

## SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

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| <b>Panel Reference</b>  | PPSSNH-351   |
| <b>DA Number</b>  | REV2022/0024   |
| <b>LGA</b>  | Northern Beaches   |
| <b>Proposed Development</b>   | Review of Determination of Application DA2021/2173 for alterations and additions and coastal protection works to Newport Surf Life Saving Club   |
| <b>Street Address</b>   | Lot 7094 DP 1059297, 394 Barrenjoey Road NEWPORT NSW 2106<br>Lot 1 DP 1139445, 394 Barrenjoey Road NEWPORT NSW 2106  |
| <b>Applicant/Owner</b>  | Northern Beaches Council<br>NSW Government - Department of Industry - Lands  |
| <b>Date of DA lodgement</b>   | 29/11/2022   |
| <b>Number of Submissions</b>  | 117  |
| <b>Recommendation</b>   | Approval, subject to conditions  |
| <b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b> | Crown Development with a Capital Investment Value (CIV) of more than \$5 million (\$7.789M)  |
| <b>List of all relevant s4.15(1) (a) matters</b>  | <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979;</li> <li>• Environmental Planning and Assessment Regulations 2021;</li> <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> <li>• Pittwater 21 Development Control Plan</li> </ul>  |
| <b>List all documents submitted with this report for the Panel's consideration</b>                  | <ul style="list-style-type: none"> <li>• Statement of Environmental Effects prepared by Don Fox Planning dated September 2021</li> <li>• Amended Statement of Environmental Effects prepared by Rhelm dated November 2022</li> <li>• Survey Plan</li> <li>• Architectural Plans prepared by Adriano Pupilli Architects</li> <li>• Coastal Engineering and Flooding Report prepared by Horton Coastal Engineering</li> <li>• BCA Assessment Report prepared by BCA Logic</li> <li>• Arboricultural Impact Assessment prepared by Tree Management Strategies</li> <li>• Acoustic Report prepared by GHD</li> <li>• Preliminary Acid Sulfate Soil Screening prepared by JK Environments</li> <li>• Access Assessment Report prepared by BCA Logic</li> <li>• Operational Management Plan</li> <li>• NCC BCA 2019 Section J JV3 Assessment prepared by Greenview Consulting</li> <li>• Geotechnical Investigation prepared by JK Geotechnics</li> <li>• ESD Report prepared by Greenview Consulting</li> <li>• Statement of Heritage Impact prepared by Heritage 21</li> <li>• Conservation Management Plan prepared by Heritage 21</li> </ul> |

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|                                   | <ul style="list-style-type: none"> <li>• Coastal Engineering Report and Statement of Environmental Effects for Buried Coastal Protection Works prepared by Horton Coastal Engineering</li> <li>• Public Domain View Assessment prepared by Don Fox Planning</li> <li>• Traffic and Parking Assessment prepared by TTPA</li> <li>• Structural Feasibility Report prepared by Partridge Structural Pty Ltd</li> <li>• Review of Coastal Processes and Potential Impacts prepared by Rhelm</li> <li>• Responses to NSPP on items raised in the deferral letter dated 26.09.22 prepared by Horton Coastal Engineering</li> <li>• Options Assessment and Review prepared by Rhelm</li> <li>• Stormwater Drainage Concept Plan prepared by Rise Consulting Engineers</li> <li>• Site Sediment Control Plan prepared by Rise Consulting Engineers</li> <li>• Buried Coastal Protection Works Plans prepared by Horton Coastal Engineering</li> <li>• Waste Management Plan</li> </ul>  |
| <b>Clause 4.6 requests</b>        | N/A   |
| <b>Summary of key submissions</b> | <p>The reasons for support include:</p> <ul style="list-style-type: none"> <li>• The works are essential for coastal protection and to avoid further damage to the heritage listed clubhouse.</li> <li>• The proposal is a viable option and has the least environmental impact.</li> <li>• The clubhouse cannot be relocated to another location due to environmental constraints, the potential loss of public parkland or parking, and the impact on surveillance of the beach.</li> <li>• The existing facilities are old and not fit for purpose, given the membership has significantly grown since the clubhouse was built. The female facilities are inadequate.</li> <li>• The proposal will result in improved facilities for the club in relation to first aid rooms, public amenities, training facilities, storage, accessibility and WHS, and hall and club room spaces.</li> <li>• The community will benefit from the improved facilities.</li> <li>• Newport SLSC has been left behind the other clubs at Mona Vale, Avalon and Long Reef which have all had upgrades.</li> </ul> <p>The reasons for objection relate to the following:</p> <ul style="list-style-type: none"> <li>• The construction of the seawall will not prevent flooding and will result in the clubhouse emerging as a headland and the beach being split in two. The implications have not been properly considered.</li> <li>• The cost of the seawall is prohibitive and will be constructed of thousands of tonnes of concrete.</li> <li>• Weather events show it will be possible for the clubhouse to suffer undermining and wave induced oceanic flooding.</li> <li>• The proposal is not consistent with a planned retreat for impending sea-level rise and predicted increased ocean water inundation and storm events.</li> <li>• Experts have warned the seawall will damage the beach compartment that includes Bilgola.</li> <li>• Council has ignored a prior Pittwater Council decision requiring any major renovation of the club to relocate to a less vulnerable site in terms of storm inundation.</li> <li>• Council has chosen to follow a subsequent POM which</li> </ul> |

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|                            | <p>inappropriately overrides the available hazard studies behind the previous decision and did not consider a more recent hazard study which demonstrated the vulnerability of Newport beach and the clubhouse.</p> <ul style="list-style-type: none"> <li>• The building is not significant or special and needs to be moved back to a less vulnerable site where it can be designed to be fit for purpose.</li> <li>• A submission described the design as ugly and brutalist.</li> <li>• The club should spend some money to repaint and repair the building and use it until it is inevitably claimed by the sea.</li> <li>• Public beaches should be the priority for Council, not private property interests.</li> <li>• The argument that the works are necessary for the SLSC is not justification for the development.</li> <li>• Council needs to develop consistently with the 2016 Coastal Management Act.</li> </ul> |
| <b>Report prepared by</b>  | Melissa Rodrigues and Margaret Roberts (Independent Consultant Planners – GAT & Associates)   |
| <b>Responsible Officer</b> | Adam Susko, Principal Planner   |
| <b>Report date</b>         | 22 February 2023  |

#### 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**

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### **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

### **EXECUTIVE SUMMARY**

Northern Beaches Council is in receipt of a Section 8.2(1A) Review of Determination Application (REV2022/0024) following the refusal of DA2021/2173 by the Sydney North Planning Panel on 5 October 2022. The original Development Application sought development consent for alterations and additions to a surf lifesaving club and construction of coastal protection works.

On 29 November 2022, a Section 8.2 Review of Determination application was lodged using the same architectural plans which formed the basis of DA2021/2173. Additional information has been provided by the applicant to address each of the grounds of refusal.

The subject site is zoned RE1 Public Recreation under the Pittwater Local Environmental Plan 2014. Development for the purposes of community facilities, such as a Surf Life Saving Club (SLSC), is permitted with consent. The proposed alterations and additions seek to retain the existing two storey SLSC building, with new additions extending further north than the current building footprint. The proposal further provides for coastal management works, including the construction of a buried seawall, to enable a minimum building life span of 60 years.

Pursuant to Section 8.2 of the Act, the applicant seeks a review of all aspects of the refusal of DA2021/2173. Clauses 8.3 and 8.10 of the Act require that the request for the review must be made and determined within 6 months of the determination date. The application was determined on 5 October 2022 and the Notice of Determination was issued on 10 October 2022. The request for review was lodged on 29 November 2022, which is within the statutory timeframe.

The application was notified to surrounding properties in accordance with the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021 and Council's Community Participation Plan between 05/12/2022 to 17/01/2023 with a total of 117 submissions received during this time.

While the majority of the submissions received expressed support for the proposed alterations and additions, several submissions did raise concerns regarding the proposed seawall and coastal protection works being sought and questioned whether the architectural expression of the proposed works reflected the significance of the heritage listing of the building. The matters raised have been considered and are addressed within this report.

The preparation of this report follows an inspection of the subject site and a detailed review of the proposal against the previous grounds of refusal and the relevant planning controls. It is apparent that the original Development Application was refused on the basis of whether the coastal management strategies being proposed were an appropriate outcome for the site and if an alternative location for the surf club building would present a more sustainable option in the long term.

The current application is supported by a detailed assessment prepared by the applicant which demonstrates the numerous site constraints, environmental risks/hazards, heritage, and planning grounds that prevent the relocation of the surf club building elsewhere on the site. As a result, it is agreed that the only logical outcome is for the existing building to be retained and modified as necessary to meet the changing and growing needs of the surf club to better serve its local community. This is discussed in greater detail later in this report.

In view of the retention of the building in its current location and given the known and unpreventable risk of future coastal erosion, wave inundation and the like, the proposed buried seawall, in addition to other coastal management strategies including limiting the development consent to a period of 60 years, are considered to be a responsive and appropriate planning outcome on the site.

