintains the two storeys character and the finished materials will assist in enabling it to blend into the landscape over time.

The proposal will provide a community benefit in the form of facilities for the surf lifesaving club and members, change rooms and public amenities.

The public notification resulted in thirty-eight (38) submissions, many of which support the proposal. Those submissions raising objection raised concern relating the appropriateness and suitability of the development in its proposed location, the development's relationship with the heritage fabric of the building and suitability of the coastal protection works. The concerns raised in these submissions have been considered and conditions applied, where appropriate. In this regard, the proposal is satisfactory.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Pittwater Local Environment Plan 2014, Pittwater Development Control Plan 2014, the Ocean Beach Plan of Management – Newport and the relevant codes and policies of Council. In consideration of the proposal and the merit consideration the development the proposal is:

1. Consistent with the objects of the Environmental Planning and Assessment Act 1979
2. Consistent with the objectives of the relevant EPIs
3. Consistent with the aims of the LEP
4. Consistent with the zone objectives of the LEP
5. Consistent with the objectives of the DCP

RECOMMENDATION

That the SNPP as the consent authority vary clause 4.3 Height of Building pursuant to clause 4.6 of the PLEP 2014. This assessment is concludes:

- The Applicant's written request under Clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:
 - Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - There are sufficient environmental planning grounds to justify the contravention.
- The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

That the SNPP grant development consent to DA2021/2173 for the alterations and additions to a surf lifesaving club and construction of coastal protection works at Lot 1 DP 1139445 and Lot 7094 DP 1059297, 394 Barrenjoey Road, Newport, subject to the following draft conditions of consent:

CONDITIONS

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Dwg 003, Site Plan, Rev B	14/6/2022	Adriano Pupilli Architects
Dwg 004, Demolition Plans, Rev B	14/6/2022	Adriano Pupilli Architects
Dwg 010, Proposed Ground Floor Plan, Rev B	14/6/2022	Adriano Pupilli Architects
Dwg 011, Proposed First Floor Plan, Rev B	14/6/2022	Adriano Pupilli Architects
Dwg 012, Proposed Roof Plan, Rev B	14/6/2022	Adriano Pupilli Architects
Dwg 013, Proposed Sections, Rev B	14/6/2022	Adriano Pupilli Architects
Dwg 014, Proposed Elevations, Rev B	14/6/2022	Adriano Pupilli Architects
Dwg 015, Schedule of Colours and Materials, Rev B	14/6/2022	Adriano Pupilli Architects

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Engineering Plans		
Drawing No.	Dated	Prepared By
Ground Floor Stormwater Drainage Concept Plan, Dwg No. D.010, Rev D	16/11/2020	Rise Consulting Engineers
Roof/First Floor Stormwater Drainage Concept Plan, Dwg No. D.020, Rev D	16/11/2020	Rise Consulting Engineers
Coastal Protection Works Plan, Dwg No. S02, Rev D	24/08/2021	Horton Coastal Engineering
Erosion and Sediment Control Plan and Waste Management Plan, Dwg No. S05, Rev D	24/08/2021	Horton Coastal Engineering
Section 1, Dwg No. S10, Rev D	24/08/2021	Horton Coastal Engineering
Site Sediment Control Plan, Dwg No. SC.010, Rev C	13/11/2020	Rise Consulting Engineers
Site Sediment Control Notes and Details, Dwg No. SC.020, Rev C	13/11/2020	Rise Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Conservation Management Plan, Issue 8	17/06/2022	Heritage 21
Acoustic Report	May 2022	GHD
Statement of Heritage Impact, Issue 2	17/06/2022	Heritage 21
Operational Management Plan	9/06/2022	Northern Beaches Council and Newport SLSC
ESD Report,	11/09/2020	Greenview Consulting

Geotechnical Assessment, Rev 2	19/10/2021	JK Geotechnics
NCC BCA 2019 Section J Assessment	4/09/2020	Greenview Consulting
Traffic and Parking Assessment, Issue B, Ref 59/2018	September 2021	TTPA
Arboricultural Impact Assessment	12/11/2020	Tree Management Strategies
Coastal Engineering Report for Buried Coastal Protection Works, Issue 4	17/08/2021	Horton Coastal Engineering
Coastal Engineering and Flooding Advice for NSW SLSC Clubhouse Redevelopment, Issue 3	26/08/2021	Horton Coastal Engineering
BCA Report, Rev 4	22/09/2020	BCA Logic
Access Report, Rev 4	22/09/2020	BCA Logic
Preliminary Acid Sulfate Soil Screening	2/10/2019	JK Environments

