

<b>JRPP No:</b>	2009NTH013
<b>DA No:</b>	DA 2010/74
<b>PROPOSED DEVELOPMENT:</b>	Erection of Ballina lighthouse & Lismore Surf Life Saving Clubhouse, Patrol Building & associated infrastructure & Re-alignment of Compton Drive & Lighthouse Parade, Lots 529, 531 & 533 DP 729679; Lot 540 DP 729687 and Lot 379 DP 755684, Compton Drive, Harbourview Street, Cedar Close and Lighthouse Parade, East Ballina
<b>APPLICANT:</b>	Ballina Shire Council (in its role as Reserve Trust Manager)
<b>REPORT BY:</b>	Anthony Peters, Ballina Shire Council

## Assessment Report and Recommendation

---

**Effect of Planning Instrument**      The lands are zoned 6(a) – Open Space, 2(a) – Living Area and 7(f) – Environmental Protection (Coastal Lands) under the provisions of the Ballina LEP and designated O1 – Open Space under Council's Combined DCP No.1

**Locality Plan**      The subject lands are depicted on the locality plan attached

---

### **Brief Background of JRPP involvement**

The proposal was originally submitted in August 2009 without the initial involvement of the Northern Joint Regional Planning Panel (JRPP) based on an estimated construction cost of \$2 million.

After further assessment, Council's Regulatory Services Group considered that the estimated cost was substantially undervalued and requested a quantity surveyor to confirm the estimated costs.

As the capital investment value exceeded \$5 million for the community facility (estimated at over \$6 million) and Ballina Council (as the Reserve Trust Manager) was the applicant, the proposal was referred to the JRPP on 7 December 2009 for consideration and determination.

A Northern JRPP Briefing Meeting was subsequently held at Ballina Council and on-site on the 9 February 2010.

The issues raised at this meeting were:

- Crown Land complications.
- Clarification regarding ancillary use of the Clubhouse Building.
- Outstanding information regarding the potential impact of erosion and sea level rise on the Patrol Building and potential impact on Littoral Rainforest Endangered Ecological Community due to the proposed re-alignment of Compton Drive and Lighthouse Parade.
- The potential for shipwreck material to be found during excavation works.

These matters (and others) will be discussed further throughout the report.

### **Project Description/Overview of Proposal**

A development application has been received from Ballina Shire Council (in its role as Reserve Trust Manager of the Ballina Coastal Reserve) with Council's Civil Services and Commercial Services Groups having the primary carriage in the role as applicant.

The lands (other than existing public road reserves) are owned by the Crown (Land and Property Management Authority - LPMA) and during 2007/2008 this locality was identified as the preferred site for such additional surf life saving facilities by the LPMA, the Reserve Trust and the majority of the SLSC members, (i.e. in the vicinity of the previous Clubhouse building which was demolished around 2004).

The specific sites and components of the proposed new Ballina Lighthouse and Lismore Surf Lifesaving Clubhouse and Patrol building were determined after a period of consultation with the LPMA (formerly the Department of Lands).

The proposed development includes the re-construction of a new Ballina Lighthouse and Lismore Surf Lifesaving Clubhouse and Patrol building, associated Carparking and infrastructure, and the re-alignment and extension of Compton Drive and Lighthouse Parade at East Ballina.

The proposed Clubhouse building, with its footprint setback behind the dune system is the most substantial building and is detached from the subservient Patrol building with its footprint proposed on the dune system to allow ease of access for patrols and observation of Lighthouse Beach.

The Clubhouse is proposed as a single and double storey multi purpose building and generally comprises a mixture of community, member and public areas. These are identified as meeting rooms, club rooms (for entertainment/functions), gymnasium, café/kiosk, storage and cool rooms, offices, training rooms, change rooms, sanitary facilities and associated deck and courtyard areas.

The Patrol building is single storey (incorporating an observation tower) and generally comprises the patrol room, public toilets/showers, member toilets and change rooms, first aid treatment area, storage garage and deck area.

The proposed buildings are proposed to be constructed of a mix of rendered and painted masonry and light-weight cladding, large expanses of glazing and skillion colourbond roofing.

Notwithstanding the detached nature of the buildings, they are proposed as an integrated community based facility that, if approved, will also be utilised in conjunction with the existing Shelly Beach surf club building/facility further to the north (that is predominately utilised by junior members).

The proposal to establish the Clubhouse building opposite the existing Lighthouse Beach northern carpark and proposed Patrol building also necessitates a re-alignment of Compton Drive and Lighthouse Parade to ensure the two buildings can be operationally integrated without the need for people and equipment to cross the public road.

The road re-alignment involves closing a section of Lighthouse Parade between Compton Drive and where Lighthouse Parade turns sharply to proceed uphill to the Lighthouse Beach lookout, and extending Lighthouse Parade to continue in a generally western direction to link up with Compton Drive near to the intersection with McKinnon Street.

The proposed design also includes a proposal to extend Cedar Crescent and McKinnon Street northwards to link up with the re-alignment of Compton Drive, and the re-construction of Compton Drive between Cedar Crescent and Lighthouse Parade.

The proposal includes the construction of a 67 vehicle sealed car park (including two designated disabled spaces) on the western side of the proposed Clubhouse building footprint.

If approved, the proposed road works deviations/re-alignments and extensions will need to be completed prior to work commencing upon the proposed Clubhouse building (but possibly not the Patrol building).

Notwithstanding this, the re-alignment roadworks are proposed to be completed first, with the construction of the two buildings and associated infrastructure following thereafter.

The applicant has been requested to make changes to the originally submitted drawings to slightly alter the positioning of the buildings on site to overcome the issue of the encroachment of parts of the buildings on the existing bike track and walkway network, and to move the proposed re-alignment of Compton Drive further to the south to reduce the impact on existing significant flora.

The lands are situated within a built urban environment which is predominantly residential in nature.

The adjoining and adjacent land uses comprise:

- To the north – public reserve and Lighthouse Hill escarpment/ridgeline that separates Lighthouse and Shelly beaches.
- To the south - single, double and three storey residential buildings (comprising single dwellings, duplexes and residential flat developments) and a motel, associated refreshment room and conference facilities (known as Ballina Beach Resort).

- To the east – Lighthouse Beach and the Pacific Ocean.
- To the west – public open space/parks comprising Shaws Bay.

The subject lands are serviced with reticulated water, sewerage, electricity and telecommunication services. The existing services are at sufficient capacities to cater for the proposal (if approved).

### **Public Exhibition**

The proposal was originally placed on public exhibition from 27 August 2009 until 14 September 2009 and then again from 17 December 2009 until 15 January 2010 due to the requirement for the JRPP to assess and determine the application.

At the close of the second exhibition period, twenty four (24) submissions either objecting to or supporting the proposal had been received (copies of which were provided to the JRPP during the Briefing Meeting held 9 February 2010). The majority of the submissions are supportive of the proposal.

Since the Briefing Meeting, no further submissions have been received.

During the first exhibition period one submission objecting to the proposal and two letters expressing concerns were received.

During the second exhibition period two submissions were received either objecting to components of the proposal and/or expressing concerns/suggestions.