As the proposed works have a Capital Investment Value that is greater than \$5 million and the subject site itself is Crown Land managed by Northern Beaches Council, referral is required to the Sydney North Planning Panel (SNPP). The SNPP will act as the consent authority for this application.

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.

## **PROPOSED DEVELOPMENT IN DETAIL**

The original Development Application (DA2021/2173) sought development consent for alterations and additions to the Newport Surf Life Saving Club, including the construction of coastal protection works.

The original scope of works is summarised below:

- Partial demolition of the existing SLSC building that has been identified as having lesser heritage significance in the Conservation Management Plan, and part of the existing carpark,
- Construction of a new two storey northern wing comprising a gear storage compound on the ground floor and a practical SLSC training and assessment room, multi-purpose training room, outdoor training, committee room, lounge, and terrace on the first floor,
- Reconfiguration of the internal layout of the building to improve building functionality and circulation,
- Upgraded public and member amenities,
- Associated landscaping upgrades, and
- Coastal protection works.

As part of this Section 8.2(1A) Review Application, the scope of works remains unchanged from the above. A detailed description of the proposed works is provided below:

### **Ground Floor**

- A new northern wing is proposed encompassing storage facilities for boats and equipment. A new plant room is also proposed,
- Entries to the building and the beach will be reconfigured to provide a direct path of travel and a clear line of sight through the building,
- Relocation of first aid and Council lifeguards' rooms adjacent to beach entry,
- A new retail shop to the south-east corner of the building facing the beach,
- New internal stairs and lift access to the first floor,
- Male and female public amenities will be relocated to the southern wing and upgraded, and
- The existing administration office will be relocated from the first floor to the ground floor.

### **First Floor**

- A new northern wing is proposed including a committee room and lounge, club bar, practical SLSC training and assessment room, multipurpose training room and terrace. The design change will allow for SLSC uses to be separate from those used by the function hall,
- Relocation of male, female and accessible amenities and kitchen, and
- Relocation of the hall to southern end of the building with new balcony looking east.

### **Coastal Protection Works**

The proposal includes buried coastal protection works located to the east of the Newport SLSC building. The buried coastal protection works comprise a secant pile wall with a reinforced concrete capping beam and high-level steps to provide beach access. The design of the proposed coastal protection works has been designed having regard to 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. The 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 car 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 to surf boats and other surf equipment with increased space for manoeuvring.

## **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.

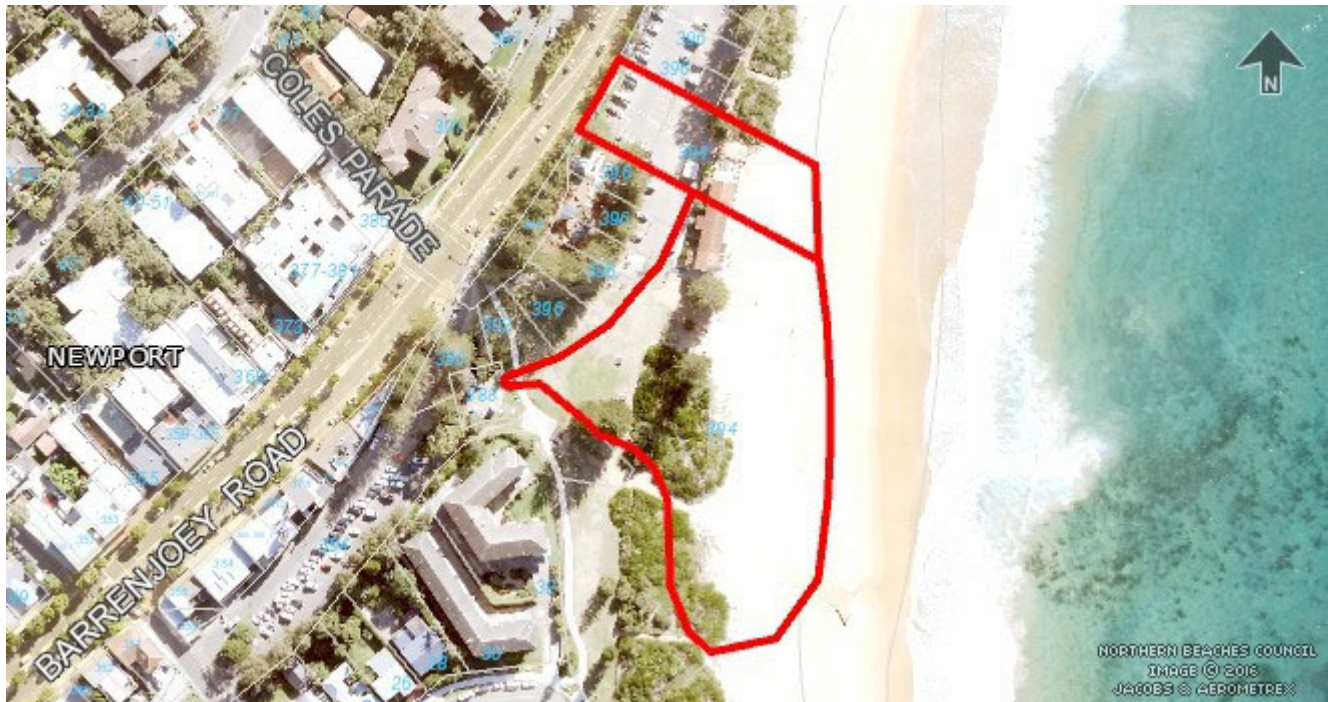
## **SUMMARY OF ASSESSMENT ISSUES**

- SEPP (Resilience and Hazards) 2021
- Pittwater LEP 2014, Clause 5.10 Heritage Conservation
- Pittwater LEP 2014, Clause 7.5 Coastal Risk Planning

## **SITE DESCRIPTION**

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|-----------------------------------|--|
| <b>Property Description:</b>      | <p>Lot 7094 DP 1059297, 394 Barrenjoey Road NEWPORT NSW 2106</p> <p>Lot 1 DP 1139445, 394 Barrenjoey Road NEWPORT NSW 2106</p>   |
| <b>Detailed Site Description:</b> | <p>The site consists of two allotments comprising an area of public open space along Newport Beach and an existing car park on the western side of the Newport Surf Life Saving Club (SLSC). The irregularly shaped allotment is zoned RE1 Public Recreation under Pittwater LEP 2014 and has an area of 13,620m<sup>2</sup>.</p> <p>The site immediately adjoins land that is also zoned RE1 Public Recreation to the south, west and north. These areas are used for open space, playgrounds, and car parking. Immediately to the east is Newport Beach.</p> <p>On the western side of Barrenjoey Road is land zoned R3 Medium Density Residential and B2 Local Centre. Land located further to the south and south-west of the site (on the eastern side of Barrenjoey Road) is zoned B2 Local Centre, R2 Low Density Residential and C4 Environmental Living.</p> <p>The subject site currently contains the two storey Newport SLSC building and a portion of the public car park that is situated between Barrenjoey Road and Newport beach.</p> <p>The SLSC building is setback approximately 50 metres from Barrenjoey Road. The carpark to the west and north of the building provides parking spaces which are subject to a 12P ticket between 7am and 7pm. There is also a public car park located to the south-west of the site behind the commercial properties which front Barrenjoey Road.</p> <p>The landform to the north of the SLSC building comprises of sand dunes between the car park and beachfront. Significant Norfolk Pine trees line the beachfront and parking areas.</p> |

**Map:**



**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.*



- **DA2021/2173** – This application for alterations and additions to a surf life saving club, including the construction of coastal protection works was submitted on 12 November 2021.
- **Design and Sustainability Advisory Panel (DSAP)** – On 9 December 2021, DA2021/2173 was presented before the DSAP.

The Panel reviewed the proposal and provided the following conclusion:

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

## RELEVANT BACKGROUND

The Development Application (DA2021/2173) was lodged with Council on 12 November 2021. The application sought alterations and additions to a surf life saving club, including the construction of coastal protection works.

The application was assessed by an independent planning consultant as the proposed works relate to Crown Land under the care, control and management of Council.

The application was reported to the SNPP on 21 September 2022 with a recommendation for approval. The application was deferred by the SNPP to allow the submission of additional information by the applicant. A second public meeting was held on 5 October 2022 where the application was ultimately refused.

The Panel made the following decision on the application:

### ***“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 from the beginning of the project, heritage, car park and open space protection had been emphasized 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 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”.*

The following grounds of refusal were issued in relation to DA2021/2173:

### **“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”.*

The Notice of Determination was issued to the applicant on 10 October 2022.

On 29 November 2022, the applicant lodged the current application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979 for the review of the SNPP’s determination of refusal for DA2021/2173.

