

COUNCIL ASSESSMENT REPORT
SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-239 DA-455/2022
PROPOSAL	Demolition of Bronte Surf Life Saving Club building and associated structures, and the construction of a new Bronte Surf Life Saving Club and associated community facility upgrades, including upgrades to seawall and pathway access
ADDRESS	Lot 7102 DP 1058385 Bronte Surf Club, Bronte Marine Drive, Bronte NSW 2024
APPLICANT	Waverley Council (Ms. S. Cassidy)
OWNER	Crown Lands (managed by Waverley Council)
DA LODGEMENT DATE	18 October 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Schedule 6, Clause 3 of SEPP (Planning Systems) 2021 – Council Related Development over \$5 million and Clause 5 Community Facility over \$5 million
CIV	\$13,541,725.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • Waverley Local Environmental Plan 2012 (WLEP); • Waverley Development Control Plan 2012 (WDCP).
TOTAL & SUBMISSIONS ISSUES SUBMISSIONS	Original scheme (Nov 2022): 25; 19 in support, 6 against; Amended scheme (March 2023): 22; 1 in support, 21 against or supporting amendments but raising further design changes Amended scheme (August 2023): 48; 30 in support, 18 against
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans Photomontages Landscape Plans including planting schedule Sea Wall Design Package

	Coastal Engineering Assessment Reports Peer Review Reports of the applicant's Coastal Engineering Assessment Reports
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Not applicable.
RECOMMENDATION	Deferred Commencement
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	1 February 2024
PLAN VERSION	11 January 2024 Revision D, F and H (Final Comprehensive Plan Set) and Sea Wall Plans dated 20 December 2023 Revision A and B
PREPARED BY	Melissa Rodrigues and Margaret Roberts, GAT & Associates (Consultant Planner)
DATE OF REPORT	19 January 2024

EXECUTIVE SUMMARY

The development application (DA-455/2022) seeks consent for the demolition of Bronte surf club building and construction of a new Bronte Surf Life Saving Club (BSLSC) and associated community facility upgrades including pathway access upgrades. The site is identified as Crown Land, which is managed by Waverley Council, with the site leased by BSLSC from Crown Lands through Council as Trustee.

The subject site is located within the eastern extent of Bronte Park, adjacent to Bronte Beach. The application specifically relates to the BSLSC.

The BSLSC as existing is a 2 storey brick building with a flat cement roof form constructed in 1974. The ground floor of the building currently has storage facilities, a gymnasium, change rooms, members' area, office and lifeguard office and first aid room. The first floor level comprises a bar and function room, toilets and a verandah overlooking the beach. At the southern extent of the surf club building is an attached single-storey brick building, which has a kiosk, as well as storage, public toilets and change rooms. This building also has various staff areas.

Internal access to the upper-level verandah and first floor spaces is provided by stairs, while external access is provided by the stairs adjacent to the public viewing terraces and beach promenade.

Directly adjacent to the existing kiosk and change rooms is an outdoor forecourt area, used as seating and is known as 'the cubes'. Also adjacent to the surf club is a Sydney Water pumphouse (State heritage listed).

The built form, as located towards the centre of Bronte Park, is accessed by several paved walkways and service ways from Bronte Marine Drive/ Bayview Street to the north and Bronte Road to the south. This includes a paved pathway which connects the site to Bronte Road to the south, with a double width crossover at the street entrance. This pathway is predominately used for pedestrians, however, is also utilised as a services entrance.

The site is located within a recreational zone (RE1 Public Recreation). According to the definitions in the Dictionary, the proposal satisfies the definition of a community facility which is a permissible use with consent in the Land Use Table in Clause 2.3 of the WLEP 2012. As part of this development application, development consent is also sought for the following uses in addition to the community facility use - kiosk and recreational facility (indoor). These uses are also permitted with consent in a RE1 Public Recreation zone.

The proposed first floor of the building will contain a function room which will be used by both the Bronte Surf Life Saving Club for club related events and may also be leased to a third party. The use of part of the Club building as a function room is consistent with the existing use of the current building on site.

A function room generally falls under the land use categorisation of a 'function centre' under WLEP 2012. A 'function centre' is however a prohibited use in an RE1 Public Recreation zone.

It is considered that the function room forms an ancillary use to the community facility as it does not form the primary use of the site and is maintained under the ownership of the Bronte Surf Life Saving Club.

This arrangement is not dissimilar to the Bondi Pavilion, Bondi Surf Life Saving Club or the North Bondi Surf Life Saving Club which also provide for function rooms as ancillary features to the greater community facility use.

Notwithstanding the above, it is noted that the proposed use of the function room is not dissimilar to a restaurant, which is listed as a permitted land use in the zone.

The proposal was notified on three (3) separate occasions in accordance with the *Waverley Community Participation Plan* (CPP). The proposal was originally placed on notification from 2 November 2022 until 2 December 2022. The Council received a total of 25 unique submissions, comprising 19 in favour of the proposal and the remaining 6 expressing their support whilst also raising concerns about the proposal. The key issues raised in the submissions relate to environmental sustainability, operational matters, noise and design excellence.

The proposal was renotified for a second time in accordance with the Council's CPP from 22 March 2023 until 14 April 2023. A total of 22 unique submissions were received with 21 in favour of the proposal and the remaining 1 raising concerns about the proposal. The key issues raised in the submissions relate to design, coastal management, disabled access, construction, operational matters, noise, cost of development and environmental sustainability.

The proposal was renotified for a third time, in accordance with the Council's CPP from 3 August 2023 until 6 September 2023. A total of 48 unique submissions were received with 30 in favour of the proposal and the remaining 18 raising concerns about the proposal. The key issues raised in the submissions relate to design excellence, coastal management, construction, operational matters, disabled access, noise, cost of development and environmental sustainability.

The application is referred to the Sydney Eastern City Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 3 of Schedule 6 as it comprises of council related development over \$5 million where the works are proposed within the Waverley local government area and Waverley Council is the applicant in addition to Clause 5 of Schedule 6 as it comprises of a community facility that has a capital investment value of more than \$5 million.

Over the course of the assessment, three (3) separate briefing meetings were held with the applicant and the Panel. At its kick off briefing on 1 December 2022, in view of the relatively short time frame from lodgement and referrals being made, a full assessment of the application had not been completed by Council's external planners. Key issues however identified at that stage included the proposed location of the new building having regard to coastal hazards including rising sea levels, sustainability of the beach itself and operational matters including noise, primarily stemming from the proposed function centre use, and general accessibility to the building.

The Panel acknowledged the above, noting that a future assessment report should consider relevant coastal planning provisions relating to location, coastal vulnerability/mapping and provide for a background history of the site's inundation. The Panel further commented that the assessment report should address coastal risk management, namely consideration of a 70 year building life and the creation of a coastal management plan for the area.

A second briefing was held on 30 March 2023. While the Panel acknowledged there was some improvement to the design, concern was however raised regarding the chosen materials and finishes, proposed excavation and waste management procedures. It was also recommended that a report which justifies the selected location of the building (which was to be maintained in its current location) and an improved photo montage be submitted to Council for consideration.

At its third and final briefing, the Panel commented that the application, as amended, reflected an improved design and community benefit. Further consideration of coastal risk management issues was to be considered.

As demonstrated in the discussion below, key issues relating to the proposal relate to design excellence and coastal management. Issues relating to design are considered to be resolved through the referral of the application to the Waverley Design Excellence Advisory Panel (DEAP) on five (5) separate occasions, including the submission of a more considered design both with respect to the building itself and its landscape design. Issues relating to coastal management have been resolved having regard to the seawall design and calculations carried out. A deferred commencement condition has been included to ensure that the required physical modelling to complete a Stage 2 detailed design to the seawall is undertaken prior to the issue of an Operational Consent.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA-455/2022 is recommended for deferred commencement consent subject to the reasons contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is located along Bronte Road, Bronte (there is no street number).

The site is located within the eastern extent of Bronte Park, adjacent to Bronte Beach. The application specifically relates to the Bronte Surf Life Saving Club (BSLSC).

The site is identified as Crown Land, which is managed by Waverley Council, with the site leased by BSLSC from Crown Lands through Council as Trustee.

The surf club component of the site sits at the base of a relatively steep hill, which slopes down towards the south and east. The site has a fall of 5.67 metres towards the south along the eastern boundary (RL 10.46 AHD to RL 4.79 AHD), with a slight fall of 0.35 metres towards the east along the southern boundary (RL 5.14 AHD to RL 4.79 AHD).

As a result of existing excavation, there is a steep fall of 5.26m at the western side of the building towards the south (RL 10.98 AHD to RL 5.72 AHD), while the site has a fall of 3.45m towards the east at the northern boundary (RL 10.98 AHD to RL 10.46 AHD).

The access pathway from Bronte Road to the club has a steady fall of 7.18 metres to the north (RL 12.43 AHD to RL 5.25 AHD).

The BSLSC as existing, is a 2 storey brick building with a flat cement roof form constructed in 1974. The ground floor of the building currently has storage facilities, a gymnasium, change rooms, members' area, office and lifeguard office and first aid room. The first floor level comprises a bar and function room, toilets and a verandah overlooking the beach. At the southern extent of the surf club building is an attached single-storey brick building, which has a kiosk, as well as storage, public toilets and change rooms. This building also has various staff areas.

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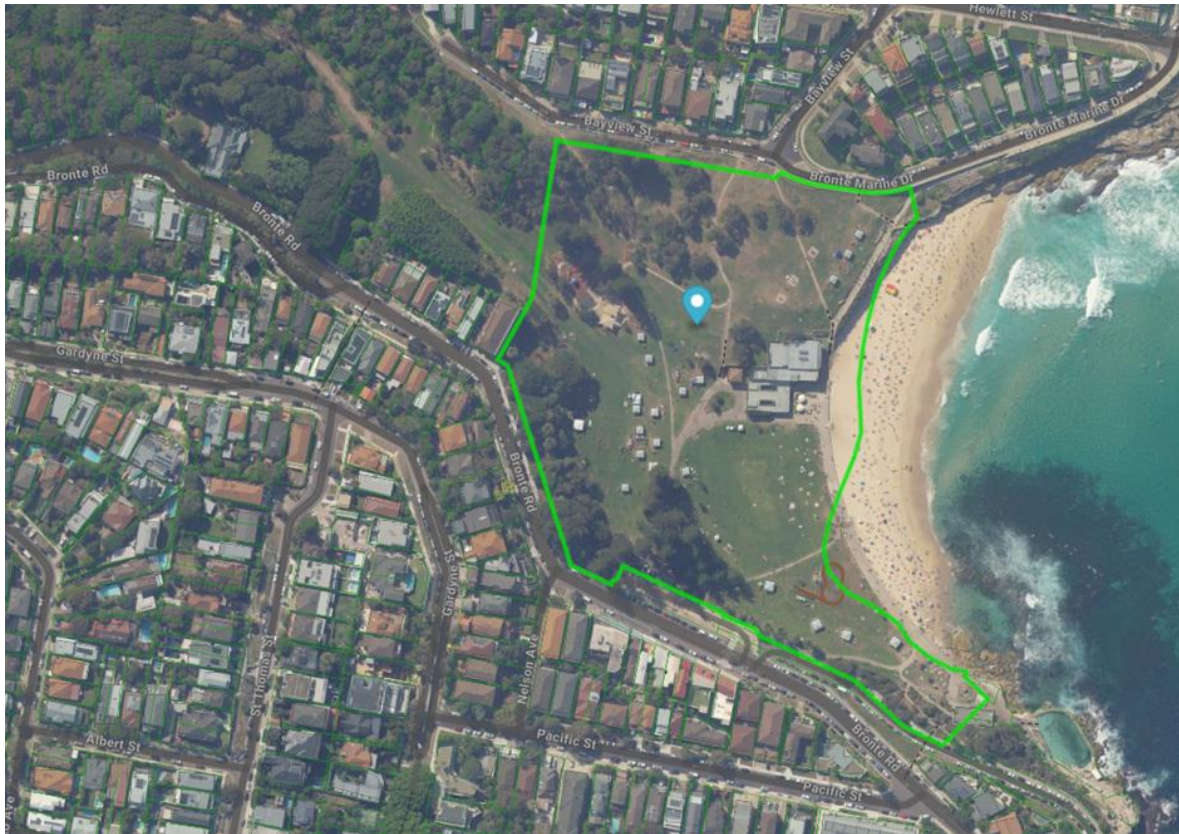


Figure 1 Site Location Map (source: Mecone Mosaic)



Figure 2 Bronte SLSC Location Map indicated by red hatching (source: Arcanary Architects)



Figure 3 The existing Bronte Surf Life Saving Club building



Figure 4 The existing Bronte Surf Life Saving Club building



Figure 5 The existing kiosk and amenities building



Figure 6 The existing forecourt, known as the 'cubes'



Figure 7 The existing surf club as viewed from the stairs leading to the northern headland



Figure 8 The existing surf club as viewed from the north looking towards the southern headland



Figure 9 Existing bin store located between the rear of the surf club building and the heritage listed Sydney Water Pumphouse



Figure 10 Sydney Water Pumphouse



Figure 11 The rear of the building



Figure 12 The existing seawall and promenade



Figure 13 Bronte Park/Beach with the existing surf club in the background (viewed from the south looking north)

1.2 The Locality

The site is located within a recreational zone (RE1 Public Recreation). To the north of the RE1 zone is land zoned R3 Medium Density Residential, and to the south is land zoned R2 Low Density Residential and E1 Local Centre.

Development in the vicinity of the site ranges from the recreational land which forms part of Bronte Park, to residential flat buildings and dwelling houses which vary between one to three storeys in height. To the south, development comprises a mix of residential and retail uses between two and four storeys in height.

Bus services operate along Bronte Road, Bronte Marine Drive, Bayview Street and Hewlett Street, all of which border Bronte Park.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The original DA submission sought consent for the demolition of the existing building on site and construction of a new contemporary two-storey Bronte Surf Life Saving Club with a kiosk, new public amenities and a lifeguard office.

