

10 October 2022

Northern Beaches Council  
1 Boondah Road  
WARRIEWOOD NSW 2102

Dear Sir/Madam

**Application Number:** DA2021/2173  
**Address:** Lot 7094 DP 1059297 , 394 Barrenjoey Road, NEWPORT NSW 2106  
Lot 1 DP 1139445 , 394 Barrenjoey Road, NEWPORT NSW 2106  
**Proposed Development:** Alterations and additions to a surf life saving club

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Peter Robinson  
**Executive Manager Development Assessment**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2021/2173
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Northern Beaches Council
<b>Land to be developed (Address):</b>	Lot 7094 DP 1059297 , 394 Barrenjoey Road NEWPORT NSW 2106 Lot 1 DP 1139445 , 394 Barrenjoey Road NEWPORT NSW 2106
<b>Proposed Development:</b>	Alterations and additions to a surf life saving club

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	05/10/2022
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### Reasons for Refusal:

#### Building Height

1. Pursuant to Section 4.15 (a) (i) of the Environmental Planning and Assessment Act 1979, the Sydney North Planning Panel, as the consent authority, is not satisfied that:
  - a. The Applicant's written request to vary Clause 4.3 Height of Buildings of the Pittwater Local Environmental Plan 2014 has adequately addressed the matters required to be addressed under Clause 4.6 of the Pittwater Local Environmental Plan 2014.
  - b. The development is in the public interest because it is consistent with the objectives of Clause 4.3 (development standard) of the Pittwater Local Environmental Plan 2014.
  - c. The development is in the public interest because it is consistent with the objectives for development in the RE1 Public Recreation zone of the Pittwater Local Environmental Plan 2014.

#### Suitability of the Site

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

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

### **Coastal Protection Works**

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

### **Coastal Management Act**

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

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

### **Public Interest**

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

## Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be lodged on the NSW Planning portal within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

*NOTE: A fee will apply for any request to review the determination.*

## Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

**Signed**            On behalf of the Consent Authority



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Name            Peter Robinson  
**Executive Manager Development Assessment**  
Date            10/10/2022

**NOTE:** Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 05/10/2022.