Concerns raised include:

- Proposed Landscaping not appropriate
- Lack of observation of beach/location of building
- Facilities should be located within one building
- Road re-alignment will lead to excessive speeding/traffic safety
- Noise/Amenity
- Loss of leash free dog reserve areas
- Vegetation removal
- Crime Prevention
- Coastal Hazard
- Stormwater Management in relation to Shaws Bay
- Disabled Access

These issues will be outlined and addressed both directly and/or indirectly throughout this report.

### **Report**

The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval. The multi purpose facility, although not a significant employment generating development for the Shire, is beneficial to the community and is considered to be in the public interest as it will

increase the provision of community facilities for use by various community based organisations and will improve public safety along this part of the coastline.

## **Zoning**

The current zoning of the site(s) under the Ballina Local Environmental Plan 1987 (BLEP) are predominately:

**6(a) – Open Space** - (clubhouse building and associated carparking) which is identified to become RE1 Public Recreation under the Draft Ballina Local Environmental Plan 2010;

**2(a) – Living Area** – (road reserve components) which is identified to become RE1 Public Recreation under the Draft Ballina Local Environmental Plan 2010;

and

**7(f) – Environmental Protection (Coastal Lands)** – (patrol building) which is identified to become E2 Environmental Conservation under the Draft Ballina Local Environmental Plan 2010.

Although not defined in the BLEP or the adopted Model Provisions, the proposal can be considered consistent with a “surf lifesaving facility” or “surf club houses” as described in the zone objectives and development control tables of the BLEP.

The offices, refreshment room and gymnasium components of the proposal are considered ancillary to the activities of the surf lifesaving club.

The proposal is considered to be permissible having regard for the BLEP and to be consistent with public and coastal recreation reserve purposes (i.e. the Ballina Coastal Reserve Plan of Management and Coastline Management Study and actions for Lighthouse Beach).

The proposal is also consistent with the objectives of the 6(a) Open Space zone (and associated clause 26A of the BLEP) in that it is supportive of the recreational use of the beach environment and reserve by the community and the proposal, if approved, will provide a valuable recreational resource that is required and can be utilised by the community.

As will be discussed within the report, the proposal (and patrol building in particular) will not adversely affect or be affected by coastal processes and will minimise the affect on habitat, landscape and scenic qualities whilst still providing basic recreation amenities where required on coastal lands consistent with the 7(f) Environmental Protection – Coastal Lands zone and associated clause 32 of the BLEP.

Under the Draft Shire-wide LEP 2010 currently on exhibition, the lands are proposed to be RE1 Public Recreation (Clubhouse footprint) and E2 Environmental Conservation (Patrol Building footprint).

The Clubhouse and Patrol building would be considered under the proposed plan to be “community facilities” being buildings or places owned and controlled by a public

authority or non-profit community organisation and used for the physical, social, cultural or intellectual development or welfare of the community.

This land use is permissible within the proposed zonings and is considered consistent with the intended objectives of the relevant zones.

A locality and an aerial photograph of the development site and associated adjoining lands are provided at Attachment 1.

A plan showing the proposed improvements (overlaid on an aerial photograph) are also provided at Attachment 2.

### **Combined Development Control Plan (DCP)**

The subject sites are currently designated O1 – Open Space under the DCP.

The proposed development is consistent with the preferred land uses and objectives as it will provide active and passive recreational opportunities and a community building/clubhouse facility compatible with the zone objectives and relevant plans of management.

As discussed throughout the report, the proposal is also considered to protect areas of environmental significance and negate potential impacts as the buildings are utilising existing disturbed areas.

### **O1 – Open Space Development Standards**

The relevant development standards applicable to the proposal are:

<b>Standard/Matter</b>	<b>Requirement/Provision</b>	<b>Comments</b>
Building Height	2 storeys (6.4m)	Complies. Maximum 2 storeys or 6.4 metres to top plate. Note discussion on observation deck and flag pole for the Patrol building.
Site Coverage	On merit	Acceptable noting the extent of reserve and public access to foreshore areas that have been maintained and enhanced.
Landscaping	On merit	Acceptable subject to use of natives and exclusion of one threatened specie due to propagation difficulties.
On-site Car Parking Provision	On merit	67 on-site spaces are proposed. Refer to further comment in this report regarding acceptability.
Minimum Setback	On merit (BCA)	Complies with BCA requirements.
Building Line	On merit	Acceptable in relation to road re-alignment works and the existing disturbed footprint for the Patrol building.
Subdivision	On merit	New boundaries will be required as part of road re-alignment works.

Standard/Matter	Requirement/Provision	Comments
		Considered acceptable as offset areas are proposed for reserve purposes.

### **North Coast Regional Environmental Plan 1988 (NCREP)**

The proposal is generally consistent with the clause 30 objectives of the NCREP in relation to coastal planning. The proposal will contribute to the visual quality of the coastal environment by only placing a smaller Patrol building on the dune system and the larger Clubhouse building behind the dune system.

The smaller more specialised nature of the Patrol building is considered to be an appropriate recreational use of the beach, whilst minimising the risks to people and property from coastal processes.

In accordance with clause 32B – Development control (coastal lands) of the NCREP, the proposed development is designed to enhance rather than impede public access to the foreshore (confined to specific points) and will not cause significant overshadowing of the open space areas.

In relation to clauses 49 and 81 of the NCREP (i.e. buildings over 14 metres in height), both the Patrol and Clubhouse buildings themselves are no more than 14 metres in height. The covered beach observation deck/lookout on the Patrol building is approximately 11.5 metres in height (excluding the flagpole which is proposed to be deleted) and is not considered to have a detrimental impact on the scenic locality due to its slender design and minimal bulk and scale.

In addition the development controls of clause 81 of the NCREP (i.e. development adjacent to the ocean) are achieved as there will be sufficient foreshore open space accessible and open to the public within the vicinity. The buildings are not considered to detract from the amenity of the ocean and as previously mentioned are consistent with the applicable management plans applying to the area.

### **State Environmental Planning Policies (SEPP)**

#### **SEPP 71 – Coastal Protection**

The development will not contravene any aims of SEPP 71, as although the Patrol building is located within close proximity to the coastal foreshore, it is unlikely to have an adverse impact, particularly as it is proposed within the existing disturbed and altered footprint.

The development will be suitable given its sporting/community nature. There is no real locational change/alteration in relation to the Patrol building and its design is generally consistent with Council's Codes and Policies.

The development (subject to the deletion of the flag pole from the observation deck) will not adversely affect any significant scenic qualities of the existing coastline.

The building footprints do not contain any known threatened species and will not have any significant adverse impacts on any known existing wildlife corridors. The road re-alignment has been altered so as to minimize the affect on vegetation and ameliorative measures are also proposed (i.e. compensatory plantings).

The development has been assessed against coastal hazard reports and mapping and will not be subject to any known coastal processes or hazards (including the potential for sea level rise).

The development will not create any conflict between land based and water-based coastal activities but rather enhance them.

The locality has known significant heritage, archaeological significance in relation to shipwrecks. This will be addressed as part of this report.

