

<b>DATE OF DETERMINATION</b>	5 October 2022
<b>DATE OF PANEL DECISION</b>	5 October 2022
<b>DATE OF PANEL MEETING</b>	5 October 2022
<b>PANEL MEMBERS</b>	Peter Debnam – Chair, Douglas Lord, Graham Brown, Annelise Tuor
<b>APOLOGIES</b>	Hannah Power
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by teleconference on 5 October 2022, opened at 8.30am and closed at 9.20am.

**MATTER DETERMINED**

PPSSNH-301 - DA2021/2173 – Northern Beaches, Lot 7094 DP 1059297, 394 Barrenjoey Road, Newport, Lot 1 DP 1139445, 394 Barrenjoey Road, Newport, Alterations and additions to a surf lifesaving club and construction of coastal protection works (as described in Schedule 1).

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

**Application to vary a development standard**

Following consideration of a written request from the applicant, made under cl. 4.6 (3) of the Pittwater Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is not satisfied that:

- a) the applicant’s written request adequately addresses the matters required to be addressed under cl. 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (development standard) of the LEP and the objectives for development in the RE1 – Public Recreation zone.

**Development application**

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

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

The second meeting on 5<sup>th</sup> October did not resolve the Panel’s concerns but did confirm that from the beginning of the project, heritage, car park and open space protection had been emphasised at the expense of considering alternative options for protection and renewal of the Surf Club asset.

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





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

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

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

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered thirty-eight written submissions made during public exhibition. Issues of concern included - 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.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Annelise Tuor
 Douglas Lord	 Graham Brown

SCHEDULE 1		
1	<b>PANEL REF – LGA – DA NO.</b>	PPSSNH-301 - DA2021/2173 – Northern Beaches
2	<b>PROPOSED DEVELOPMENT</b>	Alterations and additions to a surf lifesaving club and construction of coastal protection works
3	<b>STREET ADDRESS</b>	Lot 7094 DP 1059297, 394 Barrenjoey Road, Newport, Lot 1 DP 1139445, 394 Barrenjoey Road, Newport
4	<b>APPLICANT/OWNER</b>	Northern Beaches Council NSW Government – Department of Industry and Lands
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Crown development with a CIV over \$5million
6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments:               <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ Pittwater Local Environmental Plan 2014</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Pittwater 21 Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> </ul> <p>The public interest, including the principles of ecologically sustainable development</p>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• SLSC response to panel questions – 4 October 2022</li> <li>• Council Assessment Report: 2 September 2022</li> <li>• 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, Stormwater Management Plan, Public Domain View Assessment.</li> <li>• Written submissions during public exhibition: 38</li> <li>• Verbal submissions at the public meeting – 21 September 2022: <ul style="list-style-type: none"> <li>○ Members of the community – Angus Gordon, Brendan Donohoe, Guyren Smith, Rudi Valla, Glen Borg</li> <li>○ Council Assessment Officer - Adam Susko, Hugh Halliwell</li> <li>○ On behalf of the applicant – Bernard Koon</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: 11 May 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Hannah Power, Douglas Lord, Graham Brown, Annelise Tuor</li> <li>○ <u>Council assessment staff</u>: Adam Susko, Olivia Ramage</li> </ul> </li> <li>• Briefing: 20 July 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Hannah Power, Douglas Lord, Annelise Tuor</li> <li>○ <u>Council assessment staff</u>: Olivia Ramage, Hugh Halliwell</li> </ul> </li> <li>• Site inspection: 25 August 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Annelise Tuor, Hannah Power, Doug Lord</li> <li>○ <u>Council assessment staff</u>: Jodie Crawford, Bernard Koon, Adam Susko</li> <li>○ <u>Coastal Engineer</u>: Peter Horton</li> </ul> </li> <li>• Final briefing to discuss council’s recommendation: 21 September 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam – Chair, Hannah Power, Douglas</li> </ul> </li> </ul>

		<p>Lord, Graham Brown, Annelise Tuor</p> <ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Adam Susko, Hugh Halliwell</li> </ul> <ul style="list-style-type: none"> <li>● Public meeting – 5 October 2022</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report

