

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-412
DA Number	DA2023/0998
LGA	Northern Beaches
Proposed Development	Alterations and additions to the Freshwater Surf Life Saving Club building, including works to the 1935 heritage building, a new infill building, and substantial refurbishment and improvements to the rear building. Crown land - Part Lot 2797 DP820312, Lot 1 DP909023 & Lots 21 to 23 Section 2 DP975183 - Part Reserves D500403 and R64997 for Public Recreation - Freshwater Surf Life Saving Club
Street Address	The Esplanade, Freshwater Beach Reserve, Freshwater Beach
Applicant	Geoff Bonus (Bonus + Associates Architects)
Date of DA Lodgement	18/08/2023
Number of Submissions	22
Recommendation	Approval
Regional Development Criteria	Council related development over \$5 million
List of all relevant s4.15(1)(a) matters	Warringah Local Environmental Plan 2011 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Warringah Development Control Plan 2011 Warringah Coastal Lands Plan of Management 2002
List of all documents submitted with this report for the Panel's consideration	Attachment 1 – Draft Conditions of Consent Attachment 2 – Plans (architectural, landscape and stormwater) Attachment 3 – Statement of Environmental Effects Attachment 4 – Draft Operational Plan of Management Attachment 5 – Survey Plan Attachment 6 – Visual and View Impact Assessment Attachment 7 – Photomontage Attachment 8 – Access Report Attachment 9 – Acoustic Report Attachment 10 – Traffic Impact Assessment (TIA) Attachment 11 – Supplementary TIA Attachment 12 – BCA Report Attachment 13 – Coastal Engineering Report Attachment 14 – Arboricultural Impact Assessment Attachment 15 – Geotechnical Report Attachment 16 – Statement of Heritage Impact
Clause 4.6 requests	No
Summary of key issues	Consistency with the Coastal Lands Plan of Management Heritage impacts Visual impacts Potential amenity impacts (noise, parking and traffic)
Report prepared by:	DM Planning, Independent Consultant Planner
Report date	4 March 2025

Summary of s4.15 matters	YES
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Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	YES
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	YES

EXECUTIVE SUMMARY

Northern Beaches Council is in receipt of Development Application (DA2023/0998) for alterations and additions to a community facility (Freshwater Surf Life Saving Club).

The proposed development maintains the existing heritage-listed 1935 clubhouse, proposes substantial alterations and additions to the existing rear 1986 addition and proposes a new, connecting infill building. The proposed development sits within the same footprint as the existing surf club building, with additional floor space in an upper-level westward extension. The proposed development contains facilities for volunteer lifesaving and beach patrol activities, a gymnasium, members lounge, function and meeting rooms, a caretaker's unit and a café. Landscaping works are also proposed.

The proposed development includes removing the existing public amenities from the Surf Club building but does not include replacing them. The Freshwater Beach Masterplan identifies a new public amenity building. However, at present there is no approval for the construction of the building. To ensure the continued availability of public amenities, a deferred commencement condition is recommended to require the approval of the new public amenities building before the consent becomes operative. A further condition of consent will require the construction of the new public amenities building before demolition works for the surf club additions commence.

The application was notified to surrounding properties in accordance with the Environmental Planning and Assessment Act 1979, the Regulations and Council's Community Participation Plan on two separate occasions, as follows:

- 28 August 2023 – 25 September 2023
- 28 November 2024 – 19 December 2024

A total of twenty-two (22) submissions have been received over the two public exhibition periods (1 in support and 21 against). Submissions raise concerns with the building's bulk and scale, encroachment into the public reserve, impact on the heritage building, public access to the building, funding concerns, legal issues around crown land, and traffic and parking impacts.

The potential amenity impacts to nearby residential properties (i.e. noise, traffic, parking and visual impacts) are not unreasonable and can be mitigated by consent conditions.

External Referral responses (Ausgrid, NSW Police and Aboriginal Heritage) are supportive

Critical Planning Issues include consistency with the 'shared use principle' of the Coastal Lands Plan of Management (CLPOM), heritage impacts, building bulk and continuity of public amenities.

The proposed development constitutes 'Regional Development', requiring referral to the Sydney North Planning Panel (SNPP) as it has a Capital Investment Value greater than \$5 million and occupies land owned by Northern Beaches Council. SNPP is the consent authority for this application.

The proposal development also constitutes a 'Council related Development Application' as it involves land managed by Council and was lodged after 3 April 2023 when the policy was adopted. The application has been managed in accordance with the adopted Council related Development Application Policy being assessed by an independent planning consultant.

The proposal satisfies the relevant planning controls in the Warringah Local Environmental Plan 2011, Warringah Development Control Plan 2011 and State Environmental Planning Policy (Resilience and Hazards) 2018.

The application has been assessed against the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Environmental Planning and Assessment Regulations 2000 (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs) and Council policies. The outcome of this assessment is detailed in this report.

Based on a detailed assessment of the proposal against the applicable planning controls, it is concluded that, subject to conditions, the proposal is suitable and appropriate for development for the subject site.

Crown Reserve

- **Is the land in a Crown Reserve?**

Yes, the land is part of Crown Reserve (R64997 and D5000403) for Public Recreation.

- **Is Council the Land Manager under the Crown Lands Management Act 2016?**

Yes, Council is the Crown Land Manager of Freshwater Reserve (R64997 and D5000403)

- **Can it be taken that the Minister has given consent on behalf of the Crown for its Crown land manager to sign as land owner? (what section of the Act applies?)**

Council, as Community Land Manager, may make a Development Application without the need for consent of the Crown as owner of the land.

- **Is the land classified as community land under the Local Government Act 1993**

Yes, the land is classified as community land.