The development will not have any identifiable impact to water quality of existing coastal waterbodies, particularly Shaws Bay.

Consequently, as also identified for the purposes of the NCREP, no significant cumulative impacts on the environment can be identified.

### **SEPP 55 – Contaminated Land**

A preliminary contaminated lands assessment has been conducted.

The assessment has concluded that no significant potential for broad-scale soil contamination of the sites or harm to end users of the proposed development exists and a detailed investigation or site remediation is not required.

Notwithstanding this, the possibility that contaminating material such as heavy metals may be present in shipwrecks is to be noted.

Should contact be made with such during construction, this aspect as well as the archaeological issues (also addressed within this report) will need to be suitably considered and conditioned accordingly.

### **Crown Land Issues**

There are a number of allotments directly relevant to or affected by components of the proposal.

These are:

<b>Lot &amp; Deposited Plan</b>	<b>Reserve No</b>	<b>Proposed Land Use</b>	<b>Zoning</b>	<b>Ownership</b>
Lot 529 DP 729679	R1010068	Road Re-alignment	6(a)	Crown (BSC Trust Manager)
Lot 531 DP 729679	R1010068	Road Re-alignment	6(a)	Crown (BSC Trust Manager)
Lot 533 DP 729679	R1010068	Parking & Clubhouse	6(a)	Crown (BSC Trust Manager)



		Building		
Lot 379 DP 755684	R1010068	Patrol Building	7(f)	Crown (BSC Trust Manager)
Lot 540 DP 729687	R1010068	Parking & Road Re-alignment	7(f) & 6(a)	Crown (BSC Trust Manager)
Public Road Reserves	N/A	Road or Public Reserves	2(a), 6(a) & 7(f)	BSC

Council (as Reserve Trust Manager and owner of the public roads) has the responsibility of the care, control and management of the abovementioned reserves and roads. In its role as the applicant, the Council has clarified and responded to a number of issues raised during the assessment of the proposal and clarified its position to the owner, being LPMA (Crown Lands Division).

The issues raised by the LPMA have included:

### **Native Title**

It was confirmed that Native Title had been extinguished over Lot 533 DP 729679, Lot 379 DP 755684 and Part Lot 540 DP 729687 by previous public works in the locality comprising public roads, the existing (and former) developed surf club precinct (Lot 379 and part Lot 540) and former developed reserve for parking (Lot 533).

Consequently, it is considered that the proposed development is consistent with the purpose of the reserve and the terms of the Native Title legislation.

### **Acquisition of Crown Lands for the re-alignment of roads**

The Reserve Trust has acknowledged and confirmed that the acquisition process for the re-alignment of Compton Drive (and extension of Cedar Crescent outside of existing road reserves) will be commenced prior to any construction works occurring.

As part of this process, the Reserve Trust will need to seek the concurrence of Ballina Shire Council in its capacity as the local road authority for the closure of Lighthouse Parade across the eastern frontage of Lot 533 and part of Compton Drive (immediately north of the Ballina Beach Resort but excluding the eastern section of the lane to the existing service point for the resort). This area is proposed to be rehabilitated by the Reserve Trust so it becomes an integrated part of the surrounding Reserve and this proposal.

The suggestion raised by the Crown that Compton Drive along the southern frontage of Lot 533 also be closed to reduce through traffic on the section of Lighthouse Parade with the Coastal Reserve will also be referred to Ballina Shire Council in its capacity as the local road authority.

Notwithstanding this, it is considered that this matter has no direct nexus with the proposal and connectivity to Lighthouse Beach.

## **Land Tenure/Leasing and licensing of the facilities within the Clubhouse and Tenure for the Surf Club**

The Reserve Trust is awaiting further information in relation to this matter. It is the intention of the Reserve Trust to issue community licences for the community-based tenants (i.e. Surf Life Saving Australia) and a commercial lease for any commercial operator(s).

Financial and operational management and maintenance of facilities will be outlined in future business management plans.

If approved, the abovementioned matters will need to be suitably conditioned (with some involving the concurrence of the LPMA also).

The LPMA have subsequently raised no objection to Council proceeding with its assessment of the development application. In addition, the LPMA have raised no objections in principle to the proposed development as it is considered to be consistent with the purpose of the reserve.

## **Roads & Traffic**

As previously mentioned within this report, the proposal requires changes to the existing road network in order to create connectivity between the two buildings.

A copy of the proposed re-alignment road works (as revised to reduce the impact on significant flora) and the removal/closure of existing road pavements/road reserves are provided in Attachment 3.

## **Pedestrian and Cyclist Requirements**

The design maintains the existing bicycle path across the site (between the Clubhouse and Patrol building).

Pedestrian access is also provided via a paved walkway from the proposed carpark and along the northern side of the Clubhouse linking to the existing bicycle path immediately north of the Patrol building. Paved walkways are also proposed from the bus drop off point on the old section of Compton Drive on the southern side of the proposed Clubhouse building. In addition, hardstand areas are also proposed between the Clubhouse and Patrol buildings, which will also function as access for emergency and service vehicles.

The design is considered adequate in this regard.

## **Site access, internal driveways and Parking Design**

The proposal includes the construction of a 67 space sealed carpark on the western side of the proposed Clubhouse building.

The proposed carpark has a 7 metre wide access driveway and parking layout that complies with the requirements of Australian Standard AS/NZS 2890.1: 2004. The

disabled parking spaces are to comply with the new requirements of Australian Standard 2890.5:2009 (i.e. increased widths).

The proposed site access to the sealed carpark area from the existing Compton Drive alignment is considered a safe and practical location. Given the traffic speed and volume of traffic, this access provides sufficient sight distances and intersection separation.

If approved, further civil designs will be required to be submitted to and approved by Council prior to the issue of a Construction Certificate.

### **Provision for Service and Delivery Vehicles**

Included in the proposed Clubhouse building is the provision of a Kiosk/Café located along the northern elevation. It is anticipated the Kiosk/Café will attract the most deliveries to the site and will necessitate access from Compton Drive for a small rigid vehicle.

It is also proposed to provide a waste receptacle area on the south-eastern corner of the proposed Clubhouse building, which will necessitate access to the site via a large rigid vehicle.

A layback for emergency and service vehicular access is proposed near the south-eastern corner of the Clubhouse building (i.e. at the new junction of Lighthouse Parade and Compton Drive). The access (subject to right of entry through the barrier gate and bollards) is suitable for all vehicles to enter and exit the site in a forward direction. This access location is advantageous in that it is separate to the general use carpark entry/exit point.

### **Parking Numbers**

Council's parking requirements are described in Combined Development Control Plan Chapter 1 – Urban Land, Policy Statement No 2, Car Parking and Access (DCP).

The proposed carparking area immediately west of the proposed Clubhouse building has 67 carparking spaces linking directly to the primary access to the Clubhouse building.

The proposed Clubhouse and Patrol buildings have an overall combined floor area of approximately 2500m<sup>2</sup>.

Council's DCP does not specifically prescribe a rate for recreational type facilities such as surf clubs. The RTA "Guide to Traffic Generating Developments" is also silent in regards to this type of development.