Landscape Plans		
Drawing No.	Dated	Prepared By
Dwg LA-000, Landscape Context Plan, Rev A	16/06/2022	Adriano Pupilli Architects
Dwg LA-01, Landscape Site Plan, Rev B	2/09/2022	Adriano Pupilli Architects
Dwg LA-02, Landscape Planting Plan, Rev A	16/06/2022	Adriano Pupilli Architects

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	5/10/2021	Bernard Koon

In the event of any inconsistency between conditions of this consent and the drawings / documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	13/12/2021
NSW Police	NSW Police Referral Response	25/11/2021

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

3. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under the Standard Instrument and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage.

4. Prescribed Conditions

- a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate).
- c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - i. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - ii. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person maybe contacted outside working hours, and
 - iii. stating that unauthorised entry to the work site is prohibited.

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

- d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - i. in the case of work for which a principal contractor is required to be appointed:
 - a. the name and licence number of the principal contractor, and
 - b. the name of the insurer by which the work is insured under Part 6 of that Act,
 - ii. in the case of work to be done by an owner-builder:
 - a. the name of the owner-builder, and
 - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i. protect and support the adjoining premises from possible damage from the excavation, and

- ii. where necessary, underpin the adjoining premises to prevent any such damage,
- iii. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished, and
- iv. the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

5. General Requirements

- a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- o 7.00 am to 5.00 pm inclusive Monday to Friday,
- o 8.00 am to 1.00 pm inclusive on Saturday,
- o No work on Sundays and Public Holidays

Demolition and excavation works are restricted to:

- o 8.00am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and

construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- j) Prior to the commencement of any development onsite for:
 - i. Building/s that are to be erected
 - ii. Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii. Building/s that are to be demolished
 - iv. For any work/s that is to be carried out
 - v. For any work/s that is to be demolished
- k) The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition.
- l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

6. Supervision of Works by Heritage Architect

All works are to be supervised by an experienced heritage architect who is to be involved in the resolution of all matters where significant fabric and spaces are subject to demolition and adaptive reuse. The heritage architect is to be available throughout the construction process to respond directly to Council when issues relating to heritage require clarification or resolution. They are also to ensure that the policies outlined in the Conservation Management Plan are adhered to.

Details of the appointment of this heritage architect are to be submitted to Council's

Heritage Officer for approval, prior to the issue of a Construction Certificate. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage conservation best practice and the Conservation Management Plan.

7. Upper Floor Ceiling Details

The extent of the proposed raked ceiling line is to be adjusted so that it only follows the extent of the original hall. The original gable ends to this room are to be retained and expressed internally, along with 4 nib walls so that the volumetric form of the hall is partly retained. Details are to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. An architectural long section is to be submitted demonstrating compliance with this condition.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority

Reason: So that the volumetric form of the original hall is partly retained and recognisable.

8. External Materials, Finishes and Colours

Full details of external materials, finishes and colours are to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. In this regard, the "off the form concrete" finish, including spandrel beams, soffits and a column, are to be smooth (Class One Finish) and remain unpainted. Other materials and colours used in the new extension should be compatible with, and not compete with the architectural characteristics of the heritage listed surf club.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure compatibility with the architectural significance of the heritage listed surf club and its setting.

10. Noise Controls

- a) A suitably qualified person must be engaged to assess mechanical plant noise levels on nearby sensitive receivers once a preliminary design for the mechanical plant specifications of the development are available. The mechanical plant must meet all relevant noise criteria within the acoustic report entitled "Newport SLSC", prepared by GHD, referenced 12537693, dated Dec 2020.
- b) Any design recommendations made in the acoustic report entitled "Newport SLSC", prepared by GHD, referenced 12537693, dated Dec 2020, must be implemented into the plans prior to issuing the Construction Certificate in order to achieve compliance with noted conditions of this consent.
- c) Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To assess the noise impact of any mechanical plant installed on the site, in accordance with Pittwater DCP, Noise Policy for Industry 2017, and Protection of Environment Operations (Noise Control) Regulation 2017.