**NOTIFICATION & SUBMISSIONS RECEIVED**

The subject section 8.2 review application has been publicly exhibited from 05/12/2022 to 17/01/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 117 submissions from:

| <b>Name:</b>                    | <b>Address:</b>                             |
|---------------------------------|---|
| Mr Matt Edwards                 | 27 Trevor Road NEWPORT NSW 2106             |
| Mrs Katherine Jane Edwards      | 27 Trevor Road NEWPORT NSW 2106             |
| Kristie Edwards                 | 27 Trevor Road NEWPORT NSW 2106             |
| Mr Scott Ian McAlpine           | 158 Barrenjoey Road NEWPORT NSW 2106        |
| Ms Karen Louise Hennessy        | 41 Myola Road NEWPORT NSW 2106              |
| Mr Benjamin Alexander Von Sperl | 10 / 40 Foamcrest Avenue NEWPORT NSW 2106   |
| Ms Clare Maree Craddock         | 19 Hillside Road NEWPORT NSW 2106           |
| Mr Cameron John Miles           | 77 Bardo Road NEWPORT NSW 2106              |
| Millicent Davies                | 5 Walworth Court NEWPORT NSW 2106           |
| Mr Sean Herrington              | 30 Herbert Avenue NEWPORT NSW 2106          |
| Mr Max Brooks                   | Address unknown                             |
| Mr Matthew Douglass Barron      | 117 Crescent Road NEWPORT NSW 2106          |
| Bradley Dean                    | Address Unknown                             |
| Mrs Rebecca Capell              | 3 Stuart Street NEWPORT NSW 2106            |
| Matthew Tancred                 | 41 Plateau Road AVALON NSW 2107             |
| Mr Stephen Broughton Middleton  | 119 Grandview Drive NEWPORT NSW 2106        |
| Mrs Jean Mary Chapman           | 42 - 44 Lindley Avenue NARRABEEN NSW 2101   |
| Ms Monica Ann Lerpiniere        | 86 Barrenjoey Road MONA VALE NSW 2103       |
| Mrs Leanne Valla                | 2/23 Karloo Parade NEWPORT NSW 2106         |
| Mrs Anna Maria Valla            | 23 Karloo Parade NEWPORT NSW 2106           |
| Arnae Valla                     | 1/23 Karloo Parade NEWPORT NSW 2106         |
| Kyle Valla                      | 1/23 Karloo Parade NEWPORT NSW 2106         |
| Mr Rudi Valla                   | 2/23 Karloo Parade NEWPORT NSW 2106         |
| Nicholas John Willcocks         | 26 Hillside Road NEWPORT NSW 2106           |
| Mr James Lionel Brooks          | 132 Queens Parade East NEWPORT NSW 2106     |
| Mrs Lisa Annette Brooks         | 132 Queens Parade East NEWPORT NSW 2106     |
| Ms Shari Hooper                 | 8 / 168 Pacific Parade DEE WHY NSW 2099     |
| Mrs Catherine Anne Perkins      | 23 Neptune Road NEWPORT NSW 2106            |
| Ms Sandra Meihubers             | 21 Hansford Parade BILGOLA PLATEAU NSW 2107 |
| Ms Janet Maree Proudfoot        | 23 Gladstone Street NEWPORT NSW 2106        |
| Mr Jason Francis Arruzza        | 110 Irrubel Road NEWPORT NSW 2106           |
| Mrs Elaine Denise Krek          | 3 Goodwin Road NEWPORT NSW 2106             |
| Jessica Menzies                 | Address Unknown                             |
| Mr Douglas Grahame Menzies      | 3/10 Kalinya Street NEWPORT NSW 2106        |
| Sandy Menzies                   | 3/10 Kalinya Street NEWPORT NSW 2106        |
| Melinda Grant                   | 28 Harold Street NEWTOWN NSW 2042           |
| Ms Phoebe Savage                | 75 Brooker Avenue BEACON HILL NSW 2100      |
| Mrs Rowan Sarah Hanley          | 9 The Serpentine BILGOLA BEACH NSW 2107     |
| Ms Beverley Dawn Barnes         | 3 / 91 Foamcrest Avenue NEWPORT NSW 2106    |
| Jill Matthews                   | 88 Queens Parade NEWPORT NSW 2106           |
| Mr Ian Campbell Murdoch         | 13/7 Gertrude Avenue NEWPORT NSW 2106       |

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| Mr Grant Lloyd Fethers      | Address unknown                                 |
| Mrs Sophie Irene Stokes     | 28 Trevor Road NEWPORT NSW 2106                 |
| Harriet Louise Strudwick    | 7 Rednal Street MONA VALE NSW 2103              |
| Mrs Susan Lois Rogers       | 96 Bungan Head Road NEWPORT NSW 2106            |
| Mr Shane Douglas Cook       | 18 The Avenue NEWPORT NSW 2106                  |
| Mr Peter Alexander Hofmann  | 9 Belinda Place NEWPORT NSW 2106                |
| Mr Miguel Gerardo San Roman | 7 Ismona Avenue NEWPORT NSW 2106                |
| Mr Gordon Bruce Archibald   | 2 Ocean Avenue NEWPORT NSW 2106                 |
| Mrs Peter Carson            | 134 Crescent Road NEWPORT NSW 2106              |
| Mr Allen Stuart Janssens    | 43 Irrubel Road NEWPORT NSW 2106                |
| Mr Jeremy Stuart Paul       | 98 Bassett Street MONA VALE NSW 2103            |
| Mr Kevin Michael Brennan    | 27 A The Avenue NEWPORT NSW 2106                |
| Mrs Therese Maree Brennan   | 27 A The Avenue NEWPORT NSW 2106                |
| Mr Richard Anthony Leifer   | 39 Alexandra Crescent BAYVIEW NSW 2104          |
| Mr Antony Jon Hayes         | 2 Bushrangers Hill NEWPORT NSW 2106             |
| Mrs Carolyn Nicola Hayes    | 2 Bushrangers Hill NEWPORT NSW 2106             |
| Mr Douglas Ian Crutch       | C/- Bsbld 50 Gladstone Street NEWPORT NSW 2106  |
| Mr Ian Keith Barton Storey  | 1 A Nullaburra Road NEWPORT NSW 2106            |
| Mr Scott Andrew Bridges     | 16 Grandview Parade MONA VALE NSW 2103          |
| Mr Daniel John Gralton      | 2 Keswick Street DEE WHY NSW 2099               |
| Mr Ryf Quail                | 55 Queens Parade NEWPORT NSW 2106               |
| Mr Nicholas Patrick Durrant | 101 / 102 Darley Street West MONA VALE NSW 2103 |
| Mr James McAlpine Busby     | 14 Calvert Parade NEWPORT NSW 2106              |
| Ms Joy Marie Godley         | 58 Grandview Drive NEWPORT NSW 2106             |
| Mr Keith John Johnston      | 8 / 26 - 28 Foamcrest Avenue NEWPORT NSW 2106   |
| Eric Crooke                 | 1 Karloo Parade NEWPORT NSW 2106                |
| Mr Garth John Caldwell      | 38 Gladstone Street NEWPORT NSW 2106            |
| Mr Gerard Jung              | 41 Walworth Ave NEWPORT NSW 2106                |
| Miss Geordie Smith          | 68 Richard Road SCOTLAND ISLAND NSW 2105        |
| Mr Guyren Murdo Smith       | 68 Richard Road SCOTLAND ISLAND NSW 2105        |
| Keelan Smith                | 68 Richard Road SCOTLAND ISLAND NSW 2105        |
| Mr John Guthrie             | 11 / 67 Foamcrest Avenue NEWPORT NSW 2106       |
| Mr Phillip John Dunn        | 32 Ocean Avenue NEWPORT NSW 2106                |
| Mr Angus Donald Gordon      | 46 Taiyul Road NORTH NARRABEEN NSW 2101         |
| Mrs Maxine Bronier          | 23a Gladstone Street NEWPORT NSW 2106           |
| Ms Michelle Corinne Lefevre | 7 Irrubel Road NEWPORT NSW 2106                 |
| Mr Andrew John Lefevre      | 7 Irrubel Road NEWPORT NSW 2106                 |
| John Ringrose               | 33 Cumbora Circuit BEROWRA NSW 2081             |
| Richard Thomas O'Neill      | 156 Wallumatta Road NEWPORT NSW 2106            |
| Mr Colin David Maggs        | 29 Evergreen Drive CROMER NSW 2099              |
| Mr Glen Anthony Borg        | 48 Beaconsfield Street NEWPORT NSW 2106         |
| Ms Christine Elizabeth Borg | 48 Beaconsfield Street NEWPORT NSW 2106         |