Therefore, the parking requirements for these facilities have been assessed on a merit basis and a comparative analysis has also been undertaken on similar developments.

In this case the nearest similar development is the Shelly Beach Surf Lifesaving Club. That site has a total of 74 carparking spaces, 28 of those are in the near vicinity of the Clubhouse and the remaining 46 carparks are shared with the "Shelly's on the Beach Café" to the south.

It is noted the Shelly Beach Clubhouse is a smaller building than that proposed at Lighthouse Beach.

Notwithstanding this, the Clubhouse at Shelly Beach is currently utilised as the main Surf Club in the Ballina area providing life saving facilities to members of the public to both Shelly Beach and Lighthouse Beach.

Consequently its membership is likely to be the same as the proposed Clubhouse. In addition, the visitation numbers to the proposed Clubhouse by club members and the general surfing public is not expected to alter significantly following completion of the proposed Clubhouse.

It is also expected that some members of the public will now favour Shelly Beach as their “preferred beach”, and not return to Lighthouse Beach when the new Clubhouse is established.

In addition, a comparative analysis has also been conducted with the Bonny Hills SLSC within Port Macquarie Hasting Shire (currently under construction) due to its similar scale and function.

The Bonny Hills SLSC is a double storey Clubhouse building with similar facilities comprising; club, training, function rooms, storage areas, kiosk and gymnasium and a total floor area of approximately 1700m<sup>2</sup>. It has proposed 53 formalised carparking spaces adjacent to the building. It is noted, however, that all essential surf patrol facilities, such as patrol rooms, equipment and storage areas have been excluded from the carparking assessment.

The Lighthouse Beach proposal (the subject of this report) has been designed to provide surf patrol facilities along with meeting rooms and facilities within the complex for the use of other community groups and the general public. The breakdown of the different components and their usage is as follows:

<b>Component</b>	<b>Purpose</b>	<b>Area(m<sup>2</sup>)</b>
Storage purposes	Clubhouse boat storage & workshop areas 431m <sup>2</sup> Clubhouse BBQ area 5m <sup>2</sup> Patrol Building Garage 102m <sup>2</sup>	<b>538</b>
Community Uses	Clubhouse community organisation rooms 1 & 2 area 133m <sup>2</sup> Clubhouse kitchen and office area 17m <sup>2</sup>	<b>150</b>
General areas	Clubhouse gymnasium 142m <sup>2</sup> Clubhouse training room & deck 254m <sup>2</sup> Clubhouse club room, deck & kitchen 569m <sup>2</sup> Clubhouse office, meeting & store room 63m <sup>2</sup> Patrol building patrol room & deck 56m <sup>2</sup> Patrol building first aid room 8m <sup>2</sup>	<b>1092</b>
Kiosk	Clubhouse café/terrace deck 68m <sup>2</sup> Clubhouse kitchen, store and cool room 37m <sup>2</sup>	<b>105</b>
Public Amenities	Patrol building public toilets 40m <sup>2</sup>	<b>40</b>

<b>Total floor areas of all relevant components</b>		<b>1925</b>
---	--	-------------

The determination of the floor areas of these individual components has been carried out in accordance with Council's Contributions plan, and parts of the building such as the memorial garden, corridors, stair space and void spaces over the stairways have not been included.

Based on these figures the sum of the floor area of the building utilised for Surf Club and community activities totals approximately 1925m<sup>2</sup> (i.e. not a total of 2500m<sup>2</sup>).

It is also considered appropriate to separate the ancillary use areas (club rooms, gymnasium & kiosk etc., that can operate separately or exclusively from surf club activities) from the surf club equipment storage & garage areas. By using the available Ballina Shire and RTA guideline parking rates, a parking assessment is as follows:

<b>Component</b>	<b>Rate</b>	<b>Assessable area</b>	<b>Spaces required</b>
Training & Club rooms	1 space /10m <sup>2</sup> GFA	Training rooms 254m <sup>2</sup> Club room & deck areas 569m <sup>2</sup> Total 823m <sup>2</sup>	82.3
Kiosk	15 spaces/100m <sup>2</sup> GFA	Café & terrace 105m <sup>2</sup>	15.7
Gymnasium	6 spaces/100m <sup>2</sup> GFA (this rate is used as the facility has direct access to the existing cycleway)	142m <sup>2</sup>	8.5
Community Organisation rooms	1 space /10m <sup>2</sup> GFA	Community organisation rooms 1 & 2, 133m <sup>2</sup> Kitchen & office areas 17m <sup>2</sup>	15
<b>Total (rounded up)</b>			<b>122</b>

It is considered that the patrolled beach and surf club will attract the bulk of the car parking visitors at peak times on weekend mornings during the summer months. The main users of the carpark at peak times are likely to be the general public, surf club patrol members, nipper members and their families.

It is also unlikely that community groups would schedule appointments to utilise the community meeting rooms during the peak periods of Saturday and Sunday mornings, therefore it would be reasonable to discount the floor space taken up by the community rooms during these peak periods. There are generally about three to four occasions during the season when all club members may be in attendance at the Club premises.

The proposal provides a total of 67 carparking spaces within the sealed carpark area. The design includes two parking spaces designated as disabled parking spaces in close

proximity to the Clubhouse building. The proposal also provides bicycle racks in front of the club house for easy public access.

Further, the aim of the Ballina/Lismore Surf lifesaving Club in the longer term is to maintain the existing Shelly Beach clubhouse as a “satellite” to the new Clubhouse building, such that future beach patrols can be serviced by Shelly Beach.

In the event the proposed carpark is full there are approximately 200 unmarked and unformed parking spaces available on Lighthouse Parade directly to the south of the proposed Clubhouse building. The parking areas available along Lighthouse Parade will also be utilised by the general public and are able to be used as overflow parking during surf carnivals, if required. As stated previously, such events would normally occur on three or four occasions throughout a year.

The primary purpose of this facility is to provide a surf club facility to support a necessary community service. The facility also provides training and club rooms which are to be utilised for both club and/or public functions (weddings etc).

Consequently, as:

- the surf club parking requirements are mainly on the weekends during daylight hours;
- the training and club rooms would cater for functions during week days and evenings;
- the Clubhouse building will generally be utilised by different groups at different times; and
- the immediate locality has approximately 200 additional carparking spaces,

The proposed 67 on-site car parking spaces are considered acceptable in the circumstances.

The design of the carpark, re-alignment of Compton Drive and Lighthouse Parade, and the provision of bike racks, viewing areas, pathways and bicycle track are all considered sufficient.

### **Comments arising from the Local Traffic Development Committee Meeting of 14 October 2009.**

The Committee considered a report provided in respect to the issue of carparking and the re-alignment of Compton Drive and Lighthouse Parade.

The recommendations and/or comments from the Committee included:

1. *The Bus setdown proposed for Compton Drive be amended to provide painted edge lines in Compton Drive in the region of the Bus Zone to differentiate through traffic from other vehicles.*
2. *During special events such as major surf Carnivals the Surf Club may need to submit a traffic management plan in respect to traffic control, particularly Boat launching activities and parking.*

The road deviations have been designed in accordance with RTA Guidelines and the proposed design is suitable to service the development. The recommendations of the Committee are able to be accommodated and can be suitably conditioned if approved.

### **Flora Impact Assessment**

A number of direct and indirect impacts on existing vegetation have been identified as part of the proposal (i.e. loss of trees, increased wind tunnelling, increases in salt laden winds, root damage to trees leading to the trees decline or complete removal).

The building footprints and the carparking hardstand areas will require minor tree removal and is generally considered acceptable having regard for the species and locations. However, approximately forty (40) Coastal Banksia's growing adjacent to the proposed road relocation/re-alignment were originally nominated for removal to allow for the road re-alignment corridor and associated stormwater infrastructure.

As the mature Coastal Banksia's (in excess of 5 metres in height) at the base of Lighthouse Hill are providing a protective barrier to the remaining uphill littoral rainforest endangered ecological community (EEC), i.e. along the Lighthouse Hill escarpment, this was not supported by Council's Technical Officers.

The loss of the Coastal Banksias may have an adverse impact by increasing impacts associated with wind tunnelling from the south and ongoing canopy damage to the EEC behind (noting that the littoral rainforest is already subjected to canopy damage).

To reduce this impact the applicant was requested to modify and increase the separation between the proposed road re-alignment and the edge of the subject vegetation community. This could be reasonably achieved by shifting the proposed road re-alignment further to the south (i.e. towards the proposed Clubhouse building) and would allow the majority of the vegetation community's protective edge to be retained.

Amended road re-alignment plans were submitted aligning the proposed road a further 1.5 metres to the south near the zone of influence of the relevant vegetation and deletion of the table drain/swale along the northern side of the road in the vicinity of the Coastal Banksia's.

Although this is considered beneficial and is supported due to a reduction in the number of mature Coastal Banksias requiring removal, offset or compensatory planting will still be required (noting that the Pandanus Trees within the alignment can also be readily translocated into the proposal's landscaping). This ecological restoration and regeneration is also consistent with the "Shelly Beach to Lighthouse Beach Vegetation Management Plan" and adjoining "Coastal Ecosystem Restoration Project – Shaws Bay Escarpment".

Any consent will need to be conditioned accordingly to incorporate the recommendations of Council's Environmental Scientist and the Ecological Consultants.

No vegetation removal is proposed or required within the 7(f) zone. Consequently clause 23 of the BLEP is satisfied.

In addition, Council's Policy Statement 9 – Vegetation Management will be satisfied in that the proposal will preserve mature native vegetation.

### **Landscaping Plan**

The submitted Landscape Plan includes a number of species which are not endemic to the locality and, as such, conditions of consent will require their removal (if approved). Furthermore, the Landscape Plan seeks to plant *Acronychia littoralis* which is not supported as although the specie's is listed as endangered, it is extremely difficult to propagate. If the development is approved these matters will be conditioned accordingly.

### **Noise**

The potential noise impact in relation to the proposal has been discussed with the applicant (and acoustic consultants) at length due to the proximity of the Clubhouse and the carpark to the Ballina Beach Resort and residences to south and the south-west.

Various Noise Impact Assessment reports from Acoustic Consultant Greg Alderson & Associates have been submitted for assessment and now indicate the need for elements and materials in the building that will control noise from activities planned within the Clubhouse building.

The areas of potential "offensive noise" intrusion to the occupants of nearby premises as defined by the Protection of the Environment Operations Act were identified as the gymnasium (as it is common to have music accompany exercise routines) and both the multi-purpose "club room"/deck areas and northern "training room"/deck areas (due to possibility of these areas being utilised for public entertainment and amplified music and/or live entertainment such as functions/weddings etc). The carpark to the west of the Clubhouse building and the roads nearby were also identified.

It is noted that although the proposed design incorporates orientation of the open deck areas predominately to the north and north-east to minimise noise transmission from the "club room" and "training room" towards sensitive receivers to the south, there is still likely to be crowd noise from the outside deck areas (particularly as they are considered an extension of these function type rooms).

To this end, the latest advice/reports have identified that it will be necessary for additional assessment to be conducted by an acoustics consultant to consider the selection of specific materials to be used to achieve the required acoustic performance/integrity throughout the building.

The report also makes recommendations to ensure that requirements generally made by the Office of Liquor Gaming and Racing for licensed premises are achieved.

It appears from the reports of the acoustic consultant that subject to elements of the building having appropriate acoustic properties and the use of air-conditioning or mechanical ventilation, people noise and that from entertainment from within the building can be contained to a satisfactory standard.

Notwithstanding this, appropriate management practices are still likely to be required to ensure that when entertainment and/or events are conducted the controls to ensure the



acoustic integrity of the building are maintained (i.e. the closure of air lock doors and the like).

As it is impractical to implement controls on the carparking area to ensure people returning to vehicles and driving away do not disturb the neighbourhood when events conclude, management will have to play a role to ensure that patrons leaving do so in an efficient and orderly manner.

To minimise the potential for misuse of the carpark at times the Clubhouse is not in use, traffic calming devices should also be incorporated into the design.

These management plans and carpark calming device plans will need to be submitted to, and be approved by Council or private certifier, prior to issue of the Construction Certificate.

The closest receiver (i.e. Ballina Beach Resort) is orientated so that its function facilities, refreshment rooms and reception areas and not the accommodation rooms face the carparking area of the Clubhouse. This will assist in providing a further buffer and distance attenuation to potential external noise sources generated from the Clubhouse building and carparking area.

Prior to completion of the Clubhouse building, it will be expected that the acoustic consultant will perform testing and provide Council with certification that the completed work meets the acoustic specification. In order for this to occur it will be expected that the acoustic consultant be retained during the construction phase to enable checking of the installation of acoustic controls.

The Clubhouse building may not be used until a satisfactory certification has been received by the acoustic consultant and will ensure that the building can generally operate without restricting hours of operation or applying conditions that would potentially require regular policing by Council Officers and/or the police.

Notwithstanding the above measures, traffic noise in this locality appears to exceed current levels due to the additional volumes expected with a building of this type. It is noted, however, that dwellings near the road re-alignment and Clubhouse are setback further than normal due to the presence of a service road. In addition a 50km/hr speed limit applies and the majority of traffic is expected to be light vehicles thereby reducing the potential impact of traffic noise. This impact is therefore considered reasonable in the circumstances.

### **The implications of potential shipwreck archaeology**

The locality has been assessed as having significant potential archaeological heritage values. These values extend from the numerous shipwrecks that are understood to be located in the area due to it being the previous mouth of the Richmond River. These wrecks are protected under the *NSW Heritage Act*. The heritage values of these wrecks have been assessed by Jane Ainsworth Heritage and are documented in the *Archaeological Assessment of the Proposed Ballina Surf Life Saving Club* report.

This report indicates that the management of these matters, given that the development requires excavation/ground disturbance of the site for footings, road works and carparking) requires the following:

- The nomination/appointment of an Excavation Director;
- Preparation of a research design (for management of potential archaeology finds); and
- Application to the NSW Heritage Office for an excavation permit (made by the Excavation Director and including the research design).