The amended DA submission is consistent with the above in terms of scope however has been refined to address feedback provided by the Waverley Design Excellence Advisory Panel

(DEAP), the Sydney Eastern City Planning Panel and GAT & Associates (consultant town planners, assessing on behalf of Council).

Specifically, the proposal involves:

- Demolition of the existing Bronte Surf Life Saving Club.
- Construction of a new two-storey Bronte Surf Life Saving Club consisting of:
 - Ground Floor
 - Lifeguard, first aid, storage and patrol rooms strategically located to provide a 180-degree overview of the beach at the eastern side of the building.
 - BSLSC administration and merchandising room.
 - Council facilities including Council park maintenance facilities, office, vehicle and equipment and storage rooms.
 - Separated female and male change rooms with showers and an additional separate accessible washroom.
 - Operational storage areas located central and west of the building including equipment storage and IRB store and workshop.
 - A waste disposal and recycling room and cold storage room.
 - Loading dock.
 - Service and plant rooms.
 - A single-storey public amenity building is connected to the main building by a covered walkway which separates the operational and public building uses. The amenities building includes separated female and male bathrooms and showers with a dedicated family and accessible change room and, outdoor showers.
 - A kiosk is incorporated in the public amenities building which provides takeaway food and beverage services. The kiosk includes storage space and is in a similar location to the existing kiosk.
 - An operational and service spine runs along the east-west extent of the facility along the natural rock wall. The eastern end of the spine provides direct access to the beach for the lifeguard and patrol equipment while the western end provides access to the dedicated servicing area.
 - The Ground Floor has various access points along the service spine and additional access via the foyer on the south elevation which is publicly accessible.
 - The existing stairs on the Bondi to Bronte walk located on the north-eastern side of the current BSLSC building will be demolished and reconstructed to integrate into the new building. The new stairs will facilitate physical

separation of pedestrians from the 'beach operations' of lifeguards and club activities.

- The existing 'cubes' which are located in the forecourt will be removed and reconstructed in a similar arrangement with additional planters and new materiality.
- The existing seawall, located seaward of the clubhouse, will be modified to offer increased protection against erosion, recession, and oceanic inundation. The seawall will extend along the frontage of the BSLSC building.

○ First Floor

- The first floor primarily accommodates a large training room and multipurpose space (club room) used for BSLSC functions. The club room has ancillary rooms including a bar/servery and kitchen, cold room and bar store. The first floor also accommodates a gymnasium, general storage room, service and plant rooms and separate female and male bathrooms and an accessible bathroom.
- The first floor also includes a balcony adjacent to the club room overlooking Bronte Beach. The balcony is accessible through an internal foyer and the club room.
- The First Floor is accessed internally via stairs and lift which connect to the foyer. External access is provided through a connection on the western side of the building via stairs adjacent to the rear of the Sydney Water pumphouse.

○ Roof

- A landscaped roofscape and viewing platform is provided at the roof level of the building. The roof is integrated with the upper park level. Mechanical services and solar panels are incorporated into the design of the roof, separated from the publicly accessible viewing deck. The viewing deck is orientated to maximise views to Bronte Beach.

The following hours of operation are sought by the proposal:

<i>Room/area</i>	<i>Hours of operation</i>	<i>Days</i>	<i>Days per year</i>
Lifesaving storage	24 hours per day	Monday – Sunday	365 days per year
Club amenities	5:30am – 10:00pm	Monday – Sunday	365 days per year
Administration & Merchandise	8:00am – 6:00pm 7:00am – 12:00pm	Monday – Saturday Sunday	52 weeks per year Sept – April
Patrol and first aid	24 hours per day	Monday – Sunday	365 days per year
IRB storage	6:00am – 8:00pm	Monday – Sunday	365 days per year
Kiosk	7:00am – 7:00pm 7:00am – 7:00pm 7:00am – 7:00pm	Monday – Sunday Monday – Sunday Saturday – Sunday	Sept – May July school holidays June-August
First floor training/meeting room	7:00am – 10:00pm	Monday – Sunday	365 days per year

Multi-purpose room, including kitchen and bar	6:00am – 12:00am 8:00am – 10:00pm	Monday – Saturday Sunday	365 days per year 52 weeks per year
First floor balcony	8:00am – 10:00pm	Monday-Sunday	365 days per year
Gymnasium	5:30am – 10:00pm	Monday-Sunday	365 days per year

As part of the amended information submitted from the applicant in November 2023, a staged construction program was requested comprising of the following:

Early works package:

- Stage 1a – site preparation and temporary accommodation (for construction)
- Stage 1b – tree removal
- Stage 1c – demolition of existing BSLSC building

Main building works:

- Stage 2a – excavation works (below foundation)
- Stage 2b – main building works
- Stage 2c – landscape works

Seawall and beach access:

- Stage 3 – seawall and beach access

However, no further information was provided, including staged plans, to show the staging or how the surf life saving facilities would be provided / managed between post demolition in Stage 1c, and the construction of main building works in Stage 2c. A time frame for the staging was also not provided. For these reasons, the development consent has not been staged. It is also noted that a staged development consent was not sought on the submitted development application form.

Whilst no objection in theory arises to staging the development, a full assessment has not been undertaken given the limited information submitted in this respect.

The key development data is provided in Table 1.



Figure 14 Proposed building as viewed from the south (Design Report 25.10.23)



Figure 15 Photomontage showing an aerial view of proposed building.(Warren and Mahoney)

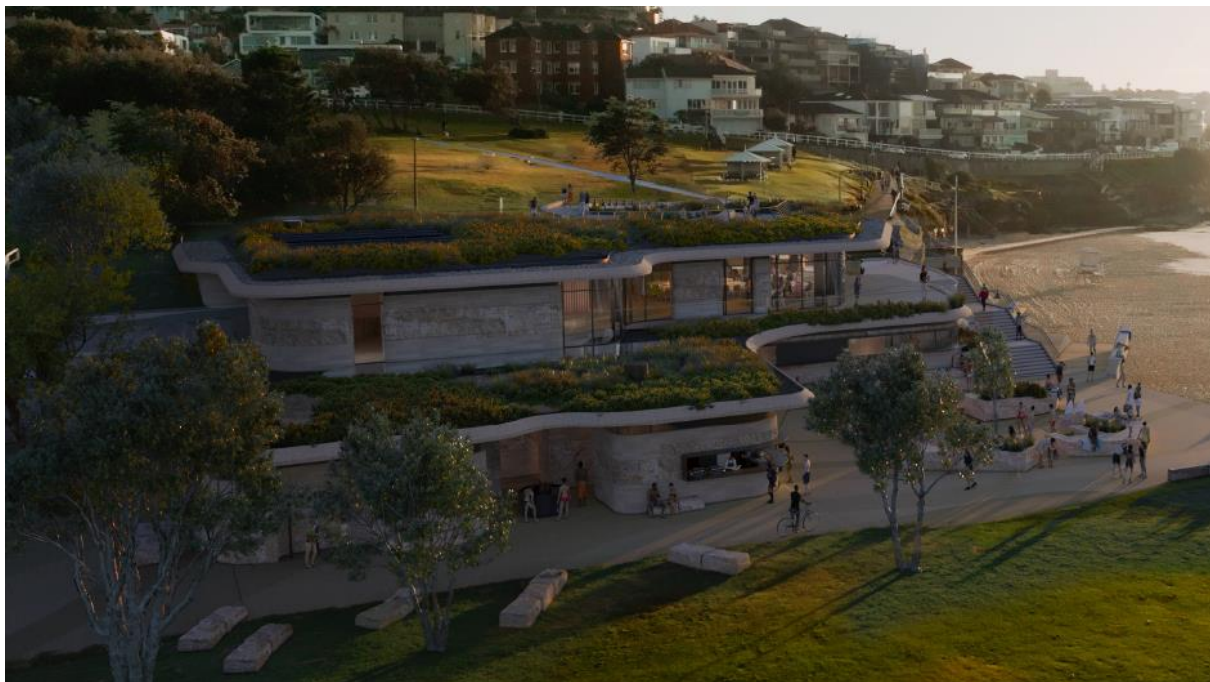


Figure 16 Proposed building as viewed from the south (Design Report 25.10.23)



Figure 17 Proposed rooftop garden (Design Report 25.10.23)

Table 1: Development Data

Control	Proposal
Site area	Bronte Park approximately 4.62ha
GFA	Not applicable
FSR (retail/residential)	Not applicable
Clause 4.6 Requests	Nil
No of apartments	Not applicable
Max Height	Bronte Park and Beach Plan of Management (BPBPOM): RL 14.00 Proposed: RL 14.00 to roof slab, however the balustrade to the viewing deck extends approximately 1.58m above this. Complies: No (exceedance of approximately 1.58m)
Landscaped area	Not applicable
Car Parking spaces	Not applicable
Setbacks	Bronte Park and Beach Plan of Management (BPBPOM): <u>Ground Floor</u>

Control	Proposal
	<p>Control: Not encroach on the park further to the Sydney Water easement to the west unless approved by Sydney Water.</p> <p>Proposed: The proposal will not extend beyond the western façade of the Sydney Water Pump House. It is understood that an Out of Scope Building Plan approval has been lodged with Sydney Water in keeping with the referral dates 26.10.23. A deferred commencement condition has been included to ensure any modifications required by Sydney Water are adhered to.</p> <p>Control: 4m wide path/access to the South, and not encroach on existing turfed area.</p> <p>Proposed: Complies. 5.47m setback proposed to the southern ground floor wall. 4.5m setback to roof line.</p> <p>Control: Maintain space for functional pedestrian plaza space at the front of the building:</p> <p>Proposed: Complies.</p> <p>Control: Not impede on the operation function or access to the existing Sydney Water pump house:</p> <p>Proposed: The loading dock/Council allocated space, to the north of the public amenities will immediately abut the Sydney Water Pump House. Access to the building via the western façade however will be unrestricted.</p> <p><u>First Floor</u></p> <p>Control: Min. 6m setback from the seawall (seawall defined by the eastern face of the promenade adjacent to the beach)</p> <p>Proposed: Variation is sought. 7.85m setback to L1 façade, 4.33m setback to roof.</p> <p>Control: Min. 5m setback on the southern elevation</p> <p>Proposed: Complies. 15.22m setback from southern façade.</p> <p>Control: Min. 5m to the eastern elevation adjacent to the plaza space:</p>

Control	Proposal
	<p>Proposed: Complies. The L1 footprint is limited to the northern portion of the building.</p> <p>Control: Min. 2m setback on the southern elevation adjacent to plaza space.</p> <p>Proposed: Complies. The L1 footprint is limited to the northern portion of the building.</p> <p>Control: No permanent canopy or shade structure within setbacks.</p> <p>Proposed: Roof extends over indicated POM envelope to provide for a covered entrance to the building and is considered to be acceptable.</p>

2.2 Background

The development application was lodged on **18 October 2022**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
18 October 2022	DA lodged.
2 November 2022	Exhibition of the application (until 2 December 2022).
3 November 2022	DA referred to external agencies and internal Council departments.
30 November 2022	The proposal was considered by the Waverley Design Excellence Advisory Panel (DEAP) for the first time. The Panel expressed concern that whilst the spatial and operational brief of the client had been met, the proposal did not demonstrate a Connection to Country or landscape nor did it provide a public benefit.
1 December 2022	<p>Kick-Off Sydney Eastern City Planning Panel (SECPP) briefing.</p> <p>At the time of this meeting, in view of the relatively short time frame from lodgement and referrals being made, a full assessment of the application had not been completed by Council's external planners. Key issues however identified at this stage included the proposed location of the new building having regard to coastal</p>

Date	Event
	<p>hazards including rising sea levels, sustainability of the beach itself and operational matters including noise, primarily stemming from the proposed function centre use, and general accessibility to the building.</p> <p>The Panel acknowledged the above noting that a future assessment report should consider relevant coastal planning provisions relating to location, coastal vulnerability/mapping and provide for a background history of the site's inundation. The Panel further commented that the assessment report should address coastal risk management, namely consideration of a 70 year building life and the creation of a coastal management plan for the area.</p>
8 February 2023	<p>Request for Information (RFI) from Council to applicant.</p> <p>Issues raised include the siting and design of the building with respect to environmental considerations particularly coastal risk management, the significance of the proposed building within a Landscape Heritage Conservation Area or design excellence criteria. In addition, further information was sought with respect to urban design, open space and recreation including disabled access considerations, flooding, heritage, landscaping, sustainable development, waste management, transport and vehicle paths, operational matters including a revised Plan of Management, liquor license and additional detailing to be shown on the architectural plans.</p>
2 March 2023	<p>Meeting between Council and the applicant to discuss the issues raised in the RFI letter and preliminary amendments to the plans</p>
21 March 2023	<p>Amended plans registered which the applicant stated responded to the issues outlined in Council's RFI letter.</p> <p>The amended plans were largely in keeping with the scope and scale of the original submission with the main changes relating to the deletion of the western lightwell, deletion of the northern winter courtyard, a new mezzanine level and redesigned eastern external stairwell to prevent concealed/unusable area below.</p> <p>The amended submission dated 20 March 2023 was accepted by Council under CI 38 of the 2021 EP&A Regulation on 20 March 2023.</p>
22 March 2023	<p>Exhibition of the amended application (until 14 April 2023).</p>
30 March 2023	<p>Site Inspection and second briefing with Sydney Eastern City Planning Panel (SECPP)</p>