|                                     |   |
|-------------------------------------|---|
| Samuel Borg                         | 48 Beaconsfield Street NEWPORT NSW 2106       |
| Jackson Borg                        | 48 Beaconsfield Street NEWPORT NSW 2106       |
| Mr Brendan Donohoe                  | 35 Ramsay Street COLLAROY NSW 2097            |
| Ms Karen Ann Burns                  | 68 Richard Road SCOTLAND ISLAND NSW 2105      |
| Mr Andrew Henry Stevens             | 7 Cheryl Crescent NEWPORT NSW 2106            |
| Mr David Alan Lye                   | 25 Trevor Road NEWPORT NSW 2106               |
| Mr Robert Ernest Major              | 1 / 24 - 26 Bardo Road NEWPORT NSW 2106       |
| Mrs Georgia Maie Barkley            | 49 Attunga Road NEWPORT NSW 2106              |
| Mrs Nicole Fasseau                  | 34 York Terrace BILGOLA PLATEAU NSW 2107      |
| Mr Peter Rolston                    | 1/26-28 Foamcrest Avenue NEWPORT NSW 2106     |
| Janet Anne Dunn                     | 1/26-28 Foamcrest Avenue NEWPORT NSW 2106     |
| Ms Cheryl Page                      | 22 Walworth Avenue NEWPORT NSW 2106           |
| Jarrold Smith                       | 10/10 Stewart Street ARTARMON NSW 2064        |
| Mr Nicholas James Rogers            | 22 Walworth Avenue NEWPORT NSW 2106           |
| Matthew Dean Molinia                | 10 / 97 Howard Avenue DEE WHY NSW 2099        |
| Rod McGibbon                        | 58 Timbarra Road ST IVES NSW 2075             |
| Ms Emily Catherine Buckle           | 15/44-50 Cassia Street DEE WHY NSW 2099       |
| Mrs Victoria Sweetnam<br>O'Halloran | 4 / 57 Campbell Parade MANLY VALE NSW 2093    |
| Mr Gregory Hugh Broome              | 35 Clarke Street NARRABEEN NSW 2101           |
| Mr Timothy Cuthbert                 | 10/25-27 Victoria Parade MANLY NSW 2095       |
| John Dulieu                         | 8 Lobelia St CHATSWOOD NSW 2067               |
| Ms Tracy Dianne McGuire             | 64 Cabbage Tree Road BAYVIEW NSW 2104         |
| Mr Peter Gordon Fenley              | 33 Kanimbla Crescent BILGOLA PLATEAU NSW 2107 |
| Ms Rowena Dillon                    | 154 Wallumatta Road NEWPORT NSW 2106          |
| Surfrider Foundation Ltd            | Po Box 968 MONA VALE NSW 1660                 |
| Kieran Gallagher                    | 227 Whale Beach Road WHALE BEACH NSW 2107     |
| Mr Cameron Stewart Powell           | Address Unknown                               |
| Mr Brett Wallace Budd               | 53 Seaview Avenue NEWPORT NSW 2106            |
| Lauren Budd                         | 53 Seaview Avenue NEWPORT NSW 2106            |
| Mr Tomas Lockhart Anderson          | 18 Collins Street NORTH NARRABEEN NSW 2101    |
| Dee Cartmel                         | Address Unknown                               |
| Tristan Webb                        | 40 Pitt Road NORTH CURL CURL NSW 2099         |
| Ms Shauna Loueen Villis             | Address Unknown                               |
| Mr Wayne Allan Barford              | 24 Heath Street MONA VALE NSW 2103            |

A total of 117 submissions were received, including 108 submissions in support and 9 submissions objecting to the proposed development.

The reasons for support include:

- The works are essential for coastal protection and to avoid further damage to the heritage listed clubhouse.
- The proposal is a viable option and has the least environmental impact.
- The clubhouse cannot be relocated to another location due to environmental constraints, the

potential loss of public parkland or parking, and the impact on surveillance of the beach.

- The existing facilities are old and not fit for purpose, given the membership has significantly grown since the clubhouse was built. The female facilities are inadequate.
- The proposal will result in improved facilities for the club in relation to first aid rooms, public amenities, training facilities, storage, accessibility and WHS, and hall and club room spaces.
- The community will benefit from the improved facilities.
- Newport SLSC has been left behind the other clubs at Mona Vale, Avalon and Long Reef which have all had upgrades.

Response: The submissions in support of the proposal primarily focus on the benefit to the local community. The SLSC is dependent on volunteers who hold training and events that require the building to be upgraded to improve the amenities and internal space. The building is not compliant with current accessibility requirements. It is evident that there is a lack of storage by the fact that there are shipping containers on site that currently store equipment for the club.

The female amenities are proposed to be increased to cater for the increased number of female members, as the clubhouse was built at a time when there were only male members.

The applicant has acknowledged that the proposal has a 60-year design life and there will be a need to review the works before this 60-year design life ends with appropriate consideration to the evolving coastal management strategies and projected impacts of climate change. This will be further discussed in this report.

The location of the clubhouse is important as it allows for surveillance of the beach and easy access for rescue equipment to be taken to the beach and water, which is the primary function of the SLSC.

The applicant has considered alternate locations as part of this S8.2 Review submission which are found to be unsuitable for the clubhouse for different reasons. This will be further detailed in this report.

The reasons for objection to the proposed development relate to the following:

- The construction of the seawall will not prevent flooding and will result in the clubhouse emerging as a headland and the beach being split in two. The cost of the seawall is prohibitive and will be constructed of thousands of tonnes of concrete.
- The effects of the seawall on the reduced access from the clubhouse to the beach as the recession takes place has not been properly considered, nor has the implications of locking up sand behind the wall on the storm demand for sand at the southern end of the beach and at Bilgola.
- Weather events show it will be possible for the clubhouse to suffer undermining and wave induced oceanic flooding.
- The proposal is not consistent with a planned retreat for impending sea-level rise and predicted increased ocean water inundation and storm events.
- Experts have warned the seawall will damage the beach compartment that includes Bilgola.
- Council has ignored a prior Pittwater Council decision requiring any major renovation of the club to relocate to a less vulnerable site in terms of storm inundation.
- Council has chosen to follow a subsequent POM which inappropriately overrides the available hazard studies behind the previous decision and did not consider a more recent hazard study which demonstrated the vulnerability of Newport beach and the clubhouse.
- The building is not significant or special and needs to be moved back to a less vulnerable site where it can be designed to be fit for purpose.
- A submission described the design as ugly and brutalist.
- The club should spend some money to repaint and repair the building and use it until it is inevitably claimed by the sea.
- Public beaches should be the priority for Council, not private property interests.
- The argument that the works are necessary for the SLSC is not justification for the development.

- Council needs to develop consistently with the 2016 Coastal Management Act.
- Money has been spent on reports that do not properly address the issues raised by the planning panel regarding the Coastal Act.
- The upgrades should not adversely impact the beach for which the club is there to service, nor put at risk the increasing threat to the club operations due to the developing future vulnerabilities in the life of the clubhouse.

Response: The submissions objecting to the proposal state that the proposed works are not appropriate from a coastal management perspective.

The current submission is supported by a detailed assessment prepared by the applicant which demonstrates the numerous site constraints, environmental risks/hazards, heritage, and planning grounds that prevent the relocation of the surf club building elsewhere on the site. As a result, it is agreed that the only logical outcome is for the existing building to be retained and modified as necessary to meet the changing and growing needs of the surf club to better serve its local community. This is discussed in greater detail later in this report.

It is acknowledged that the *Warringah Shire Council Coastal Management Strategy (PWD, 1985) – Newport Beach* identified that alternative locations for the SLSC should be considered, later documents, namely the current Ocean Beaches Plan of Management: Newport Beach which supersedes the 1985 document, removes any reference to relocating the building. The current Plan of Management identifies an area for “general community use” shown generally to be the area currently used by the SLSC, youth area/playground and car park.

The application has been referred to an independent coastal hazard/management expert, who supports the proposal in its current form as detailed within this report.



**REFERRALS**

| <b>Internal Referral Body</b>                                    | <b>Comments</b>   |
|--|---|
| <p><i>Building Assessment – Fire and Disability Upgrades</i></p> | <p><b>Supported subject to conditions.</b></p> <p><i>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application subject to inclusion of the attached conditions of approval and consideration of the notes below.</i></p> <p><i><u>Note:</u> 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.</i></p> <p><i>The proposal is therefore supported.</i></p>  |
| <p><i>Environmental Health (Acid Sulphate)</i></p>               | <p><b>Supported, no conditions.</b></p> <p><i>Environmental Health is relying on the JK Environments report ref: E32537BGLET-ASS which states 'PASS or ASS conditions are not considered to be present in the investigation area (to a depth of 12.0m) and are not likely to be disturbed during the proposed development works.'</i></p> <p><i>Recommendation is for approval, no conditions.</i></p>  |
| <p><i>Environmental Health (Industrial)</i></p>                  | <p><b>Supported subject to conditions.</b></p> <p><i>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.</i></p> <p><i>Recommendation is for approval subject to conditions.</i></p> |