The report further indicates that the site be monitored during excavation. Other measures may involve test pit excavations in some areas. In the case of uncovering archaeology, work will cease and other measures taken, which may include excavation of relics. The research design will assess and outline measures for managing potential archaeology.

### **Aboriginal cultural heritage**

It is noted that an AHIMS search of the development envelope area indicates that there are no recorded sites in this area.

Nonetheless, given the development site's locality on the coast, and its proximity to the adjacent East Ballina escarpment there is some potential for unknown Aboriginal heritage/archaeology. Therefore, if approved, standard conditions applying to Aboriginal archaeology will need to be applied and are recommended.

It should be noted that the escarpment area is also currently under consideration for nomination as an Aboriginal Place by the NSW Department of Environment, Climate Change and Water and in accordance with the *NSW National Parks and Wildlife Act 1974*. The development therefore has the potential to present an opportunity to promote the Aboriginal cultural heritage of this area. If approved, a condition is also recommended in this regard.

### **Promotion of Surf Club heritage and its association with Lighthouse Beach and Hill**

As with the potential to promote the Aboriginal cultural heritage of the East Ballina escarpment, the development also has the potential to promote the different layers of European cultural heritage associated with this site, and the immediate Lighthouse Beach and Hill areas.

The recent Shire Wide Community Based Heritage Study (2008) has documented that these heritage values stem from the area's shipwrecks, the establishment and operation of the Richmond River Lighthouse and the use of Lighthouse Beach and Hill for recreational purposes/its association with the establishment and functioning of the Lighthouse and Lismore Surf Life Saving Club. It is noted that these values are not represented by an exact location, but rather are embodied in the broader surrounding cultural landscape.

The recent heritage study process recommended that opportunities to promote these values be considered as part of future development in the East Ballina area. The

promotion of this area's heritage, at this site, would complement recently endorsed interpretive signage in the East Ballina area, (following recommendations made by Council's internal signage taskforce group). Given the public nature of this space, promotion of heritage as part of this development also makes it potentially accessible to a significant number of people. Moreover, interpretation of these values is in keeping with strategies, for sustaining the Shire's heritage, outlined in Council's sustainability framework, *People Place Prosperity*.

In light of the above discussion a number of recommendations for managing the heritage values associated with the proposed development sites are proposed. If approved, these recommendations will be incorporated by way of suitable conditioning.

### **Acid Sulfate Soil**

The subject lands for the purposes of clause 36 of the BLEP are identified on Council's Acid Sulfate Soils Planning Map as being Class 3 and 5 lands.

The preliminary acid sulfate soils investigation accompanying the application included the proposed re-alignment route and clubhouse area for the presence of actual and potential acid sulfate soils. The soil analysis indicates that the soils collected are not potential acid sulfate material and are not actual acid sulfate soils.

Consequently, no acid sulfate management or management plan was considered necessary.

### **Crime Prevention**

The proposal was referred to the NSW Police Crime Prevention Officer who carried out an assessment using Crime Prevention through Environmental Design Principals.

NSW Police made a number of recommendations in relation to the development and crime prevention, including:

- *All ground floor windows and doors should be fitted with security screens.*
- *Toilets for use of the public need to be re designed to prevent all users to enter through the same opening. It is suggested to move the disabled opening to the front line of hallway, to move the other two openings to the opposite ends to each other or move one around the corner. It has been proven toilets with separate entrances separated by some distance have less crime issues and make all user groups feel an increased level of safety in attending the area.*
- *The use of CCTV is recommended. This surveillance allows all users a level of crime protection and allows for capture of any incident within and outside working hours. (A new Public Building with no CCTV recently constructed within the Ballina area and providing no security strategies has recently been the victim of both malicious damage and break & enter offences).*
- *Consideration should be given to the use of monitored alarm systems for both complexes.*

- *Shower screens adjacent to member's showers should not be full length so as to provide other users the ability to see anyone using the area as a concealment location.*
- *The screen adjacent to the patrol building should also provide the same visibility.*
- *Lighting to the outside of the building should consider motion activated security sensors.*
- *Lighting to the car park should provide spill lighting for those attending clubhouse.*
- *The carpark should be designed to reduce the mix of pedestrians and vehicles, with delineation or queues to channel users to safe areas. The area between the facing vehicles should provide adequate space for pedestrians to use as a safer route. This area should be constructed either as raised concrete or painted out with barriers to prevent vehicles imposing on the pedestrian walkway.*
- *All alcove areas should provide a physical barrier for non approved access.*

The applicant has noted and accepted all of the abovementioned matters and advised that suitable design changes can be accommodated in the manner suggested. These requirements can be suitably conditioned at Construction Certificate stage (if approved).

### **Bush Fire**

Whilst the proposal does not constitute integrated development as a Special Fire Protection Purpose under Section 100B of the Rural Fires Act, the proposed development was still referred to the NSW Rural Fire Service (local office) given the potential bush fire risk from the adjoining vegetated East Ballina escarpment.

The Service has recommended a number of conditions relating to utility service provision, design and construction matters to prevent ember entry and suitable landscaping.

If approved, these recommendations will be incorporated into conditions of consent and are not considered to be onerous.

### **Coastal Hazard & Sea Level Change/Rise**

Although the proposed Clubhouse building provides a significant development setback and retreat from the foreshore and therefore offers improved environmental protection of coastal lands, the proposed Patrol building still has a similar building footprint to that of the previously demolished (not by natural events) Clubhouse building (i.e. in the dunal zone).

It is the positioning of the Patrol building that has required further investigation in relation to potential hazards from wave run-up/set-up and sea level rise.

WBM Oceanics 2003 "Ballina Shire Coastline Hazard Definition Final Report" describes coastal erosion processes for "Ballina pocket beaches" as comprising shoreline movement, coastal inundation and stormwater erosion.

The proposed Patrol building (founded on piles) is setback and immediately adjacent of the northern headland of Lighthouse Beach. As such the Patrol building is not directly affected by beach recession, however the Lighthouse Beach dunal system to the south will be subject to shoreline movement.

More recent NSW Government Sea Level Rise Policy Statements and the Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise (November 2009) adopts a sea level rise of 900mm by 2100.

The WBM Oceanics report "estimated" coastal recession due to 500mm sea level rise at approximately 25 metres. An estimate of beach recession at 2100, with 900mm sea level rise may be approximately 45 metres. As noted above, the Patrol building at the proposed location is not impacted by beach recession due to being located on piled foundations adjacent to the headland.

With respect to coastal inundation, the 2003 WBM Oceanics report identifies that wave run-up creates a problem for dunes below RL 5 metres (but does not factor in extreme weather events) and for current conditions (i.e. without climate change).

This being the case, the new level for wave run-up problem would be for dunes below RL 5.9 metres (in normal events). Based on the levels provided by the architects Archimages, the proposed Patrol building site and its surrounding earthworks (natural and transformed) are all above this level, being above RL 6 metres (with the proposed floor height of the Patrol building being RL 6.7 metres).

Notwithstanding this, the floor height of the Patrol building should be raised further where practical to do so to also cater for most of the extreme weather events.

Additionally, the Patrol building will need to be engineered and constructed on piles embedded into foundation material to allow for any potential erosion.

## **Landslip**

Lot 379 DP 755684 (i.e. the Patrol building) is located in an area identified as having a medium to high risk of instability as defined by Coffey's 1986 Slope Stability Assessment.

Engineering advice was provided by Ardill Payne & Partners regarding slope instability, and the close proximity of the stone pitched rock walls immediately north of and above the Patrol building.

Council's assessment Officers were not concerned about such issues for the Clubhouse building as it was sited outside the mapped area and is located on flat sandy soils.

The following advice was generally provided:

### **Slope Instability**

Both buildings are sited in the Alluvial Flats covered by Coffey's Class III definition and do not require any further site specific slope stability investigations as they are not subject to slope instability issues. The mapped areas of instability commence 5 to 6 metres north of the Patrol building at the base of the Lighthouse Hill escarpment.

### **Stone Pitched Walls**

There are substantial existing stone walls in close proximity to the proposed Patrol building. The walls are in very good condition and the Patrol building is proposed to be sited approximately 5 metres from the toe of the major wall which is approximately 2.1 metres high at this location. Due to the age of the wall it is important that any building activity at the wall's base not impair the structural integrity of the wall.

It has been recommended that the Patrol building be located at least twice the wall's height away from the base of the wall (however more detailed investigations may show a lesser offset is permissible). The proposed 5 metre offset is therefore considered satisfactory in providing a passive earth wedge resistance at the base of the wall to overcome any sliding.

### **Stormwater Management**

The proposal will alter stormwater runoff quantity and quality than that currently experienced in the locality.

Consequently, a stormwater management plan by Black Earth Environmental Services has been submitted for the consideration of stormwater quality issues, quantity discharges, catchment characteristics and opportunities for Water Sensitive Urban Design in accordance with Council's Combined DCP Chapter 13 – Stormwater Management.

The stormwater management systems involve:

- the capture of roof runoff in appropriately sized rainwater tanks (on the southern side of the Clubhouse building and under the deck of the Patrol building) for reuse for boat/equipment wash down, garden irrigation and for sanitary toilet flushing. This will reduce the amount of water runoff from impervious roof areas and reduces mains water demands;
- the treatment of stormwater runoff from the hardstand carpark area through bio-retention swales around its perimeter. This will slow stormwater flows and remove suspended solids and pollutants prior to infiltration into the groundwater; and
- the provision of stormwater treatment for the new apron/marshalling and pedestrian hardstand areas between the buildings once a detailed design of the area is finalised. This may incorporate permeable hardstand areas to reduce stormwater discharge into the stormwater infrastructure.

In relation to the road re-alignment (not assessed by Black Earth), stormwater measures involve a grassed open swale partway along the northern edge. This will capture approximately half of the sheet flow from the road carriageway. Where sheet flow from the road carriageway cannot be directed into the grassed open swale, it will be directed into a new piped system (via pit insert baskets) which further connects into the existing piped stormwater system.

Consequently, the resultant stormwater quality and quantity through these measures, coupled with the infiltration of water through sandy soils and within the surrounding stormwater collection network (which discharges into Shaws Bay estuary) are considered satisfactory and consistent with the Shaws Bay Stormwater Management Strategy for the Shaws Bay catchment area and Chapter 13 of the Combined DCP.

### **Disabled Access/Facilities**

The proposal was presented to the Ballina Shire Council Access Reference Group (ARG) on the 1 December 2009.

The ARG reviewed the design for the proposed Clubhouse building and noted that access issues had been addressed appropriately and were supportive of the design.

The ARG also reviewed the design of the proposed Patrol building. The group suggested that the unisex disabled toilets in the Patrol building should be fitted with the Master Locksmith Access Key (MLAK) key system. The ARG also wanted to ensure that any alteration in the design of this building resulting in the need to install ramps to the toilets should be built to Australian Standards.

If approved, the comments of the ARG can be suitably addressed by conditions.

### **Loss of leash free dog reserve areas**

Lot 529 DP 729679 (i.e. to the west of the proposed carpark) is currently designated as a leash free dog exercise area. Concerns have been raised about the loss of this area due to the proposal. No works (other than the road re-alignment) are proposed within this area and any area lost due to the road re-alignment is adequately compensated by the road closure immediately north of the Ballina Beach Resort.

It should also be noted that the leash free dog exercise area also extends some 400 metres further to the west along the northern side of Compton Drive.

### **Conclusion**

Although there is still conjecture within the public realm regarding the siting of the Clubhouse building behind the dunal zone due to the lack of observation of the coastline, and the separation or lack of connectivity of the Clubhouse and Patrol buildings, the proposed development is considered to reasonably satisfy a community need for an integrated surf life saving facility for the Ballina Shire.

The applicants, via a number of amendments to the originally submitted plans, have allayed the majority of previous concerns raised by Council's Technical Officers and/or objectors.

The proposed development is consistent with Council's current requirements and any impact is considered reasonable in the circumstances for a community building and service of this nature.