9. Flood Compatible Materials

All structural elements below the location specific coastline planning level of 6.0 to 7.2m AHD as defined in the approved Coastal Engineering and Flooding Advice dated 26 August 2021 prepared by Horton Coastal Engineering Pty. Ltd, shall be comprised of flood compatible materials.

Reason: To ensure potential impact of coastal inundation is minimised

10. Coastal Design Considerations

Piling for the proposed development shall be designed and constructed in accordance with the recommendations given in the approved Coastal Engineering and Flooding Advice dated 26 August 2021 and Coastal Engineering Report & Statement of Environmental Effects dated 27 August 2021 prepared by Horton Coastal Engineering Pty. Ltd, Coastal Risk and in addition to building loads (including wind loads) shall include consideration of scour, wave forces, soil slumping forces and debris forces and shall be consistent with the geotechnical design criteria in Nielsen, A.F.; Lord, D.B.; and Poulos, H.G. (1992), .

11. Compliance and Certification of Piling Design

Certification that the piling works have been designed in accordance with the approved Coastal Risk Management Report shall be provided to the Principal Certifying Authority (Form No. 2 of the Coastline Risk Management Policy for Development in Pittwater – Appendix 6 of P21 DCP) and shall be prepared and signed by a structural engineer who is a registered professional engineer with chartered professional status (CP Eng) and who has an appropriate level of professional indemnity insurance.

Reason: To ensure deep foundation piling is designed in accordance with the Coastal Risk Management Report and by an appropriately qualified professional

12. Compliance with Coastal Risk Management Report

The development is to comply with all recommendations of both the approved Coastal Engineering and Flooding Advice dated 26 August 2021 and Coastal Engineering Report & Statement of Environmental Effects dated 27 August 2021 prepared by Horton Coastal Engineering Pty. Ltd, and these recommendations are to be incorporated into construction plans and maintained over the life of the development.

Reason: To ensure coastal risk is addressed appropriately

13. Low Level Coastal Inundation Risk Design

All development must be designed and constructed to achieve a low risk of damage and instability due to coastal inundation, wave impact and foreshore erosion hazards.

14. Design Impact on Coastal Processes and Public/Private Amenity

All development and/or activities must be designed and constructed so that they will not adversely impact on surrounding properties, coastal processes or the amenity of public foreshore lands.

Reason: To ensure the development does not impact the coastal process and public/private

15. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

16. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Principal Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- i. "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- ii. Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

FEES / CHARGES / CONTRIBUTIONS

17. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$73,652.26 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2022. The monetary contribution is based on a development cost of \$7,365,226.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2022 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

18. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

19. Amended Landscape Plans

Amended Landscape Plans shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) Site Plan in accordance with the layout for external works as shown in Landscape Site Plan drawing number LA-01 issue B, and the following may not be altered:
 - existing disabled car parking spaces;
 - existing multi-purpose court (Youth Space area) layout and court markings and equipment, and
 - existing crossover for Council's beach brake tractor.
- ii) detail design information on the treatment to the proposed new footpath and kerb alignment, kerb ramping, and any other safety provisions for pedestrians if required, and supporting associated Engineering Plans and details,
- iii) identification of existing vegetation to be retained in proximity to the development and within existing gardens,
- iv) updated Planting Plan commensurate with the updated layout shown on the Landscape Site Plan.

Amended Landscape Plans, and other relevant Engineering Plans shall be issued to the relevant Council departments for approval prior to the issue of the Construction Certificate.

Reason: Landscape amenity.

20. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate. Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

21. Amended Waste Management Plan

An Amended Waste Management Plan must be prepared for this development and submitted to and approved by Council's Manager Parks Assets and Manager Development Assessment prior to the issue of any Construction Certificate.

Areas to be excluded from demolition or construction activities requiring temporary land space include: the recreational park areas identified by grassed open space, all of the Youth Space area, disabled car spaces and accessible areas for entering and exiting with vehicles, public car spaces not provided for demolition and construction activities as directed by Council, and all pedestrian connections linking the aforementioned areas.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner, and does not restrict public use of recreational open space.

22. Stormwater Disposal

The applicant is to submit Stormwater Engineering Plans for the new development within this development consent, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings, paved areas and where appropriate adjacent catchments. Stormwater shall be conveyed from the site to the existing internal drainage system.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

23. Building Code of Australia Access Report

Access and facilities to and within the building are to be provided for Persons with a Disability and are to comply with the Building Code of Australia and AS 1428.1. In this regard consideration is to be given to the Access Assessment Report dated 22/9/2020 prepared by BCA Logic. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

24. Upper Floor Ceiling Details

The extent of the proposed raked ceiling line is to be adjusted so that it only follows the extent of the original hall. The original gable ends to this room are to be retained and expressed internally, along with 4 nib walls so that the volumetric form of the hall is partly retained.

Details are to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. An architectural long section is to be submitted demonstrating compliance with this condition.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority

Reason: So that the volumetric form of the original hall is partly retained and recognisable.

25. External Materials, Finishes and Colours

Full details of external materials, finishes and colours are to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. In this regard, the "off the form concrete" finish, including spandrel beams, soffits and a column, are to be smooth (Class One Finish) and remain unpainted. Other materials and colours used in the new extension should be compatible with, and not compete with the architectural characteristics of the heritage listed surf club.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure compatibility with the architectural significance of the heritage listed surf club and its setting.

26. Supervision of Works by Heritage Architect

All works are to be supervised by an experienced heritage architect who is to be involved in the resolution of all matters where significant fabric and spaces are subject to demolition and adaptive reuse. The heritage architect is to be available throughout the construction process to respond directly to Council when issues relating to heritage require clarification or resolution. They are also to ensure that the policies outlined in the Conservation Management Plan are adhered to.

Details of the appointment of this heritage architect are to be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage conservation best practice and the Conservation Management Plan.

27. Heritage Interpretation Plan

A Heritage Interpretation Plan is to be prepared for the site. As well as interpretation of the heritage surf club building, it must also include specific reference to the aesthetic and social significance of the original hall and specifically include items of moveable heritage located within this heritage item.

The Interpretation Plan must be prepared by a suitably qualified consultant in accordance with the Heritage NSW guidelines "Interpreting Heritage Places and Items" and must be submitted to Council's Heritage Officer for approval prior to issue of a Construction Certificate. The Plan must include strategies which are to be implemented as part of the approved development.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the historical and cultural significance of the site is recognised and interpreted as part of the development of the site.

28. Photographic Archival Record

A photographic archival record of the site is to be made of all existing buildings and structures (including interiors and exteriors), as well as the setting (including any major landscape elements). This archival record is to also record, in-situ, all identified items of moveable heritage, prior to their removal for storage or relocation. This record is to be prepared generally in accordance with the guidelines issued by NSW Heritage and must be submitted to Council's Heritage Officer for approval, prior to the issue of a Construction Certificate.

- The photographic record should be made using digital technology and should include:
- Location of property, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Floor plan identifying the existing location of moveable heritage items;
- Photographs which fully document the site (including items of moveable heritage), cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To provide an archival photographic record of this heritage item and any moveable heritage onsite, prior to the commencement of any works.

29. Waste Storage Facilities

Details of waste storage facilities within the approved footprint of the development shall be provided to Council and be to the written satisfaction of Council's Waste Officer prior to the issue of any Construction Certificate.

Note: Should the waste storage facilities be required to extend the approved footprint, or be constructed outside of the approved footprint, then the applicant is required to submit a Section 4.55 Modification Application to authorise these changes to the design.

Reason: To ensure adequate provision of waste storage is provided on site

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

30. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and in accordance with the recommendations of the Arboricultural Impact Assessment. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

The Project Arborist is to supervise all demolition, excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, including:

- i) section 4. Observations/Impacts
- ii) section 5. Tree Management Plan, including the following works:
 - a) action 1: Tree Protection Fencing for the existing Norfolk Island Pines Tree 1 and 2: a tree protection fence is to be erected around Tree 1 and 2,
 - b) action 2: Hardstand Paving: the paving encroaches into the tree protection zone of Tree 1 and 2. To reduce the impact to an acceptable level a no dig type construction is recommended for the removal of existing concrete path and installation of the proposed paving within the tree protection zone of Tree 1 and 2. A project arborist should be onsite to supervise the demolition and construction within the tree protection zone of Tree 1 and 2.
 - c) action 3: Seawall Excavation: A Project Arborist should be onsite for the excavation of the proposed seawall, where the Project Arborist identifies roots to be pruned within or at the outer edge of the tree protection zone, they should be pruned with a final cut to undamaged wood,
 - d) action 4: Temporary Irrigation and Soil Conditioner: to ensure no adverse effects occur by the minor incursion to Tree 2, a temporary Irrigation system should be installed before construction commences. The temporary irrigation system is to be installed within the tree protection zone prior to demolition to combat the root loss of Tree 2. The Project Arborist will nominate irrigation scheduling and certify its installation.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

31. Access to and Working on Reserves Permit

Works (undertaken by principal contractors working without Council supervision) on Land owned or managed by Council require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

Reason: public safety and the protection of Council infrastructure.

32. Installation and Maintenance of Sediment and Erosion Control

Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period. Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

33. Dilapidation Report of Land Owned or Managed by Council

A dilapidation report established at the commencement of the works shall contain a survey of pre-existing land features including photographic record of the Land under Council's care control and management beyond the development area, detailing the physical condition of items such as, but not exclusively limited to, physical assets such as crossovers, kerbs, carspaces, driveways, footpaths, utilities, lighting, signage, furniture, play equipment, trees, and gardens.

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of works, and shall be the basis for rectification of any damage to Council's assets as listed in the Post Construction Dilapidation report submitted prior to the issue of the Occupation Certificate.

Any damage to these assets during the works must be replaced like for like to the satisfaction of the Certifying Authority, and shall be subject to acceptance by Council.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: protection of Council's assets.

34. Noise Controls

- 1) A suitably qualified person must be engaged to assess mechanical plant noise levels on nearby sensitive receivers once a preliminary design for the mechanical plant specifications of the development is available. The mechanical plant must meet all relevant noise criteria within the acoustic report entitled "Newport SLSC", prepared by GHD, referenced 12537693, dated Dec 2020.
- 2) Any design recommendations made in the acoustic report entitled "Newport SLSC", prepared by GHD, referenced 12537693, dated Dec 2020, must be implemented into the plans prior to issuing the Construction Certificate in order to achieve compliance with noted conditions of this consent.
- 3) Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To assess the noise impact of any mechanical plant installed on the site, in accordance with Pittwater DCP, Noise Policy for Industry 2017, and Protection of Environment Operations (Noise Control) Regulation 2017.

35. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

36. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

i) all trees and vegetation within the development site area, unless shown on the approved Amended Landscape Plans for removal or management.

b) Tree protection shall be undertaken as follows:

i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites,

ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,

iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,

iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,

v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,

vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,

vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,

viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,

ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,

x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.

The Certifying Authority must ensure that:

d) The arboricultural works listed in c) are undertaken and certified by an Arborist as

complaint to the recommendations of the Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

37. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

38. Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

39. Protection of Council's Public Assets

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Reason: To protect and/or restore any damaged public asset.

40. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

41. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- i. Work Health and Safety Act;
- ii. Work Health and Safety Regulation;
- iii. Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- iv. Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)];
- v. Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- vi. The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

42. Geotechnical Requirements

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

43. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

44. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

45. Coastal Erosion

This property is on land located in an area where there is likely to be a risk of coastal erosion and wave impact during severe storms. The risk to the property may increase with time due to long-term beach recession caused by greenhouse induced sea level rise or natural coastal processes. To reduce the potential impact, it is recommended that effective precautions be taken to ensure adequate volumes of sand are maintained.

Reason: Protection of coastal environment.

46. Aboriginal Heritage

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning and Environment.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning and Environment.

Reason: Aboriginal Heritage Protection.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO COMPLETION

47. Landscape Completion

Landscaping is to be implemented in accordance with the approved Amended Landscape Plans.

Prior to the issue of any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

48. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

49. Removal of All Temporary Structures/Materials and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds are to be removed from the site.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of any Occupation Certificate.

Reason: to protect reserve amenity and public safety.

50. Post-Construction Dilapidation Report of Land Owned or Managed by Council

Rectification works to Council's assets shall be contained in a Post Construction Dilapidation report submitted to Council prior to the issue of the Occupation Certificate.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: protection of Council's assets.

51. Shared Zone Bollard

A bollard is to be provided at the shared zone between the disabled spaces sited to the west of the surf club in accordance to Australian Standards AS2890.6:2009.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with Australian Standards.