|                            |  |
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| <p>Landscape Officer</p>   | <p><b>Supported subject to conditions.</b></p> <p>Council's Landscape 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 following Pittwater 21 DCP controls (but not limited to):</p> <ul style="list-style-type: none"> <li>• B4.22 Preservation of Trees and Bushland Vegetation</li> <li>• C1.1 Landscaping</li> </ul> <p>An Arboricultural Impact Assessment (AIA) and Landscape Plan is included in the application and will be assessed as part of the Landscape Referral. Three trees are located within the proximity of the proposed works and the AIA concluded that all three trees can be retained if tree sensitive construction methods are employed. A Project Arborist shall be engaged to supervise all work in tree protection zones of trees to be retained, subject to the imposed conditions.</p> <p>The landscape proposal is generally supported as all public recreational facilities surrounding the works will be retained. These facilities shall be protected during works. It is noted the Landscape Planting Plan (LA-02) has not been amended to reflect the current landscape design, and as such an amended Landscape Plan shall be submitted prior to issuing a Construction Certificate, subject to the imposed conditions.</p> <p>The proposal is therefore supported.</p> |
| <p>NECC (Biodiversity)</p> | <p><b>Supported subject to conditions.</b></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> <ul style="list-style-type: none"> <li>• Biodiversity Conservation Act 2016 (BC Act)</li> <li>• SEPP (Resilience and Hazards) 2021 - Chapter 2 Development in the Coastal Environment Area</li> <li>• Pittwater 21 DCP - Clause B4.5 Landscape and Flora and Fauna Category 3 Land</li> </ul> <p>No vegetation or trees have been submitted for removal and the landscape plans submitted with the application are compliant with PDCP Clause B4.5 controls. Conditions set out in the previous Natural Environment Referral Response - Biodiversity (03/12/2021) still apply.</p> <p>No native vegetation or fauna habitat would be impacted, the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> <p>The proposal is therefore supported.</p>  |

|                                       |  |
|---------------------------------------|--|
| <p>NECC (Development Engineering)</p> | <p><b>Supported subject to conditions.</b></p> <p><i>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. 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.</i></p> <p><i>Development Engineering support the proposal, subject to conditions as recommended.</i></p> |
| <p>NECC (Flood)</p>                   | <p><b>Supported, no conditions.</b></p> <p><i>The subject site is partially affected by the Low Flood Risk Precinct but is not within the Flood Planning Area.</i></p> <p><i>The proposed development complies with Section B3.11 of the Pittwater DCP and Clause 5.21 of the Pittwater LEP.</i></p> <p><i>The proposal is therefore supported.</i></p>  |
| <p>NECC (Water Management)</p>        | <p><i>This application was assessed in consideration of:</i></p> <ul style="list-style-type: none"> <li>• <i>Supplied plans and reports;</i></li> <li>• <i>Northern Beaches Water Management for Development Policy (WM Policy); and</i></li> <li>• <i>Relevant LEP and DCP clauses.</i></li> </ul> <p><i>NECC Water has no objections to the proposal, subject to conditions.</i></p> <p><i>The proposal is therefore supported.</i></p>  |

*Parks, reserves, and foreshore*

**Supported subject to conditions.**

*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 Development Control Plan. 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."*

*All surrounding public and Council assets utilised by the community (accessible car parking spaces, multi-purpose court and youth area, and the existing crossover for Council's beach rake tractor access) shall be retained and protected during works. The Waste Management Plan: Demolition, Construction & Ongoing (drawing 017) will encroach on the use of the public reserve, including but not limited to material stockpile over two accessible car parking spaces, and the location of the 'Sortation' area during demolition over the multi-purpose court youth area. All public recreational open space and facilities utilised by the public are to remain open and accessible during works.*

*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 (multi-purpose court), accessible 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.*

*The proposal is therefore supported.*

Road Reserve (Roads and Assets)

**Supported subject to conditions**

09/03/2023 The requirement to resolve the stormwater drainage issues has been added with a condition to submit engineering design for approval to the Transport and Civil Infrastructure Assets team of Council.

01/2023 The extension of the building (garages) into the Council car park is noted resulting in a trapped low point in the car park to the north of the extension/kerb. The proposal will result in flooding of parking spaces in car park in wet weather. The proposal must consider the impact on stormwater impacts and runoff in the car park.

Until this issue is addressed, the proposal will not be supported.

For Information, comments provided as part of previous Development Applications:

Earlier comments include:

The proposed extension of the boat garage into the car park is noted. It is assumed the shipping containers will be removed. The plans do not indicate the Ausgrid street light impact by the works. This will need to be relocated. 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. The Landscape Plan proposal indicates changes to the kerb alignment on the east boundary of the car park/basketball 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.

17/7/2022 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.

The proposal is therefore unsupported.

Response: Advice received from Council's Flood Engineer confirms that there is no flooding concern within the carpark. Accordingly, the proposed works can be supported.

| Internal Referral Body                             | Comments  |
|--|---|
| Strategic and Place Planning<br>(Heritage Officer) | <p data-bbox="520 309 979 349"><b>Supported subject to conditions.</b></p> <p data-bbox="520 380 948 421"><i>Discussion of reason for referral</i></p> <p data-bbox="520 425 1356 560"><i>This application has been referred as the works affect a local heritage item, being <b>Item 2270445 - Newport Surf Life Saving Club, 394 Barrenjoey Road, Newport</b>, listed in Schedule 5 of Pittwater LEP 2014.</i></p> <p data-bbox="520 595 957 636"><i>Details of heritage items affected</i></p> <p data-bbox="520 640 1315 707"><i>Details of the heritage item, as contained within the Heritage Inventory, are:</i></p> <p data-bbox="520 712 1391 779"><b>Item 2270445 - Newport Surf Life Saving Club, 394 Barrenjoey Road, Newport</b></p> <p data-bbox="520 784 861 824"><u><i>Statement of Significance</i></u></p> <p data-bbox="520 824 1398 1093"><i>The Newport Surf Life Saving Club, formed around 1911 as the early surf lifesaving club, has historic, social and aesthetic significance for the Newport community. It features characteristic elements of the Mediterranean clubhouse including the light-coloured textured walling, the use of round arched openings and loggia, terraces and pitched tiled roof. It is an important local landmark building and it is historically and socially significant in the area representative of its type and period.</i></p> <p data-bbox="520 1128 1436 1375"><i>The current building, built in 1933, has been subject to additions and modifications however, these do not reduce its ability in demonstrating the original design intention or presentation of the club as a Mediterranean club house. The listing includes the interiors of the building; however detailed analysis and assessment should be undertaken at the time of any future changes to the interior in order to ascertain the relative heritage significance.</i></p> <p data-bbox="520 1411 798 1451"><u><i>Physical Description</i></u></p> <p data-bbox="520 1451 1445 1675"><i>The club is located in an urban landscaped setting on the beach. The club is a two storey rendered brick structure with terracotta tile roof, arched window openings with moulded architraves and multipane sash timber joinery. Later extensions are of similar but simplified style and detail. Typical features of the Mediterranean clubhouse include the light-coloured textured walling, the use of round arched openings and loggia, terraces and pitched tiled roof.</i></p> |

| Internal Referral Body | Comments  |                             |
|------------------------|---|-----------------------------|
|                        | <b>Other relevant heritage listings</b>   |                             |
|                        | SEPP (Biodiversity and Conservation) 2021   | No<br>Comment if applicable |
|                        | Australian Heritage Register  | No                          |
|                        | NSW State Heritage Register   | No                          |
|                        | National Trust of Aust (NSW) Register   | No                          |
|                        | RAIA Register of 20th Century Buildings of Significance   | No                          |
|                        | Other   | No                          |
|                        | <b>Consideration of Application</b>   |                             |
|                        | <p><i>This application is a request for review of the determination of DA2021/2173, which was refused by the Sydney North Planning Panel (SNPP) on 5 October, 2022, for a number of reasons relating to:</i></p> <ul style="list-style-type: none"> <li><i>• building height non-compliance</i></li> <li><i>• suitability of the site</i></li> <li><i>• coastal protection works</i></li> <li><i>• inconsistency with the Coastal Management Act 2016, and</i></li> <li><i>• public interest.</i></li> </ul> <p><i>The SNPP reasons for refusal do not include heritage. The only mention of heritage in the SNPP's decision is in their discussion of the suitability of the site for the proposed development. The SNPP stated that :</i></p> <p><i>"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."</i></p> <p><i>It is disputed that alternative site options were not considered due to an emphasis on heritage matters. Heritage has only responded to proposals as presented over the years, which in all cases have</i></p> |                             |