Date	Event
	<p>While the Panel acknowledged there was some improvement to the design, concern was however raised regarding the chosen materials and finishes, proposed excavation and waste management procedures. It was also recommended that a report which justifies the selected location of the building (which was to be maintained in its current location) and an improved photo montage be submitted to Council for consideration.</p>
<p>12 April 2022</p>	<p>The proposal was considered by DEAP for a second time. While the amendments to the design were acknowledged by the DEAP, they concluded that the amended proposal continued to lack a connection to the heritage, Country, place, landscape and environmental attributes of the site and its context.</p> <p>The Panel notably stated that both the original and amended designs failed to provide sufficient justification for the scale of the building and its departure from the envelope controls contained within the Bronte Park and Beach Plan of Management.</p>
<p>18 May 2023</p>	<p>A second letter was sent to the applicant advising that the additional information provided was insufficient and that a complete response to the matters raised was yet to be received.</p>
<p>14 June 2023</p>	<p>An amended draft scheme designed by a new Architectural Team 'Warren and Mahoney' was considered by the Waverley DEAP (3rd meeting). The Panel stated that the work presented was very preliminary in its design. The proposal however demonstrated a more rigorous approach to the design and required further input from the wider consultant team to shape the overall design.</p>
<p>12 July 2023</p>	<p>The amended draft scheme was further refined based on feedback and was considered by the Waverley DEAP (4th meeting).</p> <p>The Panel acknowledged the considerable work presented in the amended design however acknowledged that further refinement was required with respect to the design elements of the building, including the materiality and landscape.</p>
<p>2 August 2023</p>	<p>Whilst the applicant's submissions in June and July were limited to architectural plans, the applicant's submission made in August encompassed all supporting documents.</p>

Date	Event
	The amended submission dated 31 July 2023 was accepted by Council under CI 38 of the 2021 EP&A Regulation on 2 August 2023.
3 August 2023	Exhibition of the amended application (until 4 September 2023).
9 August 2023	The proposal was considered by the Waverley DEAP (5 th meeting). The Panel concluded that the design has progressed significantly during the past several months and has largely addressed the Panel's comments with no further input required from the Panel (remaining aspects can be dealt with by Assessment Officer / conditions of consent).
28 September 2023	<p>Second site Inspection and third briefing with Sydney Eastern City Planning Panel (SECPP).</p> <p>The Panel commented that the application, as amended, reflected an improved design and community benefit. Further consideration of coastal risk management issues was to be considered.</p>
18 October 2023	<p>Request for Information (RFI) from Council to applicant.</p> <p>Issues raised include coastal risk management, referral advice from Heritage NSW and Sydney Water, proposed setbacks to be detailed on architectural plans and reference BPBPOM, internal planning of the building, acoustic monitoring, heritage and urban design, landscape, biodiversity, community programs, fire safety, stormwater design and flooding.</p>
24 October 2023	<p>Amended plans and design report lodged relating to the proposed sea wall.</p> <p>Amended Aboriginal Cultural Heritage Assessment Report lodged.</p> <p>The amended submission dated 23 October 2023 was accepted by Council under CI 38 of the 2021 EP&A Regulation on 24 October 2023.</p>
9 November 2023	<p>Amended plans and reports lodged in response to the RFI issued by Council on 18 October 2023.</p> <p>The amended submission dated 3 November 2023 was accepted by Council under CI 38 of the 2021 EP&A Regulation on 9 November 2023.</p> <p>The amendments were not required to be notified in accordance with the Council's Community Engagement Strategy (CES) as the amendments have a same or lesser impact as the previous scheme</p>

Date	Event
	exhibited. These amendments largely refined the design with additional details.

2.3 Site History

A pre-lodgement meeting was previously held with Council in September 2015 which sought alterations and additions to the existing Bronte Surf Life Saving Club. This concept did not develop into a formal Development Application.

Notably, the above design concept was prepared by a different project team compared to those formerly associated with/presently involved with the current Development Application.

Whilst no pre-lodgement meeting occurred prior to the submission of the current design concept, a community consultation process was undertaken between 6 May 2020 to 3 June 2020, prior to DA-455/2022 being lodged with Council. This consultation process identified key issues predominantly relating to the scale and footprint of the proposed built form, loss of green open space and potential amenity impacts. Following this consultation process, the project architect has changed twice and the design amended in response to the issues raised in 2020 as well as in response to comments made by the Waverley Design Excellence Advisory Panel and Council requests for additional information as detailed below.

3. STATUTORY CONSIDERATIONS

Coastal Management Act 2016

The site is located within a coastal zone as established by *State Environmental Planning Policy (Resilience and Hazards) 2021* and is subject to the *Coastal Management Act 2016* ('CM Act'). The objects of this Act relate to managing the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic wellbeing of the people of New South Wales.

Under the CM Act, "***coastal protection works***" means—

- "(a) beach nourishment activities or works, and*
- (b) activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) seawalls, revetments and groynes."*

Clause 27 of the CM Act applies to the development, as it covers the granting of development consent relating to coastal protection works. Clause 27 states:

"27 Granting of development consent relating to coastal protection works

- (1) Development consent must not be granted under the Environmental Planning and Assessment Act 1979 to development for the purpose of coastal protection works, unless the consent authority is satisfied that—*

- (a) *the works will not, over the life of the works—*
 - (i) *unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or*
 - (ii) *pose or be likely to pose a threat to public safety, and*
 - (b) *satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works—*
 - (i) *the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,*
 - (ii) *the maintenance of the works.*
- (2) *The arrangements referred to in subsection (1) (b) are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either or both of the following—*
- (a) *by legally binding obligations (including by way of financial assurance or bond) of all or any of the following—*
 - (i) *the owner or owners from time to time of the land protected by the works,*
 - (ii) *if the coastal protection works are constructed by or on behalf of landowners or by landowners jointly with a council or public authority—the council or public authority,*
- Note—**
The Environmental Planning and Assessment Act 1979, section 4.17(6) provides that a development consent may be granted subject to a condition, or a consent authority may enter into an agreement with an applicant, that the applicant must provide security for the payment of the cost of making good any damage caused to any property of the consent authority as a consequence of the doing of anything to which the consent relates.
- (b) *by payment to the relevant council of an annual charge for coastal protection services (within the meaning of the Local Government Act 1993).*
- (3) *The funding obligations referred to in subsection (2) (a) are to include the percentage share of the total funding of each landowner, council or public authority concerned.”*

Section 27 of the CM Act requires the consent authority to be satisfied that the works will not, over the life of the works, unreasonably limit or be likely to limit public access to or use of the beach. The proposed works will provide for public access to and use of the beachfront.

Section 27 of the CM Act also requires the consent authority to be satisfied that the works will not, over the life of the works, pose or be likely to pose a threat to public safety. This is not reasonable given the impact of climate change on the structure is unknown and cannot be absolutely determined.

The peer review of the coastal engineering report undertaken by UNSW Water Research Laboratory states that the proposed coastal protection works are likely to be able to manage coastal hazards for appropriate and foreseeable design events and sea level rise over the next 50 to 70 years, subject to additional engineering design (being the Stage 2 Detailed Seawall Design and wave return walls recommended as a deferred commencement matter). An appropriate life span for this proposal has been taken as 60 years, which is consistent with other development approvals issued for buildings located within the coastal zone (an example is coastal development within the Northern Beaches Local Government Area).

As part of the recommended conditions, a time limit on the consent is included to a maximum of 60 years. A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, the landowner shall procure a Review Report, by a suitably qualified independent coastal engineer. This is a method to ensure that the consent authority may be satisfied that compliance with Section 27 of the CM Act is achieved (refer to Condition 5).

The 60 year time period is one that both the applicants and councils experts can reasonably forecast as a period during which the proposed works will not pose or be likely to pose a threat to public safety.

As an additional condition, a Maintenance Management Plan (MMP) is to be prepared for the maintenance of the coastal protection works for their intended design life and shall be reviewed on a 10 year basis. The MMP is to be prepared by a suitably qualified coastal engineer and is to be approved by Council's Executive Manager, Development Assessment (or delegate) in writing prior to issue of the relevant construction certificate. The MMP must be complied with at all times (refer to Condition 4).

The MMP may be modified from time to time with the approval of Council's Executive Manager, Development Assessment (or delegate). These modifications to the MMP must also be made (if necessary) each time the design life is extended in accordance with condition 5. This is to ensure the MMP continues to be suitable in perpetuity.

The proposal, through the recommended conditions of consent, is considered to satisfy Section 27 of the CM Act.

Environmental Planning and Assessment Act 1979

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*

- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

These matters are further considered below.

It is noted that the proposal is not considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided. The applicant is made by Waverley Council, as trustees of the Crown.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Waverley Local Environmental Plan 2012;*
- *Waverley Development Control Plan 2012.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas	Y – condition of consent included
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as it comprises of council related development over \$5 million where the works are proposed within the Waverley local government area and Waverley Council is the applicant	Y The SCEPP are the consent authority

EPI	Matters for Consideration	Comply (Y/N)
	Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises of a community facility that has a capital investment value of more than \$5 million.	
SEPP (Resilience & Hazards)	<p>Chapter 2: Coastal Management</p> <p>Section 2.10(1) & (2) - Development on land within the coastal environment area</p> <p>Section 2.11(1) - Development on land within the coastal use area</p> <p>Section 2.12 - Development in coastal zone generally — development not to increase risk of coastal hazards.</p> <p>Section 2.13 - Development in coastal zone generally - coastal management programs to be considered.</p> <p>Chapter 4: Remediation of Land</p> <p>Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.</p>	<p>Y</p> <p>Refer to comments at the end of this table.</p> <p>Y</p>
Proposed Instruments	Not applicable.	N/A
LEP	<p>Clause 2.3 – Permissibility and zone objectives</p> <p>Clause 2.7 – Demolition requires development consent</p> <p>Clause 5.10 – Heritage conservation</p> <p>Clause 5.21 – Flooding</p> <p>Clause 6.1 – Acid sulphate soils</p> <p>Clause 6.2 – Earthworks</p> <p>Clause 6.9 – Design excellence</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>(Conditions included)</p> <p>Y</p> <p>(Conditions included)</p> <p>Y</p> <p>Y</p> <p>Conditions included</p> <p>Complies</p>
DCP	<p>Part B – General Provisions</p> <ul style="list-style-type: none"> Waste Ecologically Sustainable Development Landscaping and Biodiversity Vegetation 	<p>Y</p> <p>(conditions included)</p> <p>Y</p> <p>(conditions included)</p> <p>Y</p> <p>(conditions included)</p> <p>Y</p> <p>(conditions included)</p> <p>Y</p>

EPI	Matters for Consideration	Comply (Y/N)
	<ul style="list-style-type: none"> Stormwater Accessibility and Adaptability Transport Heritage Safety Public Art Excavation Public Domain 	(conditions included) Y (conditions included)Y Y Y Y Y (conditions included) Y (conditions included)
BPBPOM	Envelope controls (height and setbacks)	N Variation is supported

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in Non-Rural Areas

Chapter 2 of SEPP (Biodiversity and Conservation) 2021 replaces the former SEPP (Vegetation in Non Rural Areas) 2017 and provides controls relating to the clearing of trees and vegetation in non-rural areas.

The subject Development Application has been referred to Council's Tree Management Officer on three (3) separate occasions with the following comments provided:

An initial site inspection was carried out on 14 November 2022 in conjunction with a review of the Arboricultural Impact Assessment Report prepared by Liam Strachan Abnoba Arbor dated 21/08/2022 and Landscape plans prepared by Wyer & Co dated 20/09/2022 that were submitted as part of the original Development Application package.

The review found the submitted Landscape plan to be unsatisfactory given the loss of canopy cover with eleven (11) trees sought for removal and only six (6) replacement trees proposed. In addition, the removal of T9 was not supported.

Following the submission of amended plans in August 2023 and the engagement of a new landscape architect, a review of the amended Landscape Plans prepared by Oculus was undertaken. The amended plans provided for a new landscape design concept and notably included the planting of eleven (11) new trees. The amended plan was however also considered to be unsatisfactory in part due to the species selection. As part of a deferral letter sent to the applicant in October 2023, it was requested that a detailed planting schedule and corresponding plans be provided with the landscape plan further updated to provide for an additional ten (10) trees with suitable species nominated.

A final referral to Council's Tree Management Officer notes that the amended landscape plans are not satisfactory as they continue to show eight (8) *Allocasuarina littoralis* (black she-oak)

and instead require seven (7) *Casuarina equisetifolia* (coastal she-oak). A condition of consent has been included requiring the submission of an updated Landscape Plan which removes the eight (8) *Allocasuarina littoralis* and replaces them with seven (7) *Casuarina equisetifolia*.

The application was also reviewed by Council's Urban Ecology Co-ordinator on three (3) separate occasions who in the first instance acknowledged that the subject property is located within the identified coastal biodiversity corridor, and in an area where habitat for local native fauna such as small birds and reptiles is rapidly diminishing.

In reviewing the originally submitted Landscape Plan, it was agreed that as raised by Councils Tree Management Officer that a higher number of trees need to be planted than the number proposed to be removed. Concern was also raised with respect to planting selection.

As part of the amended plans submitted in August 2023, it was acknowledged that the revised planting palette complied with relevant WDCP controls in terms of the proportion of native planting however that species selection remained an issue in that a number of the plant species listed are unlikely to survive for long in this frontline coastal position, and alternative species ought to be considered. Also noted of concern was the very high numbers of plants nominated in the planting palette to the green roof which listed over 15,000 plants for an area 5,187m² in size, particularly given that 80% of these plants will spread to more than 2m across per plant.

An amended landscape plan which nominated appropriate plant species and a reduced planting palette was accordingly requested as part of a deferral letter issued in October 2023.

A revised planting schedule was submitted by the applicant on 8 November 2023 which has reduced the number of plants, specifically to the green roof. Comments are provided at Table 11 of this report.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is development a council related development over \$5 million where the works are proposed within the Waverley local government area and Waverley Council is the applicant.

Accordingly, the Sydney City East Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

The proposal is also *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development of a community facility that has a capital investment value of more than \$5 million.

Accordingly, the Sydney City East Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2: Coastal Management

Chapter 2 of SEPP (Resilience and Hazards) replaces former SEPP (Coastal Management) 2018.

Clause 2.10:

Clause 2.10 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration outlined in **Table 4** of this report.

Table 4: Clause 2.10 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	Y	An independent review has been carried out by UNSW Water Research Laboratory of the Coastal Report and sea wall design as submitted by the applicant.
(b) coastal environmental values and natural coastal processes,		The review concludes that <i>“The works proposed are likely to be able to manage coastal hazards for appropriate and foreseeable design events and sea level rise over the next 50 to 70 years subject to additional engineering design”</i> .
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,		
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,		A deferred commencement condition has accordingly been included requiring the completion of a Stage 2 detailed design including all required physical modelling prior to the issue of an Operational Consent.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,		A time limit is also included on the consent, for a maximum of 60 years. A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, the landowner shall procure a Review Report, by a suitably qualified independent coastal engineer. This is a method to ensure that the consent authority may be satisfied that compliance with Section 27 of the CM Act is achieved.
(f) Aboriginal cultural heritage, practices and places,		The 60 year time period is one that both the applicants and councils experts can reasonably forecast as a period during which the proposed works will not pose or be likely to pose a threat to public safety.
(g) the use of the surf zone.		As an additional condition, a Maintenance Management Plan is to be prepared for the

Matter for Consideration	Compliance	Comment
		maintenance of the coastal protection works for their intended design life and is to be reviewed every ten (10) years. It is to be prepared by a suitably qualified coastal engineer. Refer to Conditions 4 and 5 of the consent.

Clause 2.11:

Clause 2.11 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in Table 5 of this report.

Table 5: Clause 2.11 of SEPP (Resilience and Hazards) 2021 - Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Y	As noted in Table 4, the independent review carried out by UNSW Water Research Laboratory of the Coastal Report and sea wall design as submitted by the applicant concludes that <i>"The works proposed are likely to be able to manage coastal hazards for appropriate and foreseeable design events and sea level rise over the next 50 to 70 years subject to additional engineering design"</i> .
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,		
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,		
(iv) Aboriginal cultural heritage, practices and places,		
(v) cultural and built environment heritage, and		
		A deferred commencement condition has accordingly been included requiring the completion of a Stage 2 detailed design including all required physical modelling prior to the issue of an Operational Consent.
		A time limit is also included on the consent, for a maximum of 60 years. A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, the landowner shall procure a Review Report, by a suitably qualified independent coastal engineer. The 60 year time period is one that both the applicants and councils experts can reasonably forecast as a period during which the proposed works will not pose or be likely to pose a threat to public safety.
		As an additional condition, a Maintenance Management Plan is to be prepared for the maintenance of the coastal protection works

Matter for Consideration	Compliance	Comment
		<p>for their intended design life and is to be reviewed every ten (10) years. It is to be prepared by a suitably qualified coastal engineer. Refer to Conditions 4 and 5 of the consent.</p> <p>The visual amenity and heritage qualities of the site have been assessed and the proposal is supported from an urban design and heritage perspective.</p>
(b) ...the consent authority is satisfied that:		
<p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p>	Y	<p>As noted above, the independent review carried out by UNSW Water Research Laboratory of the Coastal Report and sea wall design as submitted by the applicant concludes that <i>“The works proposed are likely to be able to manage coastal hazards for appropriate and foreseeable design events and sea level rise over the next 50 to 70 years subject to additional engineering design”</i>.</p> <p>A deferred commencement condition has accordingly been included requiring the completion of a Stage 2 detailed design including all required physical modelling prior to the issue of an Operational Consent.</p> <p>A time limit is also included on the consent, for a maximum of 60 years. A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, the landowner shall procure a Review Report, by a suitably qualified independent coastal engineer. The 60 year time period is one that both the applicants and councils experts can reasonably forecast as a period during which the proposed works will not pose or be likely to pose a threat to public safety.</p> <p>As an additional condition, a Maintenance Management Plan is to be prepared for the maintenance of the coastal protection works for their intended design life and is to be reviewed every ten (10) years. It is to be prepared by a suitably qualified coastal engineer. Refer to Conditions 4 and 5 of the consent.</p>
(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
	Y	

Matter for Consideration	Compliance	Comment
		The context of the site in relation to the beach and surrounding Bronte park has been considered in the design. The recommended conditions of consent seek to ensure that the coastal works proposed are appropriate to manage the foreseeable coastal events over the next 60 years.

Clause 2.12:

Clause 2.12 of the SEPP states development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased coastal hazards on that land or other land.

Comment:

The peer review of the coastal engineering report undertaken by UNSW Water Research Laboratory states that the proposed coastal protection works are likely to be able to manage coastal hazards for appropriate and foreseeable design events and sea level rise over the next 50 to 70 years, subject to additional engineering design (being the Stage 2 Detailed Seawall Design and wave return walls recommended as a deferred commencement condition). An appropriate life span for this proposal has been taken as 60 years, which is consistent with other development approvals issued for buildings located within the coastal zone (an example is coastal development within the Northern Beaches Local Government Area).

As part of the recommended conditions, a time limit on the consent is included to a maximum of 60 years. A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, the landowner shall procure a Review Report, by a suitably qualified independent coastal engineer (refer to Condition 5 of the consent). This is a method to ensure that the consent authority may be satisfied that compliance with Section 27 of the CM Act is achieved.

The 60 year time period is one that both the applicants and councils experts can reasonably forecast as a period during which the proposed works will not pose or be likely to pose a threat to public safety.

As an additional condition, a Maintenance Management Plan is to be prepared for the maintenance of the coastal protection works for their intended design life and is to be reviewed every ten (10) years. It is to be prepared by a suitably qualified coastal engineer. Refer to Condition 4 of the consent.

Clause 2.13:

Clause 2.13 of the SEPP states that development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The proposal has been assessed against the provisions of the CM Act and SEPP (Resilience and Hazards) 2021. Appropriate conditions of consent have been included to ensure that the works are suitable and appropriate for the site and coastal zone.

As detailed above, the proposal is considered to satisfy the provisions of Chapter 2 of SEPP (Resilience and Hazards) 2021.

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Supplementary Assessment Report has been prepared by Development Risk Management which incorporates the findings of an earlier Preliminary Site Investigation (PSI) prepared by AssetGeoEnviro in 2020 and additional geotechnical investigations of the site in 2022 also carried out by AssetGeoEnviro.

The PSI carried out by AssetGeoEnviro consisted of a search of historical records and a site walkover. It is noted that the site has a long history of use for recreational purposes. The submitted reports references aerial photographs from 1943 to the present day show the land to the north, west and south being occupied by residential uses (east being the sea) and that land in closest vicinity to the subject building is covered by parkland, green area and trees. Aerial photographs demonstrate upgrades to the current kiosk area and toilets in December 1982 and minor vacant lands towards the south occupied by residential uses in 2000.

The report concludes that the potential for the site to contain unacceptable contamination is low and that the site is suitable for its proposed use as a surf lifesaving club.

The proposal is considered to be consistent with Chapter 4 of SEPP (Resilience and Hazards) 2021.

Waverley Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Waverley Local Environmental Plan 2012* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,*
- (b) to strengthen the viability and vitality of Bondi Junction as a strategic centre for investment, cultural and civic activity, retail, health care and entertainment, and to promote Bondi Junction as a centre for investment and employment opportunities in the knowledge and innovation sector*
- (c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,*
- (ca) to encourage the development of a variety of housing on land close to public transport, essential goods and services and open space,*

- (d) to provide an appropriate transition in building scale around the edge of centres to protect the amenity of surrounding residential areas,*
- (e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,*
- (f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,*
- (g) to identify, conserve and enhance the cultural, environmental, natural, aesthetic, social and built heritage, and existing scenic and cultural landscapes of Waverley, including the curtilage of Centennial Park, for current and future generations,*
- (h) to acknowledge and recognise the connection of Aboriginal people to Waverley and to protect, promote and facilitate Aboriginal culture and heritage,*
- (i) to achieve high quality public domain with significant tree canopy and accessible open space,*
- (j) to promote energy conservation, water cycle management, incorporating water conservation, water reuse, water catchment management, stormwater pollution control and flood risk management, and water sensitive urban design,*
- (k) to promote waste avoidance, waste minimisation and resource recovery,*
- (l) to improve connectivity and accessibility in Waverley and prioritise development that enables walking, cycling and the use of public transport,*
- (m) to enhance the amenity and quality of life of local communities, including through the provision of adequate social infrastructure, services and public art.*

The proposal is consistent with these aims as :

- The proposal comprises of a community use that services the local and wider community;
- The proposal protects, maintains and accommodates open space uses, recreational opportunities and community facilities and services for the community;
- The proposal enhances the natural environment through increased planting;
- The proposal enhances the amenity and quality of life of local communities through the proposed surf life saving club use.

Zoning and Permissibility (Part 2)

The site is located within the RE1 Public Recreation Zone pursuant to Clause 2.2 of the LEP.



Figure 18 Zoning Map (source: Waverley LEP 2012)

According to the definitions in the Dictionary, the proposal satisfies the definition of a community facility which is a permissible use with consent in the Land Use Table in Clause 2.3.

A community facility is defined as,

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
 - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The continued use of the site as a surf lifesaving club aligns with the above definition.

As part of this development application, development consent is also sought for the following uses in addition to the community facility use - kiosk and recreational facility (indoor). These uses are also permitted with consent in a RE1 Public Recreation zone.

The proposed first floor of the building will contain a function room which will be used by both the Bronte Surf Life Saving Club for club related events and may also be leased to a third party. The use of part of the Club building as a function room is consistent with the existing use of the current building on site.

A function room generally falls under the land use categorisation of a 'function centre' under WLEP 2012. A 'function centre' is however a prohibited use in an RE1 Public Recreation zone.

It is considered that the function room forms an ancillary use to the community facility as it does not form the primary use of the site and is maintained under the ownership of the Bronte Surf Bathing Life Saving Club.

This arrangement is not dissimilar to the Bondi Pavilion, Bondi Surf Life Saving Club or the North Bondi Surf Life Saving Club which also provide for function rooms as ancillary features to the greater community facility use.

Notwithstanding the above, it is noted that the proposed use of the function room is not dissimilar to a restaurant, which is listed as a permitted land use in the zone.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To facilitate and manage public access to and along the coastline for all.*
- *To provide accessible links between and through open spaces.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed building is located within Bronte Park which itself provides for significant areas of public open space. The proposed building complements this setting incorporating new landscaped, public open space through the viewing terrace at roof level and through the reimagined forecourt, “cubes” to the east of the building.
- The proposed building maintains an important community land use through the redevelopment of a surf life saving club to better respond to the needs of the club and its ability to service the local community.
- As detailed above, the proposal incorporates significant new landscaping works as part of its development including a rooftop viewing platform offering panoramic views of Bronte Beach.
- The proposal continues to facilitate public access to Bronte Park and Beach. The coastal walk is retained and enhanced via a minor amendment for functionality of lifeguard operations.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 6** below.

Table 6: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Demolition requires development consent (CI 2.7)	The demolition of a building or work may be carried out only with development consent.	The DA seeks development consent to demolish the existing surf lifesaving club.	Y
Heritage (CI 5.10)	The subject site is located within the Bronte Beach and Park Landscape	The application was referred to both Heritage NSW and Council’s Internal Heritage Officer.	Y

Control	Requirement	Proposal	Comply
	<p>Conservation Area, listed on Schedule 5 of the WLEP 2012, item number C29.</p> <p>An existing pumping station located within the subject site is also listed on the Sydney Water Section 170 (S170) Register as, "Sewage Pumping Station No 56".</p>	<p>The referral advice received from Heritage NSW notes that a separate application for an Aboriginal Heritage Impact Permit, for test excavation, has been lodged and that additional requirements for approval will be determined by the outcome of the test excavation.</p> <p>A condition of consent has accordingly been included which states that prior to the commencement of any work, any relevant approvals must be issued by Heritage NSW with respect to the potential of/occurrence of Aboriginal archaeology on the site.</p> <p>The application was also referred to Council's heritage adviser. Concerns were raised in part having regard to the proposed design within the context of Bronte Park and its connection to Country and in part with respect to its proximity to the heritage item.</p> <p>The applicant responded with amended plans which have been endorsed by the DEAP noting the design employs a limited palette across the project. The horizontal banding is considered an important design aspect for blending the architecture with the natural cliff face and is a key Designing with Country strategy for the project. This is further demonstrated by revealing and exposing the existing/remaining cliff edge</p>	

Control	Requirement	Proposal	Comply
		<p>within the circulation corridor. The submitted landscape strategy also draws on the proximity of the site to the water through the pavement treatment design.</p> <p>Regarding the Sydney Water Pump House, the applicant has responded that the proposed design, particularly its materiality is one that is visually recessive to the Pump House and the surrounding landscaping and enables the item to be distinctly read. This is further achieved through the proposed setbacks. This is considered to be satisfactorily addressed.</p>	
Flooding (CI 5.21)	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or</p>	<p>Council's Engineering Officer reviewed the submitted stormwater concept plans and have identified that the floor levels to the amenities block are to be raised to comply with flood planning controls. Similarly, evidence is to be provided with respect to the functionality of the first aid/patrol room which are also below the required levels. Appropriate conditions of consent have been included.</p>	Y

Control	Requirement	Proposal	Comply
	<p>exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>		
Acid sulphate soils (CI 6.1)	Class 4 and Class 5 acid sulphate soils identified.	<p>An Acid Sulphate Soil Assessment was prepared by AssetGeoEnviro as part of the Geotechnical Investigation (dated 26/03/2020) submitted with the original DA documentation.</p> <p>The report concludes that the potential for acid sulphate soils being present within the development area is low and no further investigations are considered necessary.</p>	Y
Earthworks (CI 6.2)	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p>	<p>The Additional Geotechnical Investigation Report submitted with the original DA (dated 19/01/22) outlines the surface and subsurface conditions at the site and outlines geotechnical recommendations.</p> <p>A Construction Management Plan will be prepared prior to the commencement of any works.</p>	Y – Conditions of consent included

Control	Requirement	Proposal	Comply
	<p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity and structural integrity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>		
Design Excellence (CI 6.9)	<p>In determining whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p>	Refer to comments below.	Y

Control	Requirement	Proposal	Comply
	<p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) the relationship of the development with other existing or proposed buildings on the same site or in the vicinity of the site in terms of height, bulk, separation, setbacks, modulation, amenity and urban form,</p> <p>(v) (Repealed)</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts such as overshadowing, wind and reflectivity,</p> <p>(viii) the achievement of the principles of</p>		

Control	Requirement	Proposal	Comply
	<p>ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) the impact on, and any proposed improvements to, the public domain,</p> <p>(xi) the quality and integration of landscape design.</p>		

Cause 6.9 – Design Excellence Panel

The application was considered by the Waverley Design Excellence Advisory Panel on five (5) separate occasions. A summary of each meeting is provided below.