52. Geotechnical Certification Prior to Occupation Certificate

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifier prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

53. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

54. Reinstatement of Streetlighting

That any streetlighting impacted by the building work is to be reinstated and reviewed to provide a level of lighting that is consistent with the requirements of AS/NZS 1158.3.1 to satisfactorily illuminate the public areas around the surf club building.

Reason: To ensure the building and associated pedestrian areas are lit to Australian Standard requirements.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

55. Implementation of Heritage Interpretation Plan

The approved Heritage Interpretation Plan must be implemented to the satisfaction of Council's Heritage Officer prior to the issuing of the Occupation Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: To ensure that the historical and cultural significance of the site is recognised and interpreted as part of the development of the site

56. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction associated with this Consent has been completed any remaining silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site. Where required, details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure foreshore amenity is restored post works.

57. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds

58. Condition of Retained Vegetation - Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained (ie. tree numbers 1, 2 and 3), including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection

59. Requirements for Occupation

Removal of All Temporary Structures/Material and Construction Rubbish Once construction associated with this Consent has been completed any remaining silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site. Where required, details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure foreshore amenity is restored post works.

60. Certification of Works

The completed coastal protection works are to be certified by a suitably qualified Coastal Engineer as being constructed in accordance with the approved design and performance criteria. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate and these Certifications are to be provided to Council.

Reason: To ensure appropriate design and construction of coastal protection works.

61. Surveys During Works and Post Completion Survey

A report issued by a registered surveyor is required as evidence that all construction has been effected in accordance with the Development Consent, approved plans and details in the Consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of an occupation certificate. The Survey plan and report is to be provided to Council on issue of the Occupation Certificate.

Reason: To ensure accurate location of coastal protection works

62. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

63. Post-Construction Dilapidation Report of Land Owned or Managed by Council

Rectification works to Council's assets shall be contained in a Post Construction Dilapidation report submitted to Council prior to the issue of the Occupation Certificate.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: protection of Council's assets.

64. Landscape Completion

Landscaping is to be implemented in accordance with the approved Amended Landscape Plans.

Prior to the issue of any Occupation Certificate details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

65. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

66. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

67. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

68. Geotechnical Recommendations

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

69. Hours of Operation

The hours of operation for the surf club (except where otherwise stipulated in this consent) are to be restricted to:

- Monday – Sunday: 5:00am – 12:00am

The hours of operation for the bar located on the first floor are as follows:

- Monday – Thursday: 12:00pm – 9:00pm
- Friday and Saturday: 10:00am – 12:00am
- Sunday: 10:00am – 10:00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

70. Noise Controls

At all times, the operation of Newport SLSC must comply with recommendations in Section 6 of the acoustic report entitled “Newport SLSC”, prepared by GHD, referenced 12537693, dated Dec 2020.

Reason: To protect noise amenity of surrounding residents, operate in accordance with acoustic report recommendations, Pittwater DCP, Noise Policy for Industry 2017, and Protection of Environment Operations (Noise Control) Regulation 2017. (DACHPGOG5)

71. Complaints Register

A complaints register is to be kept on the premises at all times. There is to be an individual available for contact at all times should a complaint be received.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

72. Maximum Capacity for Seating

Seating at the premises must not exceed 320 on any occasion.

Reason: To ensure that amenity of the surrounding locality is maintained.

73. Ongoing maintenance of coastal protection works and beach amenity

The arrangements for the ongoing maintenance of the works and the adjoining land are to be included in the Northern Beaches Council Infrastructure Asset Management Plan. These arrangements are to document the inspection and maintenance requirements in the event that the works or adjoin beach are damaged by a coastal storm.

Reason: To ensure that the works will not pose a threat to public safety or access.

74. Time Limited Consent

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, the owner/s shall procure, at no cost to Council, a Review Report, 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 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 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 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 coastal protection works 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.

If the Review Report recommends removal and replacement of the structure 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 the owners to replace the 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.

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.

Reason: The development application indicated the Coastal Protection works have a design life of 100 years; to satisfy the requirements of Section 27 of the Coastal Management Act 2016, and to provide a mechanism to review the works and extend the operation of the consent.

FINAL DECLARATION

Consultant Name: Hugh Halliwell (Mecone)

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.