| Internal Referral Body | Comments   |
|------------------------|--|
|                        | <p><i>involved an addition to the existing heritage listed surf club building.</i></p> <p><i>While new supporting reports have been submitted with this Review of Determination, it is noted that the architectural plans for the proposal have not changed and are the same as those considered under DA2021/2173 (Adriano Pupilli Architects, dated 14 June 2022). It is noted that the Heritage Impact Statement (HIS) has been updated (Heritage 21, dated November 2022), however with no substantial changes. The Conservation Management Plan (CMP) is the same one submitted with original DA (Heritage 21, dated June 2022).</i></p> <p><i>As there has been no change in the plans, heritage comments remain the same as previous with the same conditions required to be placed on any Notice of Determination. Detailed heritage comment can be seen in the Heritage referral response on the original DA, dated 1 September 2022.</i></p> <p><b><i>Therefore, taking everything into consideration, the application can be supported on heritage grounds, subject to a number of conditions being imposed.</i></b></p> <p><i>These conditions relate to:</i></p> <ul style="list-style-type: none"> <li><i>• the extent of the proposed upper floor raked ceiling;</i></li> <li><i>• the finish of the off-form concrete used in the extension;</i></li> <li><i>• the submission of full details of external materials, finishes and colours, prior to CC;</i></li> <li><i>• the submission of a Heritage Interpretation Plan (for the building and moveable heritage), prior to CC;</i></li> <li><i>• 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;</i></li> <li><i>• 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;</i></li> <li><i>• satisfactory implementation of the Heritage Interpretation Plan, prior to the issuing of the OC</i></li> </ul> |
|                        | <p><b><i>Further Comments</i></b></p>  |
|                        | <p><b><i>Consider against the provisions of CL5.10 of PLEP 2014:</i></b></p> <p><i>Is a Conservation Management Plan (CMP) Required? Yes</i></p> <p><i>Has a CMP been provided? Yes (dated June 2022)</i></p> <p><i>Is a Heritage Impact Statement (HIS) required? Yes</i></p> <p><i>Has a HIS been provided? Yes (dated November 2022)</i></p>  |
|                        | <p><i>The proposal is therefore supported.</i></p>   |

| <b>Internal Referral Body</b> | <b>Comments</b>   |
|-------------------------------|---|
| Traffic Engineer              | <p><b>Supported subject to conditions.</b></p> <p><i>The revised 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. The traffic and parking impact report submitted to support the development application is unchanged from that lodged to support DA2021/2173.</i></p> <p><i>The revision application does not result in any changes to the previously submitted development application in terms of the traffic and parking impacts of the proposal and it is noted that the DA was not refused on traffic grounds.</i></p> <p><i>In terms of that the proposed changes, it will increase the size of the boat storage area into the carpark impacting upon approximately four car spaces. It is however noted that two shipping containers currently occupy 3 parking spaces in this section of the carpark due to a lack of storage within the existing surf club building. A fourth parking space is 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.</i></p> <p><i>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 to provide sufficient illumination to the building and to adequately illuminate the carpark and pedestrian areas.</i></p> <p><i>The proposal is therefore supported.</i></p> |
| Waste Officer (Council Land)  | <p><b>Not Supported.</b></p> <p><i>The issue of insufficient secure bin storage has still not been addressed.</i></p> <p><i>This proposal is not supported because there is 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 life saving activities. A second bin room is required for the commercial activities that take place, e.g. kiosk, the function room, the bar.</i></p>   |

| <b>Internal Referral Body</b> | <b>Comments</b>  |
|-------------------------------|--|
|                               | <p><i>The proposal for 6 x 240L bins to be stored under a staircase is unacceptable. The bin store should accommodate 6 x 240L bins and access to the bins must be easy and free of hazards such as low / angled ceiling heights. 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.</i></p> <p><i>Both bin rooms must remain under the control of Council and are not to be included in the area leased by the S.L.S Club.</i></p> <p><i>The proposal is therefore unsupported.</i></p> <p><u>Response:</u> The provision of two (2) suitable bin rooms can be dealt with by way of condition, as there is opportunity to accommodate bin storage within the clubhouse building or immediately adjacent to the building. This does not warrant refusal of the proposal.</p> |

| <b>External Referral Body</b>                 | <b>Comments</b>  |
|---|--|
| Natural Environment Referral Response – Coast | <p><b><i>Supported subject to conditions.</i></b></p> <p>An assessment of the proposal has been made by an independent expert. The referral provides for an assessment of the proposal against the following:</p> <ul style="list-style-type: none"> <li>- Coastal Management Act</li> <li>- SEPP (Resilience and Hazards) 2021</li> <li>- Pittwater Local Environmental Plan 2014</li> <li>- Coastline Risk Management Policy for Development in Pittwater.</li> </ul> <p>The referral confirms that the proposal complies with the relevant provisions within each of these documents and recommends approval subject to conditions.</p> |
| Ausgrid (SEPP Infrastructure 2007, cl.45(2))  | <p><b><i>Supported subject to conditions.</i></b></p> <p><i>Ausgrid has stated that there is no objection to the proposed development, subject to a condition relating to any overhead powerlines in the vicinity of the development.</i></p>  |
| NSW Police – Local Command (CPTED)            | <p><i>NSW Police provided a response to the original DA which included a series of recommendations. As the proposal has not changed as part of the s8.2 Review, these comments are still applicable and the recommended conditions are included as conditions of consent in the draft determination attached.</i></p>  |

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

### **Section 8.2 – Review of Determination**

Subclause (1) (a) of Clause 8.2 Determination and decisions subject to review of the EP&A Acts states the following:

- 1) *The following determination or decisions of a consent authority under Part 4 are subject to review under this Division:*
  - a) *The determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as a delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary).*

Comment: This application is being referred back to SNPP for determination.

Clause 8.3 Application for and conduct of review of the EP&A Act 1979 states:

- 1) *An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.*
- 2) *A determination or decision cannot be reviewed under this Division:*
  - a) *after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
  - b) *after the Court has disposed of an appeal against the determination or decision.*
- 3) *In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*
- 4) The review of a determination or decision made by a delegate of a council is to be conducted:
  - a) *by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or*
  - b) *by another delegate of the council who is not subordinate to the delegate who made the determination or decision.*
- 5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.
- 6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.
- 7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.

Pursuant to Section 8.2 of the Act, the applicant seeks a review of all aspects of the refusal of DA2021/2173.

Section 8.2 of the Environmental Planning and Assessment Act, 1979 allows an applicant to request a review of determination of a decision of a consent authority under Part 4. Section 8.3 requires that any determination or decision cannot be reviewed after the period within which any appeal may be made to the Court has expired if no appeal was made. The review period is 6 months after the determination notification date.

The Development Application was refused by SNPP on 5 October 2022. In this regard, the review period ends on 5 April 2023 and the decision must be finalised before this date.

The review of determination made by a Sydney district or regional planning panel is also to be conducted by the panel. In this instance, as the original determination was made by the Sydney North Planning Panel, therefore the Section 8.2 review is referred to the Sydney North Planning Panel for

consideration and determination.

Section 8.2 (3) provides that the Consent authority may review a determination, if in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same as the development described in the original application.

The applicant has not amended the proposal, rather additional information has been supplied to address the grounds of refusal. The proposed development is therefore found to be substantially the same and can be assessed under the provisions of Section 8.2 "Review of Determination".

## **Assessment of the Reason for Refusal by Sydney North Planning Panel**

### ***How has the 8.2 Application Responded to the Reasons for Refusal?***

The applicant has provided additional information in support of the proposal. Consequently, the Reasons for Refusal of DA2021/2173 that are stipulated in the Notice of Determination are examined below to determine if they remain applicable or should be overturned:

#### ***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.*

#### **Comment:**

The subject site is limited to a maximum building height control of 8.5 metres under the provisions of the Pittwater Local Environmental Plan 2014. The proposal exceeds the maximum height control by 610mm with a maximum proposed height of 9.11m. The height breach is due to the existing and proposed extension to the terracotta gable roof (RL 14.6) as measured to the lowest point at existing ground level (RL 5.49 with the existing storerooms). The majority of the building is notably below the building height limit. The variation is equal to 7.2%.

It is noted that DA2021/2173 was accompanied by a formal Clause 4.6 Variation Request however a variation statement was not submitted as part of the Section 8.2 Review Application with the applicant instead relying upon the provision of Clause 4.3(2A) which states that where land meets certain criteria, the maximum building height is to be measured from the flood planning level, rather than existing ground level.

- "2A) Despite subclause (2), development on land—*
- a) *at or below the flood planning level or identified as "Coastal Erosion/Wave Inundation" on the [Coastal Risk Planning Map](#), and*
  - b) *that has a maximum building height of 8.5 metres shown for that land on the [Height of Buildings Map](#).*
  - c) *may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level".*

With respect to sub-clause a), the subject site has been identified as flood prone land with the majority of the subject site mapped as part high, part medium and part low risk. The subject site is not identified on the Coastal Risk Planning Map.

Having regard to b), the subject site is affected by a maximum building height of 8.5 metres.

With regards to c), it is unclear how the applicant has applied the flood planning level noting that the applicant's Coastal Engineering and Flooding Report refers to a flood planning level of 4.7m AHD for the 1 in 100 AEF or 5.9m AHD at the PMF. The applicant's SEE however submits that a "flood" as defined in the *Floodplain Development Manual* suggests that coastal inundation also constitutes a flood. On this basis, the applicant submitted that the coastline planning level which is identified in the *Coastline Risk Management Policy for Development in Pittwater* can be applied and as such the relevant level for consideration is 7.2m AHD.