The Development Application, as originally submitted, was considered by the Panel on 30 November 2022. The Panel raised significant concerns with the proposal stating *“This project would’ve benefited from a Pre-DA meeting and earlier engagement with the Panel. The time pressures associated with funding grants are appreciated, however the need for a more iterative and consultative process with Council/Panel is still required to refine the current proposal...”*.

The Panel expressed that while the spatial and operational brief of the client may have been met, that given the significance of the building and the sensitivities of the site, the proposal lacked a connection to country and the landscaped environment. Concern was also raised with respect to the amount of excavation being sought, *“...which coupled with the loss of existing vegetation and limited visual and landscape character analysis, has resulted in a large, contiguous and unsympathetic form being placed on the site. The result is a detrimental impact on the entire Park and beach setting”*.

The Panel requested a more thorough visual analysis of the proposal including a view of assessment from nearby streets and having regard to its setting within Bronte Park.

Notably, the Panel raised that the Club despite being a public building in a public open space on a public beach, offers very little to the public. The Bondi Pavilion was referenced as an example of achieving this through its open walkways, central courtyards, publicly accessible rooms and spaces in addition to features such as new toilets and change rooms.

In view of the above, the Panel did not support the proposal in its presented form and welcomed further opportunities for discussion and refinement.

At its second meeting with the Panel on 12 April 2023, the Panel acknowledged the amendments to the plans including the deletion of the western lightwell, deletion of the northern winter courtyard, a new mezzanine level and redesigned eastern external stairwell to prevent concealed/unusable areas below. The Panel however concluded that the amended

proposal continued to lack a connection to the heritage, Country, place, landscape and environmental attributes of the site and its context.

The Panel questioned the selected materials and finishes palette noting a predominant use of concrete with varying external treatment including a white semi-gloss finish and potentially pigmented concrete to create a light brown base to the building. The Panel recommended that a higher quality outcome could instead be achieved through the use of natural materials such as sandstone which in turn would also allow for a connection to the natural environment and site context.

The changes to the seawall and its interface with the sand/beach were noted as a major addition however insufficiently documented with little information provided with respect to its design intent, treatment and contribution to the materials palette.

The Panel went on to state that both the original and amended designs failed to provide sufficient justification for the scale of the building and its departure from the envelope controls contained within the Bronte Park and Beach Plan of Management.

The proposal was criticised for the intended use of a public building for predominantly private uses noting that despite the building increasing in size, the extent of publicly available area offered by the proposal is negligible, being limited to a new toilet block, re-provided kiosk/adjoining forecourt and showers.

A new design team was subsequently engaged and presented design concepts and theory, rather than amended plans, to the Panel at its 14th June 2023 meeting. The newly engaged design team, comprising of Warren & Mahoney Architects, explored the ideas and framework being considered as part of their intended redesign of the building.

As no detailed plans were submitted as part of this package, the Panel advised that,

“The work presented has been very preliminary, and whilst it promises a more rigorous approach to this important site, further input from the appointed consultant team still needs to be integrated into the foundations of the design. The current massing and site configuration looks eerily similar to the previous scheme.

We look forward to further engagement with the design team over the coming months”.

The Panel reinforced that the BPBPOM envelope can be varied provided that design excellence is demonstrated and that where site restrictions are considered to exist that adequate evidence of this should be provided by the relevant consultant – for example, coastal management, overland flow, heritage, landscape character, geotechnical and movement.

In keeping with their earlier advice, the Panel once again emphasizes that the potential for greater public benefit should be considered.

At its 7th July 2023 meeting, the design scheme had notably progressed. The amended plans were considered to be progressing in a positive manner with additional detail now required with respect to detailed design elements of the building, including the materiality and landscape.

The inclusion of a viewing terrace rooftop level is seen as a positive contribution to the development and general public.

The proposal was considered for a final time at the 9 August 2023 meeting where the Panel applauded the level of engagement by the applicant and their new design team who facilitated significant process in the design. The proposal was considered to largely address the items

previously raised by the Panel with any further design changes capable of being addressed through the assessment process without any further input from the Panel.

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*

These proposed instruments are considered below:

Draft Remediation of Land SEPP

The Explanation of Intended Effects relevant to Draft Remediation of Land SEPP was placed on public exhibition between 25 January 2018 and 13 April 2018.

The new SEPP aims to ensure improved management of remediation works through the alignment of the need for development consent with the level of complexity, scale and associated risks with the proposed works.

As part of the new SEPP, a provision will be introduced which allows the consent authority to exercise discretion to not require an investigation report if the authority knows the land is not contaminated or may otherwise be suitable for the use being proposed. The consent authority must have sufficient evidence and/or information in this regard about the land status to exercise such discretion.

As detailed above under section **Part 3.1** of this report, a Stage 2 Detailed Site Investigation report has been submitted by the applicant which demonstrates that the subject site is suitable for the proposed use.

Therefore, based on the information in the Explanation of Intended Effect of the SEPP Remediation of Land 2018 it is considered that the proposal is consistent with the draft planning instrument.

The proposal is generally consistent with these proposed instruments.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Table 7: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
B1. Waste	Y	The proposal was referred to Council's Waste Officer who has supported the proposal, subject to conditions of consent.
B2. Ecologically Sustainable Development	Y	The proposal was referred to Council's Sustainable Development Officer who has supported the proposal, subject to conditions of consent including the

Development Control	Compliance	Comment
		submission of a detailed Energy Assessment Report and updated architectural plans which incorporate the recommendations of the report.
B3. Landscaping and Biodiversity	Y	The proposal was referred to Council's Biodiversity and Open Space Planning Departments who supported the development subject to conditions of consent relating to tree species.
B5. Vegetation Preservation	Y	The proposal was referred to Council's Tree Management and Open Space Planning departments who supported the development subject to conditions of consent relating to tree species and accessibility.
B6. Stormwater	Y	The proposal was referred to Council's Stormwater Engineer who supported the proposal subject to conditions of consent relating to internal floor levels.
B7. Accessibility and Adaptability	Y	The proposal was referred to Council's Community Development Officer who supported the development subject to conditions of consent including accessible travel paths, accessible toilets and storage for beach matting and wheelchairs.
B8. Transport	Y	The proposal was referred to Council's Traffic and Development Manager who supported the development subject to standard conditions of consent.
B9. Heritage	Y	The application was referred to Heritage NSW. A condition of consent has accordingly been included which states that prior to the commencement of any work, any relevant approvals must be issued by Heritage NSW with respect to the potential of/occurrence of Aboriginal archaeology on the site.
B10. Safety	Y	The proposal does not contravene the objectives of this part of the DCP.
B11. Public Art	Y	The proposal does not contravene the objectives of this part of the DCP.
B12. Design Excellence	Y	The proposal has been reviewed by the DEAP and following design amendments, the proposal is supported.
B14. Excavation	Y	The proposal is considered to be in keeping with the objectives of Chapter B14 of the DCP subject to standard conditions of consent and the recommendations of the submitted Geotechnical Report.
B16. Public Domain	Y	The proposal is consistent with the controls relating to public domain.

Table 8: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.3 Hours of operation		
	Merit Assessment	Operational hours for community facilities or RE1 Public Recreation zones are not addressed in WDCP 2012. An assessment has therefore been made against the objectives of the control. <i>Refer to comments below.</i>

Hours of Operation

The proposed hours of operation sought by the proposal are detailed under Part 2.1 of this report. While the majority of the proposed uses are outside of the noise sensitive period (10:00pm – 7:00am); the club amenities, IRB store, multipurpose room including kitchen and bar and gymnasium are partly proposed within these hours.

The applicant has submitted an Acoustic Report prepared by Marshall Day Acoustic that supports the additional hours described above. As part of a deferral letter, revised acoustic monitoring was requested acknowledging that the noise monitoring had occurred during the winter school holidays (6 – 16 July) and as a number of submissions had been received with respect to noise.

The applicant responded that the background noise environment for BSLSC is dominated by surf (particularly in the later evening period), which is not influenced by school holidays.

The proposed hours are therefore subject to conditions of consent requiring the POM to be updated to include information ensuring that staff and visitors are made aware of the need to manage, and avoid, noisy behaviour during noise sensitive hours (10:00pm, – 7:00am), particularly while entering/exiting the building.

Aside from hours of operation and acoustic considerations, specific conditions of consent have also been included imposing restrictions on the proposed use of the function room to ensure potential disturbances are minimised. Such conditions including limiting functions to a maximum of 52 events per year and to ensure that prior written approval is received from the commander (or delegate) of the eastern suburbs Police Area Command with respect to other non-lifesaving club functions including 18th and 21st celebrations and ‘bucks’ and ‘hens’ nights, and any function in which dancing, dance party, rave, DJ performance or other entertainment act is the primary activity. These conditions align with the provisions adopted by Council on previous Surf Club function spaces (including Bondi, North Bondi and Tamarama Surf Life Saving Clubs).


Bronte Park and Beach Plan of Management

The following comments are provided in relation to Part 6 of the BPBPOM which provides for development controls relevant to the BSLSC.

Table 9: Compliance with BPBPOM

Development Control	Compliance	Comment
General Requirements		
Development Applications must conform to SEPP (Coastal Management) 2018, <i>Part 2 Development Controls for Coastal Management Areas</i>	Y	Refer to comments made in this report under Chapter 2 of SEPP (Resilience and Hazards).
Development Applications must conform to the Waverley LEP. With particular emphasis on: <i>Part 5, Clause 5.5 Development within the Coastal Zone, and Part 5, Clause 5.10 Heritage Conservation.</i>	Y	Refer to comments made in this report under Waverley LEP 2012 with respect to Clause 5.10. Note. There are no current provisions in WLEP2012 with respect to <i>development within the coastal zone</i> .
Development Applications should be referred to the Design Excellence Panel.	Y	Refer to comments made in this report under WLEP2012 with respect to Clause 6.9 Design excellence.
Whether the form and external appearance of the development will improve the quality and amenity of the public domain.	Y	Refer to comments made in this report under WLEP2012 with respect to Clause 6.9 Design excellence.
Whether the development has a detrimental impact on view corridors.	Y	Refer to comments made in this report under WLEP2012 with respect to Clause 6.9 Design excellence.
How the development addresses the following matters: <ul style="list-style-type: none"> The suitability of the land for development. Existing and proposed uses, and mixing uses. Heritage issues and site constraints. The relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form. Bulk, massing and modulation of buildings. 	Y	Refer to comments made in this report. In terms of views, The proposed built form is of a comparable height and scale to the BPBPOM envelope. Where a non-compliance occurs beyond the POM envelope, namely the balustrades at rooftop terrace, this will assist in integrating the development into the natural landscape through the provision of generous planting at roof level. The separation of the operational component of the BLSLC and the amenities building provides for a new view corridor through the building.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Environmental impacts such as sustainable design, overshadowing, wind and reflectivity, • The achievement of the principles of ecologically sustainable development, refer to actions D2.2, D3.4, D3.6, D4.1 under Enhancing the Environment for guidance. • Pedestrian, cycle, vehicular and service access, circulation and requirements, • The impact on, and any proposed improvements to, the park. • Principles of View Sharing. 		
Life Guard Facilities Building Development Controls		
Lifeguards must have a facility that provides good views (180 degrees) and clear line of sight of the beach and surf.	N	The applicant has provided sightline analysis for the lifeguard room, which shows the siting of the patrol room provides for a 150 degree overview of the area directly in front of the room. The 150 degree angle is achieved due to the existing cliff face that extend to the north-east of the building. The analysis indicates that a full view of the water is achieved to the northern and southern ends of the beach. Refer to the image below (N.B. the diagram shows the previous seawall design, however the position of the lifeguard room has not changed).

Development Control	Compliance	Comment
		
Any lifeguard facility on the beach must not compromise views from the North amenities and BBSLSC building, in accordance with the principles of view sharing.	N	The lifeguard room is located at ground level at the front of the building and protrudes eastward of the public staircase and pathway to provide the required surveillance of the beach and water. It is integrated within the building form and does not impact on any views or view sharing.
Any lifeguard facility must consider how the beach is used.	Y	The applicant has submitted a detailed Design Report providing support for the retention of the BSLSC in its current location as described in this report. See comments under <i>suitability of site</i> .
Any future development must minimise visual intrusiveness to the beach and landscape.	Y	The proposal is supported by the DEAP.
If deemed suitable, lifeguard facilities could be provided in a separate structure to the North amenities building / BBSLSC.	N/A	N/A
The North Amenities Building, Kiosk, and BBSLSC Development Controls		
First floor setbacks from existing footprint of ground floor external walls, except where existing first floor structure is within defined setbacks.	N	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Minimum 6 metres setback from the sea wall, seawall defined by the eastern face of the promenade adjacent to the beach. • Minimum 5 metres setback on southern elevation. • Minimum 5 metres setback on eastern elevation adjacent to plaza space. • Minimum 2 metres setback on southern elevation adjacent to plaza space. • No permanent canopy or shade structure to be within setbacks. 		<p>Variation is sought. 7.85m setback to L1 façade, 4.33m setback to roof.</p> <p>Variation is sought. 7.85m setback to L1 façade, 4.33m setback to roof.</p> <p>Complies. The L1 footprint is limited to the northern portion of the building.</p> <p>Complies. The L1 footprint is limited to the northern portion of the building.</p> <p>Roof extends over indicated POM envelope to provide for a covered entrance to the building and is considered to be acceptable.</p> <p>Where variations to the setback control have been noted above, it is acknowledged that in accordance with the BPBPOM, variations are permitted where design excellence is exhibited.</p> <p>The proposal has been considered by the DEAP over five (5) separate meetings with recommendations made by the Panel to guide the overall design. At its final meeting, the DEAP expressed their support of the proposal and as such a variation is considered to be acceptable.</p>
<p>Ground floor footprint, as defined by the existing external walls, and ramps and stairs providing direct access into the building. Not encroach on the park further to the Sydney Water easement to the west unless approved by Sydney Water.</p> <ul style="list-style-type: none"> • Maintain a minimum 4 metre wide path/access way to the South, and not encroach on existing turfed area. 	N	<p>The proposal will not extend beyond the western façade of the Sydney Water Pump House. It is understood that an Out of Scope Building Plan approval has been lodged with Sydney Water in keeping with the referral dates 26.10.23. A deferred commencement condition has been included to ensure any</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maintain space for a functional pedestrian plaza space at the front of the building to facilitate movement between the park, promenade, kiosk and amenities building. Not impede on the operational function or access to the existing Sydney Water pump house. 		<p>modifications required by Sydney Water are adhered to.</p> <p>Complies. 5.47m setback proposed to the southern ground floor wall. 4.5m setback to roof line.</p> <p>The loading dock/Council allocated space, to the north of the public amenities will immediately abut the Sydney Water Pump House. Access to the building via the western façade however will be unrestricted.</p> <p>Where variations to the setback control have been noted above, it is acknowledged that in accordance with the BPBPOM, variations are permitted where design excellence is exhibited.</p> <p>The proposal has been considered by the DEAP over five (5) separate meetings with recommendations made by the Panel to guide the overall design. At its final meeting, the DEAP expressed their support of the proposal and as such a variation is considered to be acceptable.</p>
<p>Massing and Visual impact.</p> <ul style="list-style-type: none"> Building heights (with the exception of existing structures, proposed balustrade or, proposed lifts, or proposed plant) must not exceed the height of the embankment to the north of the building, defined by RL14.00. Building plant and machine rooms must be screened. Consider key view corridors from the park to the beach, in accordance with the LEP. 	N	<p>It is noted that the building itself complies at RL 13.850. The variation relates to the top of the balustrade to the rooftop terrace at RL 15.8. In view of the public benefit the rooftop terrace provides and that it achieves the principles of view sharing through its open design, a variation is supported in this instance.</p> <p>Plant rooms have been internally located, reducing their visual impact.</p> <p>Key view corridors are considered to be protected.</p> <p>The proposed design seeks to integrate the built form with the landscape, through integration with the northern rock wall and provision of a landscaped green roof.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Integrate the north amenities / BBSLSC building into the landscape. 		
<p>Access and vehicles.</p> <ul style="list-style-type: none"> Maintain unrestricted and direct pedestrian access along the promenade to the coastal walk connection at the north of the building, in accordance with LEP. Provide direct access for lifesaving equipment from the building to the beach. Consider providing a publicly accessible roof for passive recreation and viewing, connecting to the park at the north. Consider a publicly accessible lift from the ground floor to access the coastal walk connection. Contain all vehicle manoeuvring and access into the surf club within the existing hardstand area to the west. Not allow vehicle manoeuvring or parking to cross pedestrian building entrances and pedestrian paths of travel. 	Y	<p>Pedestrian access is retained along the promenade to the coastal walk.</p> <p>Direct access from the lifeguard facilities to the beach is provided along the eastern frontage.</p> <p>The landscaped rooftop terrace is publicly accessible, providing a walkway for passive recreation and viewing and connecting the park to the north.</p> <p>An accessible pedestrian route is to be delivered by Waverley Council as a separate matter to this DA. Internal lift access is proposed by the applicant during BSLSC hours.</p> <p>Service vehicle access is restricted to the existing internal road within the Western Plaza as per existing arrangements.</p> <p>Existing shared accessway is retained and upgraded, no new vehicle manoeuvring to cross building entrance/pedestrian paths.</p>
<p>Environment and Heritage</p> <ul style="list-style-type: none"> Building upgrade must consider the impact on the cliff and coastal environment in accordance with the relevant State and Local Government policies on heritage and environment. 	Y	<p>The revised design scheme is accompanied by a coastal impact assessment prepared by Royal Haskoning DHV to ensure the design responds to coastal inundation risks and rising sea levels through a proposed sea wall.</p> <p>The staircase will be retained with a minor alteration proposed to facilitate the physical separation of pedestrian from SLSC lifeguard operations.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Building must preserve the heritage value of the broad staircase and path across the northern cliff towards Bronte Marine Drive. 		

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Waverley Council Development Contributions Plan 2006*

This Contributions Plan has been considered and included in the recommended consent conditions.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS 2601;

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal as the existing building is to be demolished.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

The proposed development will not result in any significant adverse environmental impacts to the natural environment as detailed in this report. It is considered that the submitted design, as amended, provides for an appropriate response to the site context, ensuring that the significance of Bronte Park is retained and conserved. The addition of a rooftop terrace provides for a greater public benefit and ties the proposed building to its landscaped setting.

In terms of the built environment, the proposal facilitates the upgrade of an important community facility. The contemporary design of the building incorporates sustainability

measures and demonstrates an appropriate Connection to Country through its choice of architecture, materials and finishes.

From a social perspective, the building will represent a significant landmark within the Bronte Park and Beach landscape. The proposed works also ensure that the active use of the surrounding Bronte Park and Beach by members of the community, is also retained.

The upgrade to the BSLSC will improve facilities for the community, including the members of the club. The following table below provides a breakdown of the membership numbers, which in total is currently 2054 members. Of this, the majority of members are active patrol members and nipper participants/families. The social members (who support the club or are users of the gym) make up a very small minority of the membership. The membership numbers below demonstrate that the BSLSC has a strong active membership involved in surf lifesaving.

Membership Category	Number of members	Notes
Patrol	500	Includes patrolling cadets aged 13+ (must have Surf Rescue Certificate or Bronze Medallion) & Water Safety Parents for nippers (must have bronze medallion)
Life member	25	Older members that have been active lifesavers and have been recognised for exceptional service to the club
Long service	111	Members that have performed over 10 years of active lifesaving service
Associate & Community	61	Associate: Members that are supporters and gym users Community: our 'Silver Salties' a walking, swimming and social group for older residents
Nippers	814	Approx 15% of nippers compete
Nipper parents	543	
TOTAL	2054	

The proposed development will support local employment during the construction and operation phases enabling a positive economic impact.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The site has a long history of community use, and the proposed works seek to redevelop the site to provide for an improved facility that benefits both the operational needs of the BSLSC and the local community through increased landscaping and opportunities for recreation. The

site is considered to be suitable for the proposed development. The proposed uses, as detailed in this report, are considered to be suitable within the context of the site.

Specific regard has also been made to the location of the proposed building within Bronte Park. As part of a deferral letter, concern was raised that current data indicates that the new building will be prone to coastal inundation. Whilst it was acknowledged that mitigation measures such as sea walls can be integrated into the building design, it was requested that the applicant explore whether an alternative location could avoid such measures and allow for improved building longevity.

An updated Coastal Risk Assessment was also requested to address:

- An updated history of the site's inundation.
- Design features to ensure that a 70 year design life, with sea level rise, can be achieved.
- An assessment of the proposed building against Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP) is to be submitted to address the above.
- A discussion of coastal processes - the hazards and protection (for example evolutionary morphology, history of any major events that led to damages of structures in the area, coastal erosion and recession and wave impacts).
- A discussion of construction aspects such as materials and the effect any storms may have on construction related activities and any maintenance requirements.
- An assessment of the architectural and stormwater plans with respect to the relevant legislation and controls.
- Nominate measures that will assist with mitigating coastal risks to the proposed development in accordance with the relevant legislation.
- A detailed assessment of the impact to the beach and adjacent area following a severe storm event in 2023, 2050 and 2090 (location of escarpment, wave inundation, loss of infrastructure) once the works are completed to demonstrate the required 70 year design life.

An updated Coastal Risk Assessment was subsequently prepared by Horton Coastal Engineering and submitted in July 2023 and by Royal Haskoning DHV in November 2023. These reports have been peer reviewed by UNSW Water Research Laboratory and their comments provided at Attachment C. The peer review found the research prepared by Royal Haskoning DHV to be sound and subject to physical modelling, capable of achieving the intended design outcome of a 70 year building life.

In terms of the siting of the proposed building, the applicant acknowledged a Coroner's Inquest into a death that occurred at Bronte Beach in 2014. As a result of this event, Waverley Council provides for a lifeguard presence 365 days a year. Within the context of Bronte Beach, the sand and water conditions restrict the ability of the lifeguards to use All-Terrain-Vehicles (ATV or buggies) or other vehicles in aiding people in need. This in turn requires the provision of facilities central to the beach to ensure a rapid response by foot to any area of the beach and a reliance on boards as the primary water craft for rescue. As such, the location of the proposed BSLSC remains consistent with its current location.

Royal Haskoning DHV has provided an in depth assessment of a sea wall design which includes secant piles, concrete slabs and deflector elements to meet runup and overtopping requirements.

Upon review by UNSW Water Research Laboratory, it is recommended a deferred commencement consent condition be imposed which requires a Stage 2 detailed design of the seawall, including physical modelling, to be undertaken prior to an Operational Consent being issued.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4.3 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposal is considered to have no detrimental effect on the public interest, subject to appropriate conditions being imposed and as such is recommended for deferred commencement consent.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 10.

Table 10: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Heritage NSW	<p>The site is located in the vicinity of a brick pumping station which is listed on the s.170 register, this building has not been identified as demonstrating state heritage significance.</p> <p>The site has however been identified as having Aboriginal and Historic Archaeological potential.</p>	<p>The referral advice notes that a separate application for an Aboriginal Heritage Impact Permit, for test excavation, has been lodged and that additional requirements for approval will be determined by the outcome of the test excavation.</p> <p>A condition of consent has accordingly been included which states that prior to the commencement of any work, any relevant approvals must be issued by Heritage NSW with respect to the potential</p>	Y (Condition included)

		of/occurrence of Aboriginal archaeology on the site.	
Referral/Consultation Agencies			
DPIE – Crown Lands	s.1.4 <i>Crown Land Management Act 2016)</i>	<p>DPIE offers no objections to the proposed development. To ensure Bronte Park is managed in the most effective way, DPIE recommends that Council correspond with the department about the Plans of Management over the site.</p> <p>It is considered that this correspondence can align with the Review and Monitoring protocol outlined in Part 7.3 of the BPBPOM which require reviews to be carried out on a 1, 2, 5 and 10 year basis.</p>	Y
Sydney Water	Location abutting Sydney Water asset and critical Sydney Water Assets located in the immediate vicinity of the proposed works	The referral advice notes that an out of scope building plan application for a specialised review is required. This application has been lodged with Sydney Water. A deferred commencement condition has accordingly been included.	
Integrated Development (S 4.46 of the EP&A Act)			
N/A			

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 11**.

Table 11: Consideration of Council Referrals

Officer	Comments	Resolved
Biodiversity	<p>The application was also reviewed by Council's Urban Ecology Co-ordinator on three (3) separate occasions who in the first instance acknowledged that the subject property is located within the identified coastal biodiversity corridor, and in an area where habitat for local native fauna such as small birds and reptiles is rapidly diminishing.</p> <p>In reviewing the originally submitted Landscape Plan, it was agreed that as raised by Councils Tree Management Officer, that a higher number of trees need to be planted than the</p>	Y Conditions included

	<p>number proposed to be removed. Concern was also raised with respect to planting selection.</p> <p>As part of the amended plans submitted in August 2023, it was acknowledged that the revised planting palette complied with relevant WDCP controls in terms of the proportion of native planting however that species selection remained an issue in that a number of the plant species listed are unlikely to survive for long in this frontline coastal position, and alternative species ought to be considered. Also noted of concern was the very high numbers of plants nominated in the planting palette to the green roof which listed over 15,000 plants for an area 5,187m² in size, particularly given that 80% of these plants will spread to more than 2m across per plant.</p> <p>An amended landscape plan which nominated appropriate plant species and a reduced planting palette was accordingly requested as part of a deferral letter issued in October 2023 and received on 8 November 2023.</p> <p>This amended plan was referred to Council's Urban Ecology Co-ordinator who raised no objection subject to conditions relating to planting types and naming conventions.</p>	
Coastal Management	<p>The application was reviewed by UNSW Water Research Laboratory.</p> <p>An initial review was completed in October 2023 and confirmed that, <i>"The works proposed are likely to be able to manage coastal hazards for appropriate and foreseeable design events and sea level rise over the next 50 to 70 years subject to additional engineering design"</i>.</p> <p>The referral advice however notes that no calculations were presented regarding wave runup and overtopping however that based on the reviewer's experience in comparable locations that it was likely that an appropriate certifiable detailed design can be developed subject to additional design work, including physical modelling, being undertaken.</p> <p>The applicant subsequently engaged a new coastal expert who completed a new report including calculations but without physical modelling.</p> <p>The amended report was reviewed by UNSW Water Research Laboratory who reaffirmed their position that an appropriate certifiable detailed design can be developed subject to physical modelling being undertaken.</p> <p>It is understood that the extent of physical modelling required would act to determine the height and length of the wave return wall and details relating to structural design.</p>	Y (condition included)