- **Is there a Plan of Management?**

Yes, the Coastal Lands Plan of Management 2002 (CLPOM) applies to the site. The CLPOM, which Warringah Council adopted on 24 September 2002, applies to the subject site and authorises a 20-year lease for the Freshwater Surf Life Saving Club. The development is within the site nominated as a surf club in the CLPOM

In 2023, the Council issued a new 20-year lease to Freshwater SLSC for the use of the building until 2043.

• **Are the proposed works consistent with the Coastal Lands Plan of Management?**

The proposed development is deemed to satisfy the ‘shared use principle’ as outlined with the Coastal Lands Plan of Management, with appropriate level of access for the community including to surf club, café and surf club amenities.

PROPOSED DEVELOPMENT IN DETAIL

The Development Application seeks consent for alterations and additions to the existing Freshwater Surf Lifesaving Club (Freshwater SLSC) building, specifically:

The heritage-listed “1935 building” at the beachfront:

- Demolition of the existing bricked-up internal staircase in the basement
- Demolition of internal walls on Level 2
- Replacement of Level 2, beach facing, timber decking
- New timber decking to the south-west side
- Remove the existing bar counter and reinstate the door frame and original door
- Remove the bricked-up west-facing window and reinstate the original timber window
- Timber balustrades to balconies

The middle building (2009 clubhouse entry and heritage room):

- Demolition of existing structure
- Construction of a new infill building to provide a new club entry along with a multipurpose hall, a double-height space to be used for the display of artefacts and memorabilia and use for functions

The Rear Building (1986 addition):

Substantial alterations and additions are proposed to the rear building as follows:

Level 1 (basement):	<ul style="list-style-type: none"> • Reconfiguration of parts of the basement area, including partitions for garbage room, café cool room, dumbwaiter and new lift • Maintain basement tunnel connection to the beach for SLS equipment passage. • Maintain existing loading/unloading area
Level 2 (ground level):	<ul style="list-style-type: none"> • Demolition of the majority of external walls • Removal of existing public toilets and showers • Multipurpose hall with storage room, • Café (100 seat capacity) with associated kiosk window, kitchen facilities and west-facing verandah • New toilet facilities for use in conjunction with the clubhouse spaces • Entrance, FSLSC offices, lift and stairs to upper and lower levels
Level 3 (upper level):	<ul style="list-style-type: none"> • Training rooms, meeting rooms, offices and storeroom • Gymnasium • Refurbished caretaker’s Apartment • Void to the multipurpose hall below
Roof	<ul style="list-style-type: none"> • Demolish existing roof • New low pitch roof • 290 solar photovoltaic (PV) panels

A photomontage of the proposed development as originally submitted with the DA is shown in Figure 1 below.



Figure 1. DA Lodgement Photomontage of northeast elevation (source: Bonus + Associates)

Figures 2, 3 and 4 below show the proposed floor plans.

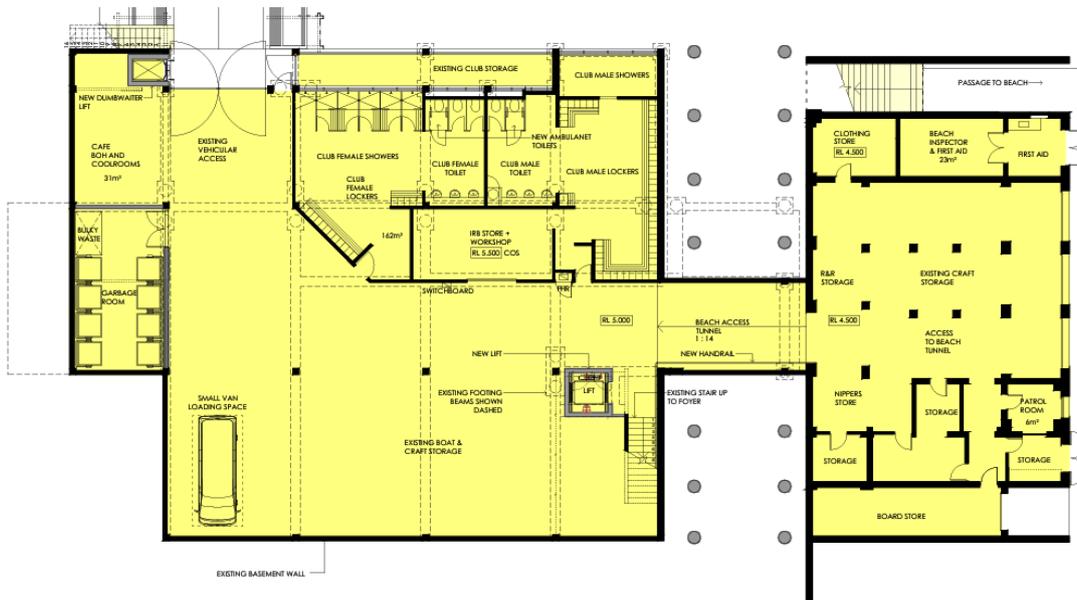


Figure 2. Proposed Level 1 (basement) (source: Bonus + Associates)