However, in reading the *Coastline Risk Management Policy for Development in Pittwater*, it is unclear where the 7.2m AHD level is derived from as there is no clear reference to it. There is also no evidence to suggest that the coastline planning level and flood planning level as referenced in Clause 4.3(2A) are interchangeable and as such a request for additional information was sent to the applicant on 16 February 2023 requiring the submission of a Clause 4.6 Variation Request.

In response, the applicant submitted amended architectural plans on 28 February 2023 demonstrating a compliant roof design with the ridge height over the proposed works reduced from RL 14.60 to RL 13.99. As the proposed works are now compliant with the LEP height development standard, the submission of a Clause 4.6 Variation Request is no longer required.

It is considered that this reason for refusal has been suitably addressed and may be overturned.

### ***Suitability of the Site***

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

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

### **Comment:**

It is noted that the current submission made by the applicant remains the same as the original Development Application. The applicant has however provided a detailed Options Analysis which concludes that the current proposal remains the most practical outcome for the site. The reasons for this are outlined below.

A development proposal over the subject site was first considered in 2012, when the Newport SLSC presented to the Council a position paper comprising of feedback from members and the local community in support of a proposed extension and upgrading works to the SLSC building. The paper was accompanied by concept plans with several design options presented including extensions to the northern and western façades of the building, and a detached

standalone building between the existing SLSC building and the playground, or at various locations in Bert Payne Reserve.

A preferred modelling option, with no standalone facilities, was subsequently agreed upon, with Council commenting that:

- The proposal should work as closely as possible with the existing footprint of the building,
- Any expansion of the existing building footprint eastwards / northwards or southwards would likely be unsupported on Coastal Engineering grounds.
- The expansion of the Club facilities on the western side of the Clubhouse would likely result in detrimental impacts upon the heritage fabric of the existing heritage Clubhouse.

As part of these early meetings, the heritage value of the building was also reinforced by Council with complete demolition discouraged.

It is interesting to note that although an earlier planning document, being the *Warringah Shire Council Coastal Management Strategy (PWD, 1985) – Newport Beach*, identified that alternative locations for the SLSC should be considered, later documents – namely the current Ocean Beaches Plan of Management: Newport Beach, which supersedes the 1985 document, removes any reference to relocating the building. The current PoM identifies an area for “general community use” shown generally to be the area currently used by the SLSC, youth area/playground and car park.

Notwithstanding the above, as part of the Options Analysis provided by the applicant an assessment for relocation/expansion opportunities is explored.

An excerpt provided by the applicant from the *Pittwater Coastline Hazard Definition and Climate Change Vulnerability Study* demonstrates that coastal risks including wave run-up, the zone of slope adjustment, the zone of reduced foundation capacity as shown at the present day, 2050 and 2100 occupy the majority of the area immediately to the west of the existing building. Refer to the figure below.



Figure 3-3 Coastal hazard lines (after: Worley Parsons, 2015), aerial image: Google Satellite, 12 March 2018

Further to the west, a sewer main runs parallel to Barrenjoey Road, limiting opportunities to relocate landwards.

Opportunities to relocate/expand to the south were also considered however given the former entrance to a lagoon in this location and acknowledging that land to the south of the existing building is subject to catchment flooding (part low risk, part medium risk and part high risk), this is not considered to be feasible.

While land to the northern end of the current building is unaffected by flooding, to the north-west, the existing car park is relied upon by visitors to the beach, nearby village and for winter sports. In response to a deferral letter issued by Council, the applicant further notes that the construction of a new SLSC building would result in a development footprint of approximately 1,000m<sup>2</sup>. This in turn would result in the loss of 50 – 55 car spaces, or as many as 65 dependent upon the design of the works. The supporting letter prepared by Transport and Traffic Planning Associates acknowledges that the loss of car parking to this extent would have significant impacts to/for:

- *“Further parking intrusion into residential streets*
- *Significant enter, search and depart movements heightening the movements at the Barrenjoey Road access*
- *Higher demands on the other Council car parks which are provided to support business in the Newport strip*
- *The parking available for commuters using the bus services to/from the City etc. (e.g. B line)”.*

The relocation of the building to the public carpark is therefore considered to be unreasonable.

To the north-west, land beyond the carpark footprint is separated from the foreshore by dunes with limited direct connectivity to the sand defeating the core purpose of the SLSC to monitor the beach and respond to emergency events.



In view of the above, from a planning perspective, it is agreed that the majority of the foreshore, public open space, car park and playground are subject to flood and/or coastal hazards or other constraints in the present day and/or under future planning. These constraints together with the heritage values of the existing building, render the current option the most suitable for the site.

The applicant argues that from a coastal hazards perspective, there are a number of risks to the subject site including beach erosion, wave run-up and overtopping and shoreline recession for future planning horizons. The likelihood of these hazards occurring cannot be extinguished but can be overcome via the construction of the proposed buried seawall and by adopting mitigation measures at both the design and operational phases.

The applicant further submits that the existing rock revetment is a risk to public safety due to the possible movement of the significantly undersized rocks used. The removal and/or reuse of the rock during the construction of the proposed seawall would mitigate this risk.

The submitted SEE further details that with respect to the projected end effects under future climate change conditions, the impacts to the adjacent dunes and public open space would be managed as required following a storm event via site rectification. At the time the end of design life has been reached (i.e. around 2080), there will be some greater certainty as to the evolution of the coastline under climate change conditions that will enable Council to implement a strategic response for this important public asset. It is recommended that a limited development consent be issued which reflects the 60-year building life span.

Referral comments received with respect to Natural Environment Referral Response – Coast express support of the following comment provided in the applicant's 'Review of Coastal Processes and Potential Impacts' prepared by Rhelm,

*"On the whole, it is considered that the benefits of the proposed development outweigh the impacts and that the risk from coastal hazards can be appropriately managed through a combination of design and operational and maintenance measures. The consent authority can be satisfied that the proposed development is in the public interest and is supported by the majority of the participants in the community engagement undertaken for the proposal".*

The applicant argues that from a heritage perspective that although the northern/southern ends of the building are identified as being of little significance, the two elements provide evidence of the original footprint of the building and thus their retention is encouraged and supported in the SOHI by Heritage 21. In addition, the loss of these spaces, which do not detract from the item will allow opportunities for additional floor space being a key driver of the application, including essential public amenities for the community. Council's Heritage Advisor has raised no concerns regarding the partial demolition of the building with the internal referral written in support of the application.

It is considered that this reason for refusal has been suitably addressed.

### **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.*

#### Comment:

Reference is made to the comments above.

As demonstrated in the discussion above, it is considered that all reasonable opportunities to

relocate the SLSC have been explored and that it has been adequately demonstrated that the existing location remains the most logical option.

By retaining the existing building in its current location, it is acknowledged that the building inclusive of the proposed alterations and additions will be exposed to coastal hazards. However as no other location is considered to be suitable, coastal protection works, including the proposed buried seawall, are considered the most practical solution.

The current protection measures involve a rock revetment that was installed following the 1974 major storm event that is now at risk of being mobilised during a severe storm. The works were installed as an emergency measure following the 1974 storm and are not supported by engineering or technical design. As referenced in the submitted SEE:

*“Following the 1974 storm, emergency works in the form of rock protection works were placed in front of the SLSC to protect the building. These emergency works remain in place seaward of the SLSC building and are covered in sand most of the time. While the works successfully protected the SLSC from being undermined at the time, Horton (2021a) notes that it does not appear to be an engineered structure. The rocks were placed with no filter layers or underlayers under the primary sandstone armour and it has an overly high toe level. The rocks placed between the larger boulders on the primary outer layer are significantly undersized, and the primary armour units themselves have a diameter of about one metre, which is undersized for the hydraulic stability during a severe coastal storm (Horton, 2021a)”.*

In the event the rocks are mobilised during a severe storm, this would represent a significant risk to members of the public and the coastal environment. Further, any damage to the rock structure or SLSC building during a severe storm would impact the heritage item, be costly to rectify and adversely impact the public open space, public access and beach amenity during the clean-up.

The applicant has stated that further investigations will occur as part of the detailed design stage to allow for the further refinement of the coastal protection measures e.g. the wave return. It is however anticipated that the proposed seawall will be buried for the majority of the time and accordingly will pose no unreasonable overshadowing impact or disruption to views. It is noted that the seawall may become exposed in extreme erosion events and will remain visible until the sand in front of the building is replenished. The natural recovery of the beach is expected to be relatively rapid, and the seawall would not remain fully exposed for long periods.

As part of its operational phase, maintenance measures will target any remaining risk for example an early warning system in the event of wave overtopping. In the long term, the applicant suggests the following to ensure the life of the works:

- Where the beach/dunes do not naturally recover within 6 months, Council will assist in recovery by reinstating the impacted area.
- A condition is included requiring Council to pay an irrevocable bank guarantee in the amount of \$ 1000 per lineal metre of coastal protection works to undertake maintenance.
- The bank guarantee is to be indexed against inflation every 10 years.
- Consent is to operate for 60 years.
- 3 years prior to the 60 years lapsing (as measured from the issue of OC), a Review Report is to be prepared and must be submitted to Council 1 year prior to the consent lapsing.