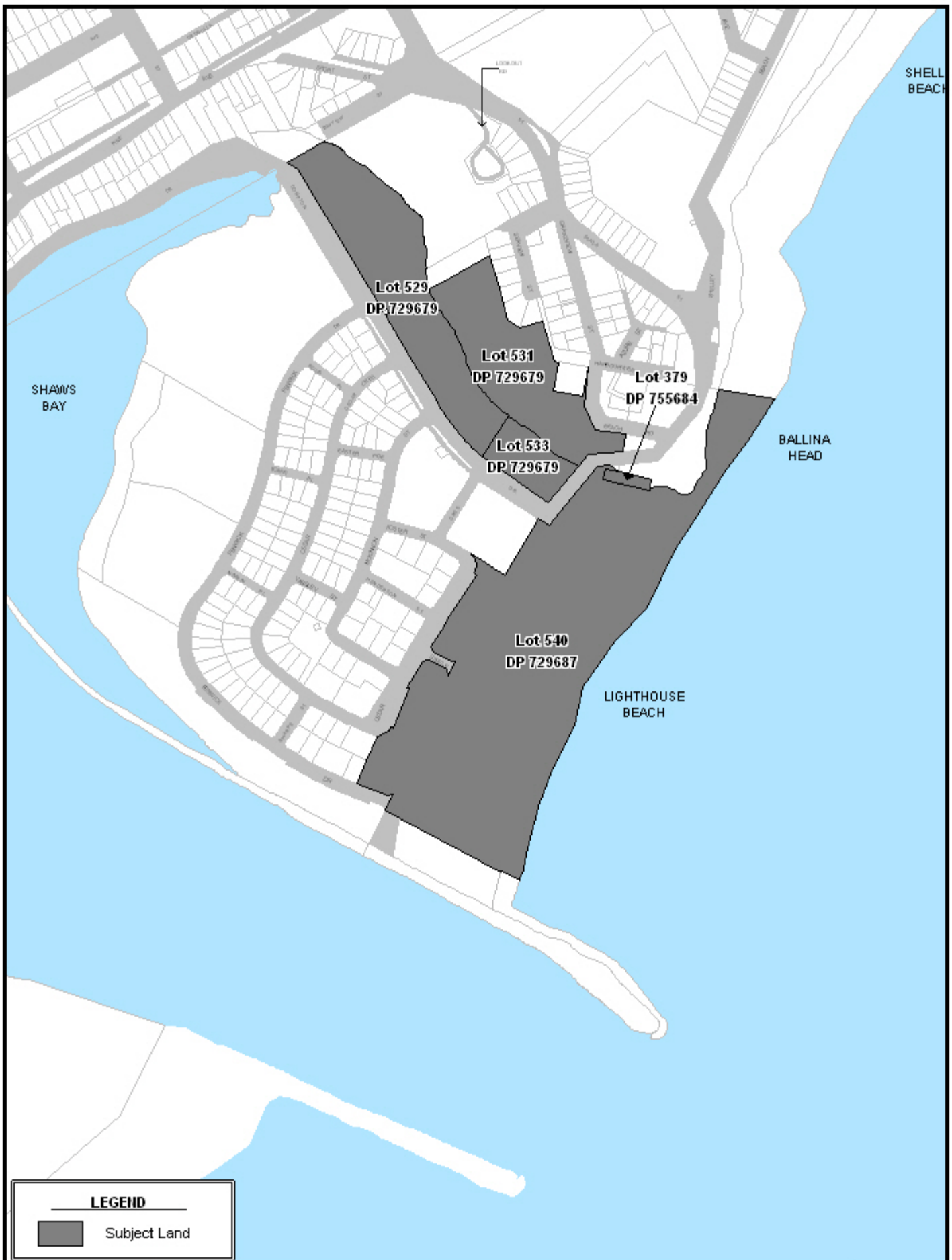
## **RECOMMENDATION**

That the Northern Region Joint Planning Panel approves the proposal subject to the conditions detailed in the schedule attached to the report.

### **Attachment(s)**

1. Locality Plan
2. Site Plan overlaid on aerial photography
3. Road re-alignment Plans
4. Proposed Plans
5. Photomontages
6. Draft Conditions of Consent









**SITE OF JUNIOR SLSC**

**PROPOSED RE-ALIGNMENT OF ROAD**

**PROPOSED SITE OF NEW PATROL BUILDING**

**PROPOSED SITE OF NEW SLSC**

0 50 100 200

Metres  
approx. scale @ A2  
MAP SCALE 1 : 2000



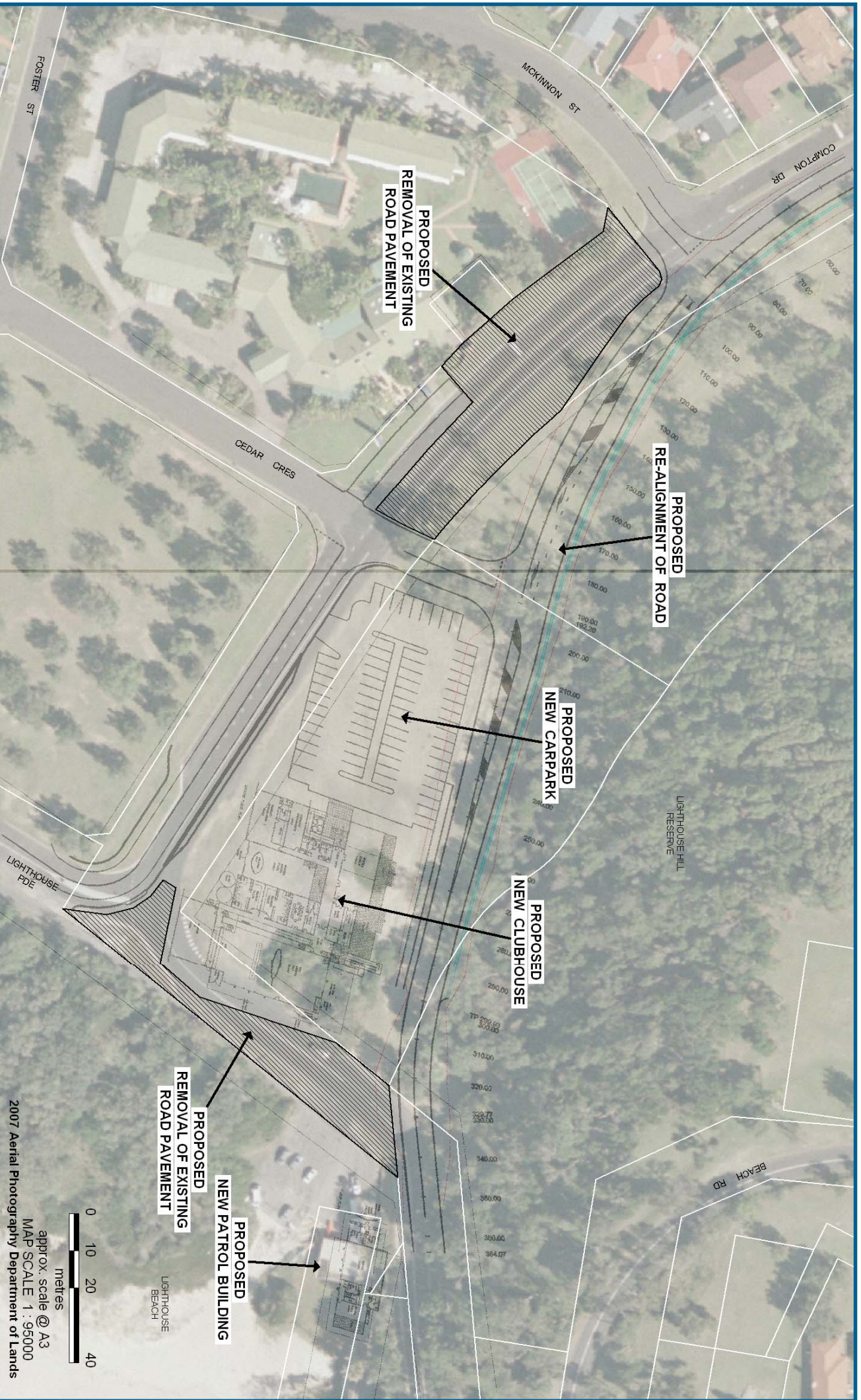
**Proposed Site of New Surf Life Saving Club  
Lighthouse Beach, Ballina**



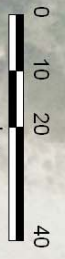
DISCLAIMER © Department of Lands 2010  
Although all care is taken in the preparation of this plan, Ballina Shire Council accepts no responsibility for any misprints, errors, omissions or inaccuracies.  
The information contained within this plan is for pictorial representation only. Do not scale. Accurate measurements should be undertaken by survey.

Printed  
09/02/2010





2007 Aerial Photography Department of Lands



approx. scale @ A3  
MAP SCALE 1 : 95000

# Proposed Site Plan - Lighthouse Beach Surf Life Saving Club



DISCLAIMER  
© Department of Lands 2010  
Although all care is taken in the preparation of this plan, Ballina Shire Council accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for general representation only. Do not scale. Accurate measurements should be undertaken by survey.

Printed  
09/02/2010