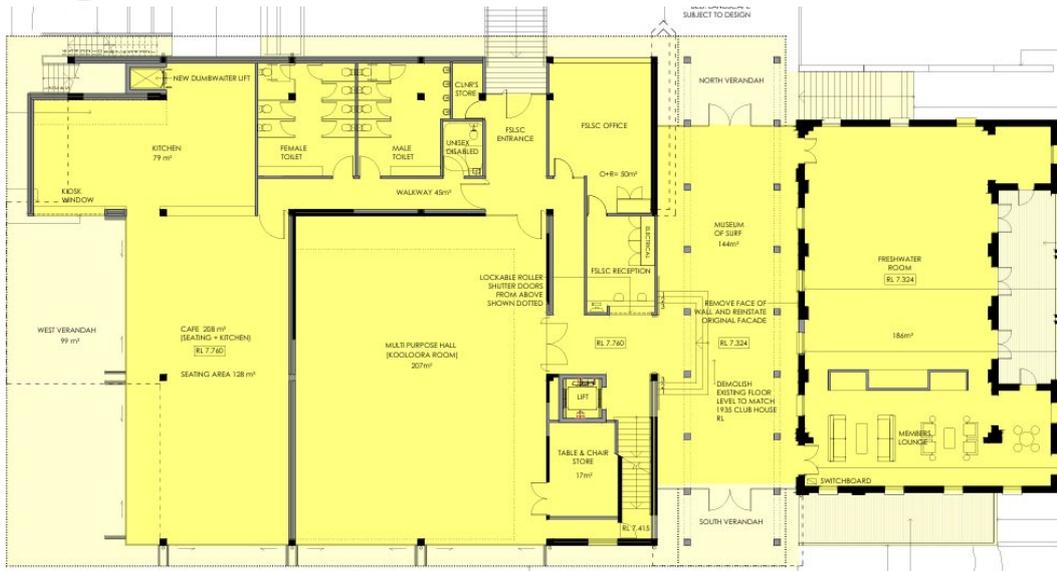


Figure 3. Proposed Level 2 (ground level) (source: Bonus + Associates)

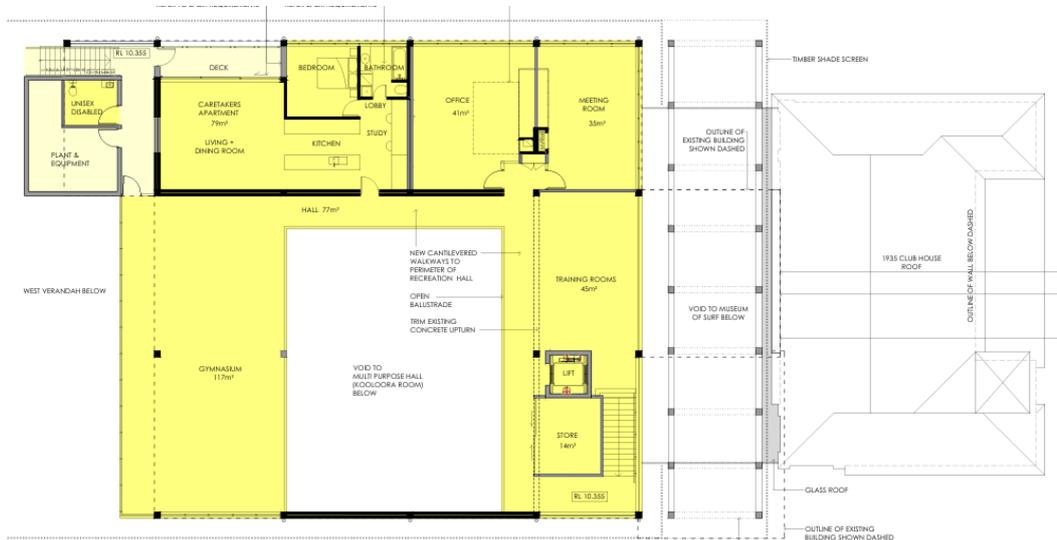


Figure 4. Proposed Level 3 (upper level) (source: Bonus + Associates)

Landscaping

An arborist report supports the proposal to remove one tree. New and upgraded landscaping is proposed in the area immediately surrounding the building, including additional tree planting, concrete pavement, timber decking and stairs, sandstone seating, and garden beds. The landscape plans have been designed to integrate with the Freshwater Beach Masterplan.

Vehicular Access, Car Parking and Loading

No changes are proposed to the existing vehicular access to the building's basement for the loading and unloading of goods and equipment.

Bicycle parking rails to accommodate five (5) bicycles are located adjacent to the east of the site near the beach access.

Operational Details

Operational details are contained in the in the Draft Operational Plan of Management.

The proposal will continue to provide volunteer surf lifesaving and beach patrol facilities. The surf club is proposed to be open to members via a key fob system from 5.00 a.m. to 9.00 p.m. (including the club gym), Monday through Sunday.

The proposed cafe has a maximum capacity of 100 people and is proposed to operate between 7 a.m. and 10 p.m. The members' lounge and function areas are proposed to operate between 8 a.m. and 10 p.m. (Sunday to Thursday) and 8 a.m. and 12 a.m. (Friday and Saturday).

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone RE1 Public Recreation
 Warringah Local Environmental Plan 2011 - 5.10 Heritage Conservation
 Warringah Development Control Plan – C2 Traffic, access and safety
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan – D7 Views
 Warringah Development Control Plan - D9 Building Bulk
 Warringah Coastal Lands Plan of Management

SITE DESCRIPTION

Property Description:	The Esplanade - Freshwater Beach Reserve, Freshwater Part Lot 2797 DP820312, Lot 1 DP909023 & Lots 21 to 23 Sec 2 DP975183 – part Reserves D500403 and R64997 for Public Recreation – Freshwater Surf Life Saving Club
Detailed Site Description:	The subject site is located within a public recreational space adjacent to Freshwater Beach. The open space is bounded by Moore Road to the southwest, Gore Street to the northwest, Kooloora Avenue and the Freshwater Beach carpark to the northeast. The Freshwater Surf Life Saving Club (FSLSC) is constructed across multiple lots which form part of the Freshwater Reserve. The site is Crown land managed by the Northern Beaches Council (NBC). The club has a leasehold arrangement for the building with NBC. The surf club section of the site sits on a moderately sloping portion of the sand dune area, which slopes down towards the beach. The built form is a part-two and part-three storey brick building with a pitched roof form. The front portion of the

	<p>building (clubhouse) directly adjacent to Freshwater Beach was constructed in 1935, the centre portion of the building (heritage room) was built in 2009, and the rear of the building (clubhouse extension) was constructed in 1986.</p> <p>The Freshwater Surf Life Saving Club (SLSC) currently occupies the site, including volunteer lifesaving activities, Council lifeguards, a kiosk, and public amenities.</p> <p>The first (basement) level contains storage facilities, a patrol room, a first aid room, and bathroom facilities for club members, including lockers, showers, toilets, a cold room, and vehicular access. The building's second (ground) level comprises a clubhouse, heritage room, public bathroom facilities including change rooms and toilets, recreation hall including a badminton court, gym, kiosk with outdoor seating, storage and terrace. The third (mezzanine) level comprises a viewing area, deck and caretaker's apartment.</p> <p>Detailed description of adjoining/surrounding development.</p> <p>Adjoining and surrounding development is characterised by public reserves to the north, south and west. Freshwater beach adjoins the property to the east.</p>
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Map:



SITE HISTORY

The land has been used for community purposes for an extended period. A search of Council's records has revealed the following relevant history:

On 23 January 2020, a formal pre-lodgement meeting (PLM2019/0297) was held with Council officers to discuss a proposal for alterations to an existing surf club comprising an increase to the size of the entry lobby, enclosing the balcony above the entrance lobby, create new stairs and

walkway to the beach along the southern perimeter. The conclusion of the Council staff in the pre-lodgement advice was as follows: -

The proposed internal reconfiguration of the caretaker's accommodation is acceptable and is Council's preferred option.

The proposed enclosure of the existing terrace above the entrance foyer is also generally acceptable subject to appropriate materials and detailing to ensure that the heritage significance of the original clubhouse is protected.

The proposed deck and stairs is not supported as this will require the removal of the dunes and vegetation and will have an adverse impact on the heritage significance of the surf club. The proposed new path is not supported as it does not benefit the community and the existing informal access should be closed.

Based upon the above comments you are advised to amend the proposal to exclude the path, deck and stairs and satisfactorily address the matters raised in these notes prior to lodging a development application.

On 4 February 2021, a Development Application (DA2021/0047) was submitted to Northern Beaches Council for alterations and additions to a community facility (FSLSC), including the replacement of the existing main entry door, construction of additions to the mezzanine floor level and new illuminated FSLSC signage. On 2 June 2021, the Northern Beaches Local Planning Panel approved the application. The approved works have not been constructed.

Subject Application DA2023/0998

On 18 August 2023, Council received the subject development application (DA2023/0998) for 'alterations and additions to a community facility'.

Design and Sustainability Advisory Panel (DSAP)

On 14 December 2023, the subject Development Application was presented to the Council's DSAP. The Panel reviewed the proposal and provided the following conclusion:

The Panel supports the proposal in principal but will need to be adjusted to incorporate the ideas noted in this report. In particular, the bulk of the new section, its materials and interface with the parkland needs further development. Further improvements to the heritage aspects of the 1935 front pavilion – the address to the SW corner entry and detailing of the front balcony – need to be undertaken.

Additional consultation with the local community (not just club members) to update them on the latest developments in this long process is advised.

The updated proposal should return to the Panel for consideration.

The amended plans and documents have addressed the majority of the Panels concerns. The amended proposal has not been referred back to the DSAP.

On 16 November 2023, the Council sent the applicant a request for information (RFI) letter to address issues identified in the preliminary assessment, including heritage impacts, bulk and scale, zone objectives, Coastal Lands Plan of Management, view assessment, electronic model, operational plan of management, acoustic, car parking and traffic impacts, survey and landscape detail and details regarding interim operation of surf lifesaving during construction.

On 11 October 2024, the applicant provided amended plans and documents to address the issues raised in the Council's RFI letter.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process Council is in receipt of 22 submissions (1 in support and 21 against).

The first public exhibition of the application in August – September 2023 resulted in 18 submissions being received. The second notification of the application in November- December 2024, resulted in an additional 8 submissions being received. 5 of these submissions were additional submissions from objectors who submitted objections to the original proposal. 3 new unique submissions were received in response to the amended plans.

Name:	Address:
Mr Adam Mclennan	17 / 94 Lawrence Street FRESHWATER NSW 2096
Ursula Finola Moloney	4 / 117 Crown Road QUEENSCLIFF NSW 2096
Taru Tuohiniemi	Address Unknown
Ms Diana Margaret Ryall	50 Undercliff Road FRESHWATER NSW 2096
Mr Peter Richard Thyer	6 Wyuna Avenue FRESHWATER NSW 2096
Miss Maree Portanger	22 Undercliff Road FRESHWATER NSW 2096
Dr Ian Munro Alexander	6 A Charles Street FRESHWATER NSW 2096
Mrs Susan Valerie Wilson	27 McDonald Street FRESHWATER NSW 2096
Andrea Michelle Mckenzie	5 A Wyuna Avenue FRESHWATER NSW 2096
Withheld	AVALON BEACH NSW 2107
Linda Michelle Tunks	66 / 30 Moore Road FRESHWATER NSW 2096
Mrs Carol Ann Randell	9 / 129 Bower Street MANLY NSW 2095
Steve Ballard	Address Unknown
Ann Elizabeth Sharp	77 Brighton Street CURL CURL NSW 2096
Mr Brendan Donohoe Surfrider Foundation	35 Ramsay Street COLLAROY NSW 2097
Prof Christopher John Griffiths	2 / 67 Undercliff Road FRESHWATER NSW 2096
Mr Adam James Kirkman	48 A Kooloora Avenue FRESHWATER NSW 2096
Mr Tom Michael Oates	71 Undercliff Road FRESHWATER NSW 2096
Withheld	FRESHWATER NSW 2096
Mr David James Morrissey	2 / 69 Undercliff Road FRESHWATER NSW 2096
Mr Todd Andrew Alexis	31 Pavilion Street QUEENSCLIFF NSW 2096
Ms Jennifer Gaye Leete	5 / 32 Undercliff Road FRESHWATER NSW 2096