- Pending the findings of the Review Report, the consent may be extended, and amended under the planning laws which apply at that time or a new DA lodged.
- If development consent is extended, 12 months before the extension lapses, the above process is to be repeated.

It is considered that this reason for refusal has been suitably addressed.

### **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.

#### Comment:

This assessment has reviewed the compliance of the proposal with the NSW Coastal Management Act 2016, specifically s27. 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 Table 1.

### **Coastal Management Act**

| <b>Clause</b>              | <b>Consideration/Clause</b>   | <b>Document/Section where this is considered in the application</b>   | <b>Assessment/Comment</b>   |
|----------------------------|---|---|---|
| Part 5, Clause 27(1)(a)(i) | (1) Development consent must not be granted under the <a href="#">Environmental Planning and Assessment Act 1979</a> to development for the purpose of coastal protection works, unless the consent authority is satisfied that—<br>(a) the works will not, over the life of the works—<br>(i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or | Coastal Engineering Report and Statement of Environmental Effects for Buried Coastal Protection, Horton Coastal Engineering 2021, (Section 6.8) | The works will not unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland.<br><br><b>Comment:</b><br><br>The proposed works enhance public access to and from the beach compared to the existing situation, by providing a formed interface between the clubhouse and variable sand levels. They are also located as far landward as possible, and over as small a footprint as possible, such that the heritage clubhouse can remain where it is at an acceptably low risk of damage.<br><br>The proposed access stairs are currently designed to a depth of 4m AHD. A condition to increase the depth from 4m |

| Clause                      | Consideration/Clause  | Document/Section where this is considered in the application  | Assessment/Comment   |
|-----------------------------|---|---|--|
|                             |   |   | <p>AHD to a lower level has been applied and will result in further improved access when the beach is in an eroded state.</p> <p>There are sufficient alternative access points to the beach to overcome the temporary fencing of the works area during the construction phase or following a large beach erosion event in the operational phase.</p> <p>Beach recovery is expected to be fairly rapid. Further, the seawall will significantly enhance access to and from the beach following a storm event, with a series of ramps and steps to maintain access to the beach when sand levels are reduced, when access would otherwise be restricted.</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, Clause 27(1)(a)(ii) | <p>(a) the works will not, over the life of the works—</p> <p>(ii) pose or be likely to pose a threat to public safety, and</p> | Coastal Engineering Report and Statement of Environmental Effects for Buried Coastal Protection, Horton Coastal Engineering 2021, (Section 6.8) | <p>The works will not pose or be likely to pose a threat to public safety.</p> <p><b>Comment:</b></p> <p>The proposed works pose no significant threat to public safety, having been designed to withstand an acceptably rare storm over a 60-year design life, and are far less of a threat to public safety than a “do-nothing” scenario.</p> <p>Any impacts of coastal hazards arising due to the presence of the proposed works would largely be associated with periodic storm events. The beach would naturally recover over time as sand is reworked back onto the beach face, alleviating any impact. However, as a public authority Council has a statutory</p>   |

| Clause                            | Consideration/Clause  | Document/Section where this is considered in the application   | Assessment/Comment   |
|-----------------------------------|---|--|--|
|                                   |   |  | <p>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.</p> <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.</p>  |
| <p>Part 5, Clause 27(1)(b)(i)</p> | <p>(b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works—<br/>(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,</p> | <p>Coastal Engineering Report and Statement of Environmental Effects for Buried Coastal Protection, Horton Coastal Engineering 2021, (Sections 6.6.2, 6.8)</p> | <p><b>Comment:</b><br/>It is expected that the beach would naturally accrete and be restored seaward of the proposed works after storm events, and no different to the existing situation. Any increased erosion (if any) on the beach would be only short term and not be measurable or significant. If any mechanical intervention is desired to accelerate beach recovery, Council has the means to undertake beach scraping.</p> <p>The following conditions of consent have also been included to ensure the life of the works in the long term:</p> <p>Where the beach/dunes do not naturally recover within 6 months, Council will assist in recovery by reinstating the impacted area.</p> <p>Council is to pay an irrevocable bank guarantee in the amount of \$ 1000 per lineal metre of coastal protection works to undertake maintenance.</p> <p>The bank guarantee is to be indexed against inflation every 10 years.</p> <p>A requirement for a maintenance management plan and the integration of the maintenance of the works into the appropriate asset management plan.</p> <p>Any development consent is to operate for 60 years.</p> |

| Clause                      | Consideration/Clause  | Document/Section where this is considered in the application  | Assessment/Comment   |
|-----------------------------|---|---|--|
|                             |   |   | <p>3 years prior to the 60 year lapsing (as measured from the issue of OC), a Review Report is to be prepared and must be submitted to Council 1 year prior to the consent lapsing.</p> <p>Pending the findings of the Review Report, the consent may be extended, and amended under the planning laws which apply at that time or a new DA lodged.</p> <p>If development consent is extended, 12 months before the extension lapses, the above process is to be repeated.</p> |
| Part 5, Clause 27(1)(b)(ii) | (b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works—<br>(ii) the maintenance of the works | Coastal Engineering Report and Statement of Environmental Effects for Buried Coastal Protection, Horton Coastal Engineering 2021, (Section 6.8) | <p><b>Comment:</b></p> <p>Council will be responsible for maintaining the proposed works. To maintain the proposed works, it would be necessary for a suitably qualified and experienced coastal engineer to undertake an inspection after severe storms that expose the works, and advise on any required remedial action.</p>  |

It is considered that this reason for refusal has been suitably addressed.

### **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”.*

#### Comment:

The proposal, which relates to a community facility, is intrinsically tied to the public interest. The proposed works have been designed to provide a much-needed upgrade to the existing facility to meet the operational demands of the club, whilst balancing the sensitivities of the site in terms of heritage preservation as well as environmental considerations. The proposal will allow for the continuation and betterment of the Newport SLSC for the next generation to come.

Though the primary function of the building is geared towards surf life saving activities and its members, the building’s use is not limited to that of its members. The building will comprise of public amenities and training and function spaces that can be used by the general public. The building is centrally located with respect to the beach, the carpark, the playground, and the reserve, and serves as a bookend to the Newport Commercial Village.

The building will positively contribute to local tourism and both the day and night-time economy of the Newport locality.

In investigating alternative locations for a new SLSC building or opportunities for expansion elsewhere on the site, the applicant's submission highlights that the existing building is vulnerable and exposed to coastal hazards. As demonstrated by the applicant, as no feasible alternative location exists for the SLSC building, coastal protection works and in particular the replacement of the existing rock seawall are of the utmost importance to protect the existing building. Leaving the site in its current state is not in the public interest, as the building would be at risk of collapse with further risk of rocks from the existing rock seawall being moved across the beach and into the surf zone during a storm. The proposed coastal protection works will significantly enhance public safety compared to the current situation.

Further, the coastal protection works will significantly enhance access to and from the beach following a storm event, with a series of ramps and steps to maintain access to the beach when sand levels are reduced, when access would otherwise be restricted.

The proposed development is also in the public interest as it reflects the adopted Plan of Management developed for the site through community consultation, and the objectives of the RE1 zoned land under the PLEP 2014. The proposed development will enable the continued use of the land and the existing building for recreational and community purposes, to meet the needs of the Newport community.

The proposal will also protect and enhance the natural environment, with the proposed coastal protection works ensuring the safety of the existing heritage listed building, the beach and Norfolk Island Pines for a design life of 60 years.

The proposed development follows extensive public consultation, with community engagement undertaken before preliminary discussions with Council, at two stages during the design phase and again through the development application and review application notification processes. The vast majority of feedback received has been supportive of the proposal.

It is considered that this reason for refusal has been suitably addressed.

## **CONCLUSION**

This Section 8.2 Review Application has been assessed having regard to the reasons for refusal and the previous assessment in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979, SEPP (Resilience and Hazards), the WLEP 2011 and the relevant codes and policies of Council. This assessment has taken into consideration the revised plans, Statement of Environmental Effects, other documentation supporting the application and public submissions.

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 additional information supplied by the applicant demonstrates a considered and detailed assessment of alternative locations/development options and it is agreed that the retention of the existing building in its current location is an appropriate outcome for the site subject to a limited development consent being issued.

The proposal will provide a community benefit in the form of facilities for the surf lifesaving club its members and the general public.

The public notification resulted in 117 submissions, many of which support the proposal. Those submissions raising objection raised concerns relating to the appropriateness and suitability of the development in its proposed location and the 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.

Accordingly, it is recommended that the SNPP approves this application.

### **RECOMMENDATION (APPROVAL)**

That the SNPP, as the consent authority pursuant to Clause 4.16(1) (a) of the EP&A Act 1979 (as amended), grant consent to the Review of Determination Application No DA2021/2173 for alterations and additions to a surf lifesaving club and construction of coastal protection works, subject to the following draft conditions of consent: