

DATE OF DEFERRAL	26 September 2022
PANEL MEMBERS	Peter Debnam – Chair, Hannah Power, Douglas Lord, Graham Brown, Annelise Tuor
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held by teleconference on 21 September 2022, opened at 11.00am and closed at 12.00pm.

MATTER DEFERRED

PPSSNH-301 - DA2021/2173, Northern Beaches at 394 Barrenjoey Road, Newport – alterations and additions to a surf club and construction of coastal protection works (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered the proposal at length including written material and verbal presentations from the community, Applicant and Independent Assessor.

The Panel then deliberated and considered several options including refusing the Proposal as insufficient information had been provided to justify the project design and implications for the coastline. However, given the importance of this project to the local community but also the vulnerability of the site to coastal processes and climate change, the Panel decided to defer its final determination to seek additional information, as detailed below.



The Panel will reconvene its meeting on Wednesday 5th October to allow the Applicant and Assessor to respond to the following issues:




1. In considering the suitability of the site for the development when preparing the current proposal, what design and location options were considered by the Applicant and when and why were they each rejected in favour of the current proposal? In detailing the design and location options demonstrate consideration of:
 - the *Coastal Management Act* (CM Act) s 3 - Objects of the Act, and in particular item (g) “to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (.....), and to manage coastal use and development accordingly, and”;
 - suitable alternate locations for the Project given that storm inundation will continue to increase as the sea level rises, until such time as maintaining a building on the site and a beach seaward of the building becomes impractical; and
 - whether only the elements of the existing building that are of high or moderate heritage significance should be retained and whether the additional facilities could be accommodated in a new building that was further landward and consequently less exposed to coastal processes, thereby reducing the length of any coastal protection works.
2. A detailed assessment of what the beach and adjacent area may be like following a severe storm now and in 2050 and 2080 (location of escarpment, wave inundation, loss of trees amenity or infrastructure once the works are completed).
3. An assessment of the anticipated life of the development/use on the current site, given the sea level will continue to rise beyond the adopted planning period to 2080.

4. A summary of Coastal Hazard mapping/reporting including present, 2050, 2080 and 2100 "lines". Advise which one the Applicant and Assessor are relying upon and what sea level rise was used for each? (Ref Carley letter report dated 8/7/21 included as App B to Horton Report on "Coastal Engineering and Flooding", Fig 15; "SEE" Fig 14 Section 6 page 32 referenced as Horton). Which interpretation is the Applicant relying upon?
5. The section of the building of high or moderate heritage significance is approximately 18.5 metres long (north-south) (Figs 115 and 116 in Conservation Management Plan), while the vertical seawall proposed extends along the beach for approximately 100 metres, significantly increasing the impacts. Were other length options considered and comment on their viability? Discuss in accordance with the coastal vulnerability objectives presented in the CM Act, Part 2 section 7(2)(c), (d) (e), (f), (g).
6. Confirm that Secant not Contiguous piles are to be used. Address the unknowns in the reference notes to Dwg S02 Rev D by Horton. (Notes 3 And 4).
7. With regard to the end-effects assessment by WRL, (Carley Fig 15) additional erosion in both the 2050 and 2080 cases extends well landward of the return wall (7m length) proposed. How is this additional erosion to be addressed? Discuss how the requirements of s 27 of the CM Act are to be satisfied and in particular, s 27(1)(b)(i) and the Applicant's commitment for the life of the development to restore the beach and land adjoining from erosion impacts.
8. While the Coastal Vulnerability area has not yet been mapped by Council, the subject site is clearly vulnerable to coastal hazards. Provide an assessment of the proposal against the criteria included in the State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP) at Division 2, including intended maintenance in accordance with s 2.9(c), and how these criteria have been considered in assessing compliance with Division 5 General, s 2.12.
9. The Assessment Report at Section 2 in the final paragraph states "*Sea Level Rise The impact of sea level rise on beaches in NSW has been comprehensively investigated. These investigations conclude that all beaches will experience recession because of sea level rise. Such impacts at Newport Beach will not be made worse by the existence of coastal protection works of any design, including those proposed as part of this application*". Please justify this last sentence.
10. Define the expected lengths of time that access from the club to the beach will be interrupted now and by 2080 (when erosion lowers the sand level below the access stairs). Similarly define any periods of loss of alongshore access as erosion intersects the vertical wall proposed i.e. entire beach submerged;
11. Provide details of the arrangements for the restoration of the beach in times of erosion and the maintenance of these works as per section 27(1)(b) CM Act. Arrangements must include the source of any replenishment and the means of replenishment.
12. Provide details of the legally binding funding for any restoration and maintenance as per section 27(2) CM Act and whether the Council has formally resolved to provide legally binding funding until 2080.

While the above list includes a considerable amount of information, the Panel notes much or all of it should be available in project planning documents.

The Panel's decision to defer determination of the DA was unanimous. The Panel will determine this matter electronically within 7 seven days after the 5th October reconvened meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Hannah Power

 Douglas Lord	 Graham Brown
 Annelise Tuor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-301 - DA2021/2173 – Northern Beaches
2	PROPOSED DEVELOPMENT	Alterations and additions to a surf lifesaving club and construction of coastal protection works
3	STREET ADDRESS	Lot 7094 DP 1059297, 394 Barrenjoey Road, Newport, Lot 1 DP 1139445, 394 Barrenjoey Road, Newport
4	APPLICANT/OWNER	Northern Beaches Council NSW Government – Department of Industry and Lands
5	TYPE OF REGIONAL DEVELOPMENT	Crown development with a CIV over \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Pittwater Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Pittwater 21 Development Control Plan Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations <p>The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 2 September 2022 Statement of Environmental Effects, Clause 4.6 Variation, Survey Plan,

		<p>Architectural Plans, Photomontages, Buried Coastal Protection Works Plans, Landscape Plan, Acid Sulfate Report, Access Report, Acoustic Report, Traffic and Parking Assessment, BCA Report, Conservation Management Plan, Coastal Engineering Report, Arboricultural Impact Assessment, Section J Assessment, Operational Plan of Management, Geotechnical Report, ESD Report, Liquor Licence, Statement of Heritage Impact, Waste Management Plan, Site Sediment Control Plan, Stormwater Management Plan, Public Domain View Assessment.</p> <ul style="list-style-type: none"> • Written submissions during public exhibition: 38 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Members of the community – Angus Gordon, Brendan Donohoe, Guyren Smith, Rudi Valla, Glen Borg ○ Council Assessment Officer - Adam Susko, Hugh Halliwell ○ On behalf of the applicant – Bernard Koon
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 11 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Hannah Power, Douglas Lord, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Adam Susko, Olivia Ramage • Briefing: 20 July 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Hannah Power, Douglas Lord, Annelise Tuor ○ <u>Council assessment staff</u>: Olivia Ramage, Hugh Halliwell • Site inspection: 25 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Annelise Tuor, Hannah Power, Doug Lord ○ <u>Council assessment staff</u>: Jodie Crawford, Bernard Koon, Adam Susko ○ <u>Coastal Engineer</u>: Peter Horton • Final briefing to discuss council's recommendation: 21 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam – Chair, Hannah Power, Douglas Lord, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Adam Susko, Hugh Halliwell
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