	<p>In view of the above, a condition has been included which requires that prior to any work commencing on site that the physical modelling and any additional reporting/testing related to the sea wall be carried out to the satisfaction of the Executive Manager, Development Assessment.</p> <p>As part of the recommended deferred commencement consent, a time limit on the consent is included to a maximum of 60 years. This is a method to ensure that the consent authority may be satisfied that compliance with Section 27 of the CM Act is achieved.</p> <p>The 60 year time period is one that both the applicants and councils experts can reasonably forecast as a period during which the proposed works will not pose or be likely to pose a threat to public safety.</p> <p>As an additional condition, a Maintenance Management Plan (MMP) is to be prepared for the maintenance of the coastal protection works for their intended design life and shall be reviewed on a 10 year basis.</p>	
Community Development	<p>The application was referred to Council's Community Development Officer on two (2) occasions.</p> <p>Recommendations were provided by the Officer to provide an accessible continuous path of travel from the top of the park to the bottom of the park. Whilst the applicant has submitted that the provision of an open, uncontrolled entrance is considered unacceptable from a CPTED perspective, posing safety and security and concerns for the operation of the BSLSC, the applicant has proposed to facilitate access to the lift during operation hours. In addition, the submitted POM, notes that club staff are available during operational hours and events to offer assistance as needed. Club staff will be inducted and trained accordingly to manage the accessible entrance. The entire building will operate with managed access to protect the safety and security of Council and BSLSC staff.</p> <p>Updated plans have also been submitted which demonstrate the provision of family change room and accessible toilet.</p> <p>To ensure that a high level of accessibility is promoted by the design, the following conditions of consent have been included to require:</p> <ul style="list-style-type: none"> • That the balcony entrance is kept open during club opening hours and at least one side of the balcony is kept free of furniture and clutter to achieve an independently, accessible path of travel. 	Y (conditions included)

	<ul style="list-style-type: none"> • Provide an accessible path to the playground from amenities, club and parking at the same time as the redevelopment of the club. • The pathways that provide direct access from the mobility parking and transport set down areas to the principal accessible entrance of the surf club are upgraded to meet Australian standards. • Review mobility parking places and install at least one fully compliant accessible parking space, with accompanying kerb ramps, close to the continuous path of travel. • The accessible pick up and drop off area that is proposed can be independently accessed by residents and visitors with a mobility parking permit for the purpose of drop off ie: not requiring to call ahead or be managed. • Provide a Changing Places facility with adult change table /hoist and (preferably) a shower. • A shower is to be included within the family change room and larger door openings are supported to assist people using prams. • Ensure ambulant toilets are provided in each male / female bank of toilets. • Storage for beach matting and wheelchairs is to be provided close to the beach, for ease of placement/ storage. • An access audit is undertaken to check accessibility against access standards and previous report recommendations before a Construction Certificate is issued. 	
Environmental Health	The application was referred to Council's Environmental Health Officer who raised no objection to the proposal. Conditions of consent relating to noise and construction have been included.	Y
Fire Safety	<p>The application was referred to Council's Fire Safety Officer who acknowledges that as the subject Development Application is for construction of a new building. Accordingly, no Fire Safety Referral is required to be provided for comment. Notwithstanding, the following comments have been provided:</p> <p>"However as recommended previously, the development application must be accompanied by a Building Code of Australia Capability Statement prepared by a suitably qualified Accredited Certifier/Building Code Consultant that certifies</p>	Y (condition included)

	<p>that the proposed new development can readily comply with the requirements of the NCC Building Code of Australia.</p> <p>In this regard the BCA Assessment Report prepared by the Modern Building Consultants Pty Ltd trading as MBC Group and submitted with the Development Application states that following is not resolved yet either by DtS or Performance based solution.</p> <ul style="list-style-type: none"> • Travel distance from within the storage area is extended to a point of choice beyond what is acceptable. Door between IRB workshop and council vehicle area POC 37m and between First Aid and Lifeguards POC 37m. This cannot be justified. Additionally travel distance from the furthest point through the point of choice to road or open space is 82m. • Hydrant booster assembly not within sight of main entrance”. <p>A condition of consent has accordingly been included to provide an updated BCA to demonstrate that the above can be achieved.</p>	
Heritage	<p>The application was referred to Council's heritage officer noting the location of the site within a conservation area and its proximity to an item (Sydney Water Pump House).</p> <p>Concerns were raised in part having regard to the proposed design within the context of Bronte Park and its connection to Country and in part with respect to its proximity to the heritage item.</p> <p>The applicant responded with amended plans which have been endorsed by the DEAP noting the design employs a limited palette across the project. The horizontal banding is considered an important design aspect for blending the architecture with the natural cliff face and is a key Designing with Country strategy for the project. This is further demonstrated by revealing and exposing the existing/remaining cliff edge within the circulation corridor. The submitted landscape strategy also draws on the proximity of the site to the water through the pavement treatment design.</p> <p>Regarding the Sydney Water Pump House, the applicant has responded that the proposed design, particularly its materiality is one that is visually recessive to the Pump House and the surrounding landscaping and enables the item to be distinctly read. This is further achieved through the proposed setbacks.</p>	Y

Open Space	<p>Whilst the originally submitted design was generally supported by Council's Open Space Officer, additional information was sought primarily to promote accessible paths to and from car parking and to the beach and to reduce the extent of excavation.</p> <p>Following the significant redesign of the proposal and its resubmission in August 2023, the amended proposal was supported with conditions of consent recommended to manage access, plaza design and landscape works to be submitted at the time of a Construction Certificate.</p>	Y
Public Domain	The application was referred to Council's Public Domain Officer who raised no objection to the proposal. Standard conditions of consent have been included.	Y
Stormwater, Design & Flooding	Council's Engineering Officer reviewed the submitted stormwater concept plans and have identified that the floor levels to the amenities block are to be raised to comply with flood planning controls. Similarly, evidence is to be provided with respect to the functionality of the first aid/patrol room which re also below the required levels. Appropriate conditions of consent have been included.	Y (conditions included)
Sustainable Development	<p>The proposal was reviewed by Council who recommended the submission of an Energy Assessment Report. An amended Environmental Sustainability Design Report was submitted which included an energy assessment report at Appendix A satisfying this request with opportunities for a HVAC system with extended temperature setpoints and mixed mode ventilation, energy efficient lighting and a rooftop PV array detailed.</p> <p>A condition of consent has been included requiring the submission of a detailed Energy Assessment Report at the time of a Construction Certificate outlining the implementation of the above measures.</p>	Y (conditions included)
Tree Management	<p>The subject Development Application has been referred to Council's Tree Management Officer on three (3) separate occasions with the following comments provided.</p> <p>An initial site inspection was carried out on 14 November 2022 in conjunction with a review of the Arboricultural Impact Assessment Report prepared by Liam Strachan Abnoba Arbor dated 21/08/2022 and Landscape plans prepared by Wyer & Co dated 20/09/2022 that were submitted as part of the original Development Application package.</p> <p>The review found the submitted Landscape plan to be unsatisfactory given the loss of canopy cover with eleven (11) trees sought for removal and only six (6) replacement trees proposed. In addition, the removal of T9 was not supported.</p>	Y (conditions included)

	<p>Following the submission of amended plans in August 2023 and the engagement of a new landscape architect, a review of the amended Landscape Plans prepared by Oculus was undertaken. The amended plans provided for a new landscape design concept and notably included a planting of eleven (11) new trees. The amended plan was however also considered to be unsatisfactory in part due to the species selection. As part of a deferral letter sent to the applicant in October 2023, it was requested that a detailed planting schedule and corresponding plans be provided with the landscape plan further updated to provide for an additional ten (10) trees with suitable species nominated.</p> <p>A final referral to Council's Tree Management Officer notes that the amended landscape plans are not satisfactory as they continue to show eight (8) <i>Allocasuarina littoralis</i> (black she-oak) and instead require seven (7) <i>Casuarina equisetifolia</i> (coastal she-oak). A condition of consent has been included requiring the submission of an updated Landscape Plan which removes the eight (8) <i>Allocasuarina littoralis</i> and replaces them with seven (7) <i>Casuarina equisetifolia</i>.</p>	
Urban Design	<p>The original application and second set of amended plans were referred to Council's Urban Designer. Concerns were raised having regard to the proposed design within the context of Bronte Park, heritage impacts and its connection to Country.</p> <p>The applicant responded with amended plans which have been endorsed by the DEAP. The final amended design was referred to Council's Urban Designer who raised no objections.</p>	Y
Waste & Recycling	<p>The application was reviewed by Council's Waste Officer with additional information sought relating to ongoing and future waste management and park waste bins. Additional information clarifying these aspects was supplied as part of the amended Statement of Environmental Effects and the proposal was supported, subject to conditions.</p>	Y (conditions included)

4.3 Community Consultation

The proposal was notified on three (3) separate occasions in accordance with the *Waverley Community Development Participation and Consultation Plan*. The notification included the following:

- Site notices placed in and around the site and Bronte Park;
- Notification letters sent to adjoining and adjacent properties (approximately 750 letters sent);
- Notification on the Council's website.

The proposal was originally placed on notification from 2 November 2022 until 2 December 2022. The Council received a total of 25 unique submissions, comprising 19 in favour of the proposal and the remaining 6 expressing their support whilst also raising concerns about the

proposal. The issues raised in these submissions are considered in **Table 12**.

Table 12: Community Submissions

Issue	Council Comments
<p>Sustainability</p> <p>The new building must consider the impacts of climate change.</p>	<p>The application is accompanied by an Environmental Sustainability Design Report which following referral advice from Council's Sustainable Building's Team was updated to include an Energy Assessment Report at Appendix A.</p> <p>Outcome: This issue has been satisfactorily addressed through the information provided and is subject to a condition of consent requiring detailed reporting and plans be provided prior to the issue of a Construction Certificate.</p>
<p>Sustainability</p> <p>The proposed amenities appear to lack good cross ventilation.</p>	<p>As part of a meeting with the DEAP, the applicant clarified that as part of the amended plans, the amenities building has been designed to include a band of permeable/mesh-like material between the roof and the top of the external walls to enable natural ventilation.</p> <p>Outcome: This issue has been satisfactorily addressed through the amended design.</p>
<p>Operational</p> <p>The new building must be able to accommodate future growth.</p>	<p>The submitted documents and in discussion with applicant confirm that the proposed building, having particular regard to storage are capable of sustaining future growth.</p> <p>Outcome: This issue has been satisfactorily addressed through the amended design.</p>
<p>Operational</p> <p>The proposal should create a community hub and not function as a storage facility for rescue equipment.</p>	<p>The amended design includes significant landscaping works as part of the proposal, most notably at roof level where a viewing terrace is proposed. The terrace is considered to provide significant public benefit and complements the landscape setting of Bronte Park.</p> <p>Outcome: This issue has been satisfactorily addressed through the amended design.</p>
<p>Acoustic</p> <p>Openings and decks are orientated towards the south and west of the Club resulting in potential acoustic impacts to nearby residents, particularly during late night functions.</p>	<p>The applicant has submitted additional information with respect to potential noise implications and an updated plan of management limiting operating hours.</p> <p>Outcome: This issue has been satisfactorily addressed through the submitted plan of management.</p>
<p>Design</p>	<p>Any future signage will be subject to a separate development application.</p>

Issue	Council Comments
The lease/licensing agreement should include provisions that the building must not be plastered with the signs and advertisements of sponsors.	Outcome: As there is no signage proposed as part of this application, this is not a relevant consideration/
Design The design of the amenities is pedestrian and holds little joy or experiential value.	As detailed in this report, the application has been rigorously assessed by the WDEAP and the resultant outcome is considered to express design excellence. Outcome: This issue has been satisfactorily addressed through the amended design.

Following amendments to the proposal, the proposal was renotified in accordance with the Council's Community Participation Plan from 22 March 2023 until 14 April 2023. A total of 22 unique submissions were received with 1 in favour of the proposal and the remaining 21 submissions either supporting the amended design but raising further design changes; or raising concerns about the proposal.

The issues raised in these submissions are considered in **Table 13**.

Table 13: Community Submissions

Issue	Council Comments
Operational The function uses at first floor are considered to be of a commercial nature, are unrelated to the primary function of the building as a surf life saving club and will result in anti-social behaviour. The hours of operation and number of patrons is excessive and should be reduced.	The proposed uses are considered suitable for the site as detailed under the comments made under WLEP2012 in this report. The hours and type/number of functions have been conditioned to ensure the impact to the local community is minimised as much as possible. Outcome: This issue has been satisfactorily addressed.
Design, sustainability, and the heritage setting of Bronte Park The building is box-like with no character and does not respect the heritage setting of Bronte Park. The finishes are not in character with the park. The development does not address sustainability.	The proposed development has been supported by Heritage NSW and DEAP. The application is accompanied by an Environmental Sustainability Design Report which following referral advice from Council's Sustainable Building's Team was updated to include an Energy Assessment Report The location of the lifeguard room has been carefully considered in regard to view lines to the beach and water.

Issue	Council Comments
<p>The location of the lifeguard room is tucked away.</p> <p>The existing height and footprint should not be increased and the existing cubes & open air seating in front of the building should be retained.</p>	<p>The proposal building is generally within the footprint and height limit set by the PoM applying to the site. The cubes will be removed, but will be redesigned to provide seating and planting.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Design – Disabled Access</p> <p>Access to the building has been poorly designed with respect to disabled access. There is no lift.</p>	<p>The applicant has nominated that the internal lift to the BSLSC will be made accessible during operating hours. Conditions of consent have also been included, as detailed in this report, to further promote accessibility.</p> <p>Outcome: This issue has been satisfactorily addressed through the submitted POM and conditions of consent.</p>
<p>Landscaping</p> <p>The proposal to remove 7 trees should not be supported.</p>	<p>The proposal has been assessed by Council's Urban Ecology Co-ordinator and Landscape Officer, who have considered the tree removal and the proposed new planting to be implemented as part of the development. The tree removal and new landscaping are supported.</p> <p>Outcome: This issue has been satisfactorily addressed through the submitted planting schedule.</p>
<p>Design</p> <p>Internal circulation and design of the amenities building should be reconsidered, particularly the female amenities which is of a poor design. The narrowing of the public stairs should not be supported.</p>	<p>Internal circulation to the amenities building is considered satisfactory. Conditions of consent have however been implemented to promote accessible facilities. The public stairs along the promenade have been redesigned to better integrate with the design of the building and provide suitable public access.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Wildlife</p> <p>The development will impact on the local wildlife in the gully through late night noise.</p>	<p>The proposed hours are subject to conditions of consent requiring the POM to be updated to include information ensuring that staff and visitors are made aware of the need to manage, and avoid, noisy behaviour during noise sensitive hours (10:00pm, – 7:00am), particularly while entering/exiting the building.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Parking & vehicle access</p> <p>Only service vehicles should access the park.</p>	<p>The development provides for service vehicles to access the building at the rear, similar to current arrangements. No parking on site is proposed or approved under this application.</p>

Issue	Council Comments
Bicycle parking is insufficient.	<p>Bicycle parking for the wider Bronte Park can be considered by Council as part of the PoM.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Design</p> <p>There is a lack of bubblers for humans and dog bowls.</p>	<p>The proposal provides for amenities which include taps for drinking water. No allocated dog bowls are proposed, but owners can access water for pets if needed.</p> <p>Outcome: This issue relating to drinking water availability has been satisfactorily addressed.</p>
<p>Acoustic</p> <p>Noise from the proposed uses will impact on nearby residential properties.</p>	<p>The applicant has submitted an Acoustic Report prepared by Marshall Day Acoustic that supports the additional hours described above. As part of a deferral letter, revised acoustic monitoring was requested acknowledging that the noise monitoring had occurred during the winter school holidays (6 – 16 July) and as a number of submissions had been received with respect to noise.</p> <p>The applicant responded that the background noise environment for BSLSC is dominated by surf (particularly in the later evening period), which is not influenced by school holidays.</p> <p>The proposed hours are therefore subject to conditions of consent requiring the POM to be updated to include information ensuring that staff and visitors are made aware of the need to manage, and avoid, noisy behaviour during noise sensitive hours (10:00pm, – 7:00am), particularly while entering/exiting the building.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>

Following further amendments, the proposal was renotified in accordance with the Council's Community Participation Plan from 3 August 2023 until 6 September 2023. A total of 48 unique submissions were received with 30 in favour of the proposal and the remaining 18 raising concerns about the proposal.

The issues raised in these submissions are considered in **Table 14**.

Table 14: Community Submissions

Issue	Council Comments
<p>Design</p> <p>The proposal is contrary to the BPBPOM envelope controls and will result in an overly bulk form.</p>	<p>The proposal has been assessed in accordance with the BPBPOM. Where variations are proposed to the building envelope, this is permitted where design excellence is exhibited.</p>

Issue	Council Comments
	Outcome: This issue has been satisfactorily addressed through the support of the amended design by the DEAP.
Design The first floor balcony is awkwardly shaped.	The proposal has been assessed in accordance with the BPBPOM. Outcome: This issue has been satisfactorily addressed through the support of the amended design by the WDEAP.
Design The curved design of the building creates a bulky form.	The proposal has been assessed in accordance with the BPBPOM. Outcome: This issue has been satisfactorily addressed through the support of the amended design by the WDEAP.
Design The number of members has been exaggerated to enable a larger building. A smaller scale building should be considered.	The proposal has been assessed in accordance with the BPBPOM. Where variations are proposed to the building envelope, this is permitted where design excellence is exhibited. Outcome: This issue has been satisfactorily addressed through the support of the amended design by the WDEAP.
Design The covered walkway should be removed to allow for a consolidated building form/reduce the area of site coverage.	The proposal has been assessed in accordance with the BPBPOM. Proposal aligns with the required setbacks to the south and the resultant walkway allows for a new view corridor to be created through the building. Outcome: This issue has been satisfactorily addressed through the support of the amended design by the WDEAP.
Construction The proposal fails to address how the site will be managed during the demolition and construction stages with respect to public access to the coastal walk.	A condition of consent has been included requiring a Construction Management Plan to be submitted prior to the issue of a Construction Certificate. Outcome: This issue has been satisfactorily addressed through a condition of consent.
Design The location of the lifeguard patrol room is not considered to be suitable as view lines will be restricted.	The applicant has submitted sight line diagrams demonstrating that 150 degree views are attainable from the patrol room allowing for complete views of the water to the north and south. The applicant has further supported the siting of the proposal in its current location as it enables direct and efficient access to the beach by foot in the event of an emergency.

Issue	Council Comments
	Outcome: This issue has been satisfactorily addressed through the support of the amended design.
Coastal Management The indicative seawall is considered to be excessive and unreasonably reduces the area of sand.	A new coastal engineer has been engaged by the applicant. Royal Haskoning DHV have prepared schematics relating to a revised sea wall design which includes secant piles, concrete slabs and deflector elements to meet runup and overtopping requirements. The revised design notably reduces the area of the seawall from 415sqm to 290sqm. Outcome: This issue has been satisfactorily addressed through the updated coastal assessment which has been independently peer reviewed and is subject to a deferred commencement condition which requires a Stage 2 detailed design, including physical modelling, to be undertaken prior to an Operational Consent being issued.
Permissibility/Operational The proposed uses at first floor are considered to be of a commercial nature and unrelated to the primary function of the building as a surf life saving club.	The proposed uses are considered suitable for the site as detailed under the comments made under WLEP2012 in this report. Outcome: This issue has been satisfactorily addressed.
Design The proposed building form will overwhelm the Sydney Water Pump House.	The proposed development has been supported by Heritage NSW and DEAP. Outcome: This issue has been satisfactorily addressed.
Design – Disabled Access Access to the building has been poorly designed with respect to disabled access.	The applicant has nominated that the internal lift to the BSLSC will be made accessible during operating hours. Conditions of consent have also been included, as detailed in this report, to further promote accessibility. Outcome: This issue has been satisfactorily addressed through the submitted POM and conditions of consent.
Landscaping Landscaping/planter boxes to the former cubes/forecourt area should be reconsidered as historically planting has not thrived in this location.	The amended planting schedule has been assessed by Council's Urban Ecology Co-ordinator who raised no objections. Outcome: This issue has been satisfactorily addressed through the submitted planting schedule.
Design Internal circulation to the	The proposed internal planning has been informed by the operational needs of the BSLSC and the requirements of

Issue	Council Comments
operational building should be reconsidered.	<p>Council's park management officers and considered to be reasonable.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Design</p> <p>Internal circulation to the amenities building should be reconsidered.</p>	<p>Internal circulation to the amenities building is considered satisfactory. Conditions of consent have however been implemented to promote accessible facilities.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Design</p> <p>The administration/merchandising space should be relocated.</p>	<p>The location of the administration/merchandising is considered to be reasonable acknowledging that these uses will contribute to the activation of the forecourt area next to the building foyer and kiosk. The applicant has demonstrated that the lifeguard, patrol and first aid rooms are located to maximise view lines along the beach.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Design</p> <p>The entry foyer should be refined to improve access.</p>	<p>The proposed entry doors are compliant with planning controls and relevant Australian Standards and as such are considered appropriate.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Design</p> <p>The rooftop viewing terrace is considered to provide little to no public benefit given similar views can be obtained from the nearby headlands. The proposed balustrading at this level adds further bulk to the building form.</p>	<p>The rooftop viewing terrace is supported by the DEAP and is considered to be complementary to the landscape setting of Bronte Park. Although the proposed balustrade will extend beyond the building envelope, it is visually permeable and will not obstruct view lines.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Design</p> <p>The balustrade to the rooftop viewing terrace contradicts the current natural setting.</p>	<p>The rooftop viewing terrace is supported by the DEAP and is considered to be complementary to the landscape setting of Bronte Park. Although the proposed balustrade will extend beyond the building envelope, it is visually permeable and will not obstruct view lines.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Acoustic</p> <p>The rooftop viewing deck may result in additional noise.</p>	<p>The rooftop viewing deck is considered comparable to the open park setting of Bronte Park and is unlikely to result in additional noise. Where balconies are associated in conjunction with the function space at Level 1, limitations have been placed with respect to its use, restricting any use during the noise sensitive period.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>

Issue	Council Comments
<p>Acoustic</p> <p>The Acoustic Report is deficient.</p>	<p>The applicant has submitted an Acoustic Report prepared by Marshall Day Acoustic that supports the additional hours described above. As part of a deferral letter, revised acoustic monitoring was requested acknowledging that the noise monitoring had occurred during the winter school holidays (6 – 16 July) and as a number of submissions had been received with respect to noise.</p> <p>The applicant responded that the background noise environment for BSLSC is dominated by surf (particularly in the later evening period), which is not influenced by school holidays.</p> <p>The proposed hours are therefore subject to conditions of consent requiring the POM to be updated to include information ensuring that staff and visitors are made aware of the need to manage, and avoid, noisy behaviour during noise sensitive hours (10:00pm, – 7:00am), particularly while entering/exiting the building.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Acoustic</p> <p>The design of the building and proposed uses first floor will result in additional noise to nearby residential properties.</p>	<p>The applicant has submitted an Acoustic Report prepared by Marshall Day Acoustic that supports the additional hours described above. As part of a deferral letter, revised acoustic monitoring was requested acknowledging that the noise monitoring had occurred during the winter school holidays (6 – 16 July) and as a number of submissions had been received with respect to noise.</p> <p>The applicant responded that the background noise environment for BSLSC is dominated by surf (particularly in the later evening period), which is not influenced by school holidays.</p> <p>The proposed hours are therefore subject to conditions of consent requiring the POM to be updated to include information ensuring that staff and visitors are made aware of the need to manage, and avoid, noisy behaviour during noise sensitive hours (10:00pm, – 7:00am), particularly while entering/exiting the building.</p> <p>Outcome: This issue has been satisfactorily addressed.</p>
<p>Development cost</p> <p>The proposed cost of development is considered to be excessive.</p>	<p>This is not a planning consideration.</p>
<p>Design</p> <p>The existing stairs should be</p>	<p>The proposal has been assessed in accordance with the BPBPOM.</p>

Issue	Council Comments
retained.	Outcome: This issue has been satisfactorily addressed through the support of the amended design by the WDEAP.
Coastal Management The proposal should consider the influence of storm surges.	A new coastal engineer has been engaged by the applicant. Royal Haskoning DHV have prepared schematics relating to a revised sea wall design which includes secant piles, concrete slabs and deflector elements to meet runup and overtopping requirements. Outcome: This issue has been satisfactorily addressed through the updated coastal assessment which has been independently peer reviewed and is subject to a deferred commencement condition which requires a Stage 2 detailed design, including physical modelling, to be undertaken prior to an Operational Consent being issued.
Sustainability Insufficient provision of solar panels.	The application is accompanied by an Environmental Sustainability Design Report which following referral advice from Council's Sustainable Building's Team was updated to include an Energy Assessment Report Outcome: This issue has been satisfactorily addressed through the information provided and is subject to a condition of consent requiring detailed reporting and plans be provided prior to the issue of a Construction Certificate.
Sustainability Additional sustainability measures should be sought.	The application is accompanied by an Environmental Sustainability Design Report which following referral advice from Council's Sustainable Building's Team was updated to include an Energy Assessment Report Outcome: This issue has been satisfactorily addressed through the information provided and is subject to a condition of consent requiring detailed reporting and plans be provided prior to the issue of a Construction Certificate.
Operational A Maintenance Plan should be created with respect to the proposed green roof.	A condition of consent has been included in this regard. Outcome: This issue has been satisfactorily addressed through a condition of consent.

It should be noted that the sea wall design has been amended since notification of the amended DA. It is considered, however, that the amended sea wall design results in no greater impact than that previously proposed and therefore no further notification is considered necessary.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

As demonstrated in the discussion above, key issues relating to the proposal relate to design excellence and coastal management. Issues relating to design are considered to be resolved through the referral of the application to the DEAP on five (5) separate occasions, including the submission of a more considered design both with respect to the building itself and its landscape design. Issues relating to coastal management have been resolved having regard to the seawall design and calculations carried out. A deferred commencement condition has been included to ensure that the required physical modelling to complete a Stage 2 detailed design to the seawall is undertaken prior to the issue of an Operational Consent.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended conditions at **Attachment A**.

6. RECOMMENDATION

That the Development Application [DA-455/2022] for *Demolition of Bronte Surf Life Saving Club Building (BSLSC) and associated structures, and the construction of a new Bronte Surf Life Saving Club and associated community facility upgrades, including upgrades to seawall and pathway access at Bronte Surf Life Saving Club, Bronte Marine Drive, Bronte NSW 2024* be issued a **DEFERRED COMMENCEMENT CONSENT** pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent attached to this report at Attachment A.

Report prepared by:



Margaret Roberts
**Consultant Planners
(GAT & Associates)**
Date: 19 January 2024

Application reviewed by:



Jo Zancanaro
**Acting Manager,
Development
Assessment**
Date: 19 January 2024

Application reviewed and
agreed on behalf of the
Managers of Development
Assessment by:



Angela Rossi
**Executive Manager,
Development Assessment**
Date: 19 January 2024

The following attachments are provided:

- Attachment A: Conditions of consent
- Attachment B: Architectural Plans
- Attachment C: Photomontages
- Attachment D: Landscape Plans including planting schedule

- Attachment E: Sea Wall Design Package
- Attachment F: Coastal Risk Assessment and Coastal Engineering Assessment Reports (Applicant's Submission)
- Attachment G: Peer Review Reports of the Applicant's Coastal Risk Assessment and Coastal Engineering Assessment Reports