The following issues were raised in the submissions:

1. Bulk and Scale
2. Design (not in keeping with the character of the beach location)
3. Detrimental impact on heritage significance of 1935 clubhouse
4. Encroachment into the public reserve
5. Detrimental amenity impacts on surrounding residents
6. Commercialisation of a public asset
7. Inappropriate use of public funds
8. Legal issues regarding owners' consent and consistency with Crown Lands Act

The above issues are addressed as follows:

1. The submissions raise concerns that the proposal represents an overdevelopment and has excessive bulk and scale

Comment:

The amended proposal significantly reduces the building's height, bulk, and scale. The height of the additions is below the ridge height of the existing heritage building, and the existing building footprint is generally maintained. The Council's heritage officer has concerns with the height of the proposed infill building's north and south verandahs. A deferred commencement condition requires the redesign of these verandahs to reduce their bulk and scale and consequent impacts on the adjoining heritage building.

2. The submissions raise concerns that the design is boxy and does not fit the character of the beach location.

Comment:

The amended proposal significantly reduces the building's height, bulk, and scale. The proposed design is satisfactory, subject to conditions of consent requiring a redesign in the shading structures above the side verandahs (as outlined above) and the submission of a satisfactory schedule of materials and colours.

3. The submissions raise concerns that the proposed development will harm the 1935 clubhouse building's heritage significance.

Comment:

Several amendments have been made to address heritage issues. A deferred commencement condition is recommended to require the submission of additional information to address the remaining heritage concerns, including the redesign of the side verandahs, the provision of additional internal details and a schedule of external materials and colours.

4. The submissions raise concerns that the proposed additions will encroach on the public reserve to the west.

Comment:

The amended proposal has reduced the building's westward extension. While the building footprint does not encroach on the public reserve, the proposed paving and garden beds extend into the adjoining park and over the existing public path. Recommended consent conditions will require the appropriate relocation and construction of the public pathway and integration of landscaping works with the Freshwater Beach Masterplan.

5. The submissions raise concerns that the proposal will harm the surrounding residential amenity (traffic, parking, noise and visual impacts).

Comment:

Various expert consultant reports (acoustic, traffic, visual assessment) have been submitted to support the proposal. The Council's internal experts have reviewed these reports, and where necessary, conditions of consent are recommended to ensure an appropriate level of residential amenity is maintained.

The Council's Engineers concur with the Traffic Impact assessment and subsequent advice letter, which concludes that parking and traffic impacts are reasonable. Potential noise impacts are mitigated by consent conditions and enforced by the Operational Plan of Management.

The comprehensive View and Visual Impact Assessment submitted supporting the application demonstrates that view loss from surrounding residential properties is negligible and that the overall visual impact is reasonable.

6. The submissions raise concerns that the proposal removes the public toilets and showers from the building.

Comment:

While concept plans for a standalone public amenity building in Freshwater Reserve, have been exhibited between 23.09.2024 and 27.10.2024 there has been no formal approval issued.

Given that the Freshwater Beach Amenities Building is still at the concept design stage, a deferred commencement condition is recommended to require the approval of the amenities building prior to the consent becoming operational. An additional recommended condition of consent will require the construction of the Freshwater Beach Amenities Building prior to demolition works commencing on the existing public amenities. This will ensure to ensure the continued availability of public amenities at Freshwater Beach.

7. The submissions raise concerns that the proposal represents the commercialisation of a public asset for the exclusive use of the members of Freshwater SLSC.

Comment:

The application has demonstrated that the proposed surf club will be openly available to members of the community. The proposed development is deemed to satisfy the 'shared use principle' as outlined with the Coastal Lands Plan of Management, appropriate level of access for the community including to the surf club, café and surf club amenities. A detailed assessment has been included within the report.

8. Inappropriate use of public funds

Comment:

The funding source for the proposed development is not a matter for consideration under s4.15 of the Environmental Planning and Assessment Act 1979.

9. Legal issues regarding owners' consent and compliance with the Crown Lands Act.

Comment:

Council's property team advise that satisfactory landowner consent has been provided, and that the applicant has demonstrated compliance with the Crown Lands Act.

REFERRALS

Internal Referral Body	Comments:
<p>Building Assessment - Fire and Disability upgrades</p>	<p>Support, subject to conditions</p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
<p>Environmental Health (Industrial)</p>	<p>Support, subject to conditions</p> <p>General Comments</p> <p>Environmental Health has been requested to consider this proposal in respect of the potential for noise nuisance. The proposal is accompanied by an acoustic report and management operation plan, which outline a number of noise mitigation measures and recommend a number of consent conditions.</p>
<p>Environmental Health (Food Premises)</p>	<p>Support, subject to conditions</p> <p>General Comments</p> <p>This application is seeking consent for alterations and additions to the Freshwater Surf Life Saving Club. The second floor is to contain a restaurant and outside terrace area towards the north-west. A new cafe toward the north-east, a new recreation hall to accommodate an additional badminton court (3 in total). The proposed restaurant will host a maximum of 163 people and will operate during breakfast, lunch and dinner hours. Cafe will host maximum of 62 people.</p> <p>Environmental Health require further information and clarification before proceeding with a final assessment.</p> <p>There was no acoustic report provided with this application and given the large number of people the new restaurant can cater for, the outdoor terrace/verandah area and the close proximity to the residential receivers along Gore Street, Freshwater (less than 100m), an acoustic report will be required.</p> <p>A suitably qualified person is to complete an acoustic report to determine if any adverse noise impacts from the development are likely to occur. If so, what suitable mitigation measures can be applied.</p> <p>The acoustic report is to detail all sources of noise from the development once operational and assess whether the noise can cause an adverse impact on residential receivers and if so, what mitigation measures can be applied to reduce noise to an acceptable level.</p> <p>The acoustic report is to include the following noise sources, but not limited to, noise from the gymnasium, patron use of the restaurant, including the terrace, music noise (if relevant), badminton noise.</p> <p>A suitably qualified person is to complete an acoustic report to determine if any adverse noise impacts from the development are likely to occur. If so, what suitable mitigation measures can be applied.</p> <p>The acoustic report is to detail all sources of noise from the development once operational and assess whether the noise can cause an adverse impact on residential receivers and if so, what mitigation measures can be applied to reduce noise to an acceptable level.</p>

Internal Referral Body	Comments:
	<p>The acoustic report is to include the following noise sources, but not limited to, noise from the gymnasium, patron use of the restaurant, including the terrace, music noise (if relevant), badminton noise.</p> <p>There is no indication of the hours of operation for the gymnasium and for the restaurant. This will need to be clarified.</p> <p>The intended design layout of the kitchen/cafe and kiosk is required at this stage so Council can assess the seating arrangement and view the toilet to patron ratio. Please provide detailed design drawings of the food preparation/eating areas of the club including patron seating area., identifying expected seating arrangements.</p> <p>Environmental Health recommends refusal at this time.</p> <p>Update 21/01/2025:</p> <p>Additional information has been forwarded to Council in response to a request for information. Environmental Health is satisfied with this information regarding the proposed food premises and supports the proposal with a recommendation of a number of consent conditions.</p>
Landscape Officer	<p>Support, subject to conditions</p> <p><u>Additional Information Comment 03/03/25:</u> The amended plans are noted, and the conditions have been updated accordingly. Tree 5 can now be retained. All <i>Pennisetum</i> species shall be substituted with a suitable alternative as Council deems this species an environmental threat.</p> <p>Ensure all stormwater infrastructure is coordinated with the Freshwater Beach Masterplan and the Development Application Landscape Plans.</p> <p>The application is assessed by Landscape Referral against the Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan 2011.</p> <p><u>Original comment:</u> The Arboricultural Impact Assessment (AIA) identified eight trees, two of which are proposed to be removed. Tree 2 (consisting of <i>Banksia integrifolia</i>, <i>Banksia serrata</i> and <i>Schefflera arboricola</i>) will be directly impacted by the works and require removal, should the development application be approved. Tree 5 is exempt by proximity to an approved dwelling, therefore no concerns are raised with its removal. Replacement tree planting is shown on the Landscape Plans which will offset any canopy loss. A Project Arborist shall be engaged to ensure tree protection requirements are installed and maintained throughout the works.</p> <p>The landscape proposal is generally supported; however, all <i>Buckinghamia celsissima</i> shall be substituted with one (or a combination) of the following species: <i>Acacia longifolia</i>, <i>Leptospermum laevigatum</i>, <i>Banksia integrifolia</i>, <i>Monotoca elliptica</i>.</p> <p>There will likely be a desire line through the proposed garden to gain access to the west verandah when approaching from the south; further consideration shall be given to this area.</p> <p>Ensure all stormwater infrastructure is coordinated with the Freshwater Beach Masterplan and the Development Application Landscape Plans.</p>
NECC (Bushland and Biodiversity)	Supported, subject to conditions

Internal Referral Body	Comments:
	<p>The proposed development is for alterations and additions to the existing Freshwater Surf Life Saving Club (FSLSC), including a new restaurant, café, museum and upgrades to existing community facilities. The potential impacts of the proposal to terrestrial biodiversity values within the locality have been assessed against the following relevant planning controls:</p> <p>State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 Clause 2.10 Warringah DCP Controls E1 Preservation of Trees or Bushland Vegetation, E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat, E4 Wildlife Corridors and E6 Retaining unique environmental features</p> <p>The development will largely be contained within the existing building footprint, although two trees are located close to the existing building and other vegetated areas will be impacted. A Landscape Plan has been submitted that proposes additional tree planting and landscaping as part of the development. The suitability of the species selected will be assessed as part of the Landscape Referral, however it is recommended that habitat in non vegetated areas of the wildlife corridor is created where possible using a combination of plant species and vegetation structure of the original Sydney Coastal Heath and Fore-dune vegetation community.</p> <p>Based on the level of impacts proposed and consideration of the mitigation and management measures, the development is unlikely to significantly impact the coastal environment area, wildlife corridor or native vegetation cover within the study area or locality.</p>
NECC (Coast and Catchments)	<p>Support, subject to conditions</p> <p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Resilience & Hazards) 2021 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p><u>Coastal Management Act 2016</u> The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development. The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p>State Environmental Planning Policy (Resilience & Hazards) 2021 The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience & Hazards) 2021. Hence, Clauses 2.10, 2.11 and 2.12 of the CM (R & H) apply for this DA.</p> <p><u>Comment:</u> On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE) report prepared by GSA Planning Pty. Ltd. dated June 2023 and also as assessed in the submitted Coastal Assessment Report prepared by Haskoning (Australia) Pty. Ltd. dated 31 January 2023, the DA satisfies requirements under clauses 2.10, 2.11 and 2.12 of the SEPP R&H. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021.</p> <p>Warringah LEP 2011 and Warringah DCP 2011</p> <p>No other coastal related issues identified.</p>

Internal Referral Body	Comments:
	<p>As such, it is considered that the application does comply with the requirements of the relevant coastal clauses of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p>Coastal hazards & a note from pre-lodgement Meeting</p> <p>The subject site is not located in any mapped coastal hazard area. However, at a Pre-lodgement meeting held on 22 April 2016 it was concluded that the matters related to the impact of the development on coastal processes (Clause 5.5 of WLEP 2011 and Part E9 WDCP 2011) and compliance with SEPP71 (replaced with the State Environmental Planning Policy (Resilience & Hazards) 2021) can be addressed within the Statement of Environmental Effects. It is recommended that the limited impact of the proposal on coastal processes be confirmed by a coastal engineer. A short letter or email will be sufficient. A coastal hazards assessment does not need to be submitted with this proposal.</p> <p>The applicant submitted the Coastal Assessment Report from Haskoning (Australia) Pty. Ltd. on 31 January 2023. The proposed works are not likely to cause increased risk of coastal hazards on the subject land or other land as the proposed works are either located landward of coastal processes, or are situated within existing building structures, or are at a level above the influence of coastal processes.</p>
NECC (Development Engineering)	<p>Support, subject to conditions</p> <p>21/09/2023: Development Application is for alterations and additions to the existing Freshwater Surf Life Saving Club (FSLSC), including a new restaurant, cafe, museum and upgrades to existing community facilities.</p> <p>Access No changes to current access are proposed.</p> <p>Stormwater The site is Crown Land. Absorption trench is proposed, Geotech Report by Geotechnique Pty Ltd, Job No 20307/1. Dated 22nd Feb 2023 provides estimated permeability of sandy soils.</p> <p>No objections to approval subject to conditions as recommended.</p>
Parks, reserves, beaches, foreshore	<p>Support, subject to conditions</p> <p>Parks, Reserves and Foreshores have assessed the application against the Coastal Land Plan of Management, General Community Use Plan of Management, Warringah Local Environmental Plan 2011, and the Warringah Development Control Plan 2011.</p> <p>The Coastal Land Plan of Management identifies Surf Clubs <i>"...need for greater financial independence from Council"</i> which <i>"...will involve new and different ways of managing the existing buildings, including some expansion of the club buildings..."</i>. Furthermore, it is outlined that <i>"...any new use for activities must be in keeping with the recreational values of the coast and must maintain an acceptable level of general community use of the buildings"</i>. The Action Plan goes on to outline <i>"continue to liaise with Surf Life Saving Clubs to encourage increased and continuing broad community access to the buildings, and to undertake facility improvements..."</i> and <i>"in approving any extensions or modifications to the Surf Life Saving Club</i></p>

Internal Referral Body	Comments:						
	<p><i>buildings consideration shall be given to; minimising the loss of open space; principles of shared use; no net loss of general community facilities; maintenance burden to Council and the community...". Parks is satisfied the proposal is in line with the Coastal Land Plan of Management.</i></p> <p>All surrounding public and Council assets utilised by the community shall be retained and protected during works. A pre-construction and post-construction dilapidation report is required. All public recreational open space and facilities utilised by the public (outside the identified construction footprint) are to remain open and accessible during works.</p> <p>Temporary facilities shall be provided for public use from the commencement of construction until the completion of the works, subject to the imposed conditions.</p> <p>The Construction Management Report under section 7.4 Pedestrian Movement does not outline how the NE-SW pedestrian connection behind the Surf Life Saving Club will be catered for during construction. The Construction Management Report shall provide information outlining how this highly utilised connection will be managed.</p> <p>Parks questions how the normal operations of the Surf Club will function while the construction works are being completed. Should the Development Application be approved, consideration and explanation of the Surf Clubs continuing operations during the construction period shall be outlined, and if storage or temporary structures will be required for the Surf Clubs functioning requirements their locations shall be identified and submitted to Council for approval.</p>						
Strategic and Place Planning (Heritage Officer)	<p>HERITAGE COMMENTS</p> <p>Discussion of and reason for referral</p> <p>The proposal has been referred to Heritage as it involves works to a heritage item</p> <p>I66 - Freshwater Surf Life Saving Club</p> <p>Details of heritage items affected</p> <p><u>Statement of Significance</u> A building of strong social significance which continued on from earlier clubhouses in this location. Historically evidence of the development of popular beach culture in the inter-war years. Good example of inter-war mediterranean style of architecture.</p> <p><u>Physical Description</u> Two storey cement rendered building on rear dunes of beach. Hipped tiled roof, with gable at top. Observation tower with hipped tiled roof. Arched & square headed openings.</p> <p>Other relevant heritage listings</p> <table border="1" data-bbox="544 1845 1310 2096"> <tbody> <tr> <td>SEPP (Biodiversity and Conservation) 2021</td> <td>No</td> </tr> <tr> <td>Australian Heritage Register</td> <td>No</td> </tr> <tr> <td>NSW State Heritage Register</td> <td>No</td> </tr> </tbody> </table>	SEPP (Biodiversity and Conservation) 2021	No	Australian Heritage Register	No	NSW State Heritage Register	No
SEPP (Biodiversity and Conservation) 2021	No						
Australian Heritage Register	No						
NSW State Heritage Register	No						

Internal Referral Body	Comments:	
	National Trust of Aust (NSW) Register	
	RAIA Register of 20 th Century Buildings of Significance	
	Other	N/A
Consideration of the Application		
<p>The proposal seeks consent for works to the surf club. This includes the substantial reworking and extension to the rear 1986 portion as well as the removal of the 2006 Heritage Room and its replacement with the new entry and 'Museum of Surf'. Proposed works to the 1935 section include a balcony extension towards the ocean with a new awning and a new members deck to the south, removal of a staircase at ground level, removal of internal walls at the first level, and the reinstatement of the western elevation including windows and doors based on photographic evidence.</p> <p>Other works include the removal of the concrete roof tiles and their replacement with terracotta Marseille pattern tiles and external painting based on paint scraping works.</p> <p>Heritage is unable to support the proposal due to the components that negatively affect the building and its significance which will be detailed below. The proposed eastern balcony extension including the metal railings and awning at the eastern elevation is a poor approach that will interrupt the original form and design of the building. The conclusions in the HIS that these works are supportable is not agreed with. These works must be removed from the plans. Additionally, the metal railings to the member's terrace will need to be amended to timber.</p> <p>The proposed 'Museum of Surf' joins between the retained section and rebuilt rear section will also need to be amended to reduce the bulk and scale of this component and its negative impact upon the retained heritage section. It will need to have its height lowered as well as its southern and northern extents where it sits out over the roof line of the retained section pulled back. The proposed glazing line to the northern and southern verandahs at the second floor will also need to be amended to step back in away from the corners of the retained section showing a clearer break between the old and new. The columns will also need to be amended to be internal.</p> <p>The timber cladding around the new rear section appears to sit out beyond the building's wall. It should be amended to be flush to the wall to reduce the impact of the width of the building and its negative impact upon the retained heritage section.</p> <p>The proposal is also silent on the treatment to the new Freshwater Room and members lounge ceiling noting that the wall currently separating the room and the office to be removed upon which its braces sit. The current acoustic tiles are an incongruous element and no consideration or information has been provided about the reinstatement of a more traditional ceiling, or if the original ceiling is in place behind the tiles. Given the substantial works proposed this is an opportune time to resolve this element with a more sensitive and respectful approach.</p> <p>Additionally, the documents are silent on how impacts to the heritage components are to be managed during construction, including the removal of the roof and pile driving.</p> <p>Heritage will note that it does support some elements of the proposal, including the reinstatement of the western wall of the 1935 component and the</p>		

Internal Referral Body	Comments:
	<p>replacement of the roof tiles.</p> <p>Given the above, Heritage is unable to support the proposal as it is not considered to appropriately address the heritage item or its significance.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? A conservation management strategy will be required for this building Has a CMP been provided? A CMS has not been provided Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? A HIS has been provided but its conclusions are not supported.</p> <p>Updated Heritage Comments 30 January 2025</p> <p>Updated plans and details have been submitted by the applicant. The majority of heritage's concerns with the proposal have now been addressed with these amended plans. This includes the removal of the balcony extension at the eastern beach elevation of the retained 1935 clubhouse, reduction in the overall height of the new works to the western rear so they sit below the ridgeline of the retained 1935 section, and changes to some materials and designs such as the new members deck area to the southern side. Heritage maintains some concerns with the design of the proposal such as the extent of the screens to the north and south verandahs and lack of details regarding the internal treatment of the proposed enlarged Freshwater Room but these can be addressed via conditions. Additionally impacts of demolition and construction works can be conditioned via the appointment of a heritage architect for the project, preparation of a temporary protection plan and then a conservation management plan for the ongoing management of the building post construction works.</p> <p>Therefore, Heritage can now support the proposal subject to conditions.</p> <p>Consider against the provisions of CL5.10 of WLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? A conservation management strategy will be conditioned Has a CMP been provided? A CMP will be conditioned. Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? A HIS has been provided but not updated for the amended plans.</p> <p>Additional conditions to be added for prior to Construction Certificate include</p> <p><u>Schedule of External Materials and Colours</u> An updated full schedule of external materials and colours are to be provided to Council's Heritage Officer for approval prior to the issuing of a Construction Certificate. This must include details of all materials and colours to the 1935 clubhouse building.</p> <p>Details demonstrating Compliance with this condition are to be submitted to the Principal Certifying Authority.</p> <p>Reason: To ensure external materials and colours are appropriate for the heritage item</p> <p><u>Photographic Archival Recording</u> A photographic archival record of the site is to made of all existing</p>

Internal Referral Body	Comments:
	<p>buildings and structures associated with the surf club (including interiors and exteriors and their immediate setting), generally in accordance with the guidelines issued by Heritage NSW (Photographic Recording of Heritage Items Using Film or Digital Capture, 2006). This recording including a digital copy and 1 physical copy must be submitted to Council's Heritage Officer for approval prior to the issuing of the Construction Certificate. 1 physical copy of the archival recording once approved must also be provided to Council's Local Studies at Dee Why Library.</p> <p>The photographic record should be made using digital technology, and must include:</p> <ul style="list-style-type: none"> • Location of property, date of survey and author of survey; • A site plan at a scale of 1:200 showing all structures and major landscape elements; • Floor plans of any buildings at a scale of 1:100; • Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. • Photos of each elevation, interior room, significant features and moveable heritage. • Physical copies must be submitted on archival quality paper <p>Details demonstrating compliance with this condition must be provided to the Principal Certifying Authority.</p> <p>Reason: To provide an archival photographic record of the site, including any buildings and landscape elements, prior to any works.</p> <p><u>Amended Plans</u> Amended plans are to be submitted to Council's Heritage Officer for approval prior to the issuing of the Construction Certificate. These amended plans must include</p> <ul style="list-style-type: none"> • Updated details of the proposed North and South Verandahs showing a reduction in the extent of the battens/sun shades. • Details of the internal design of the proposed enlarged Freshwater Room, including elevations, floor and ceiling plans. <p>Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority. Reason: Protection of significant views and internal spaces.</p> <p><u>Conservation Management Plan</u> A Conservation Management Plan is to be prepared for the site by a suitably qualified and experienced built heritage specialist in accordance with Heritage NSW Guidelines (including but not limited to Statement of best practice for conservation management plans and Guidance on developing a conservation management plan). The plan must be submitted to Council's Heritage Officer for approval prior to the issuing of the Construction Certificate. The plan must include:</p> <ul style="list-style-type: none"> • The history of the site and building. • The heritage significance of the site and building, including its interior and exterior fabric with significance grading. • Policies for the ongoing management, maintenance and protection of the heritage item and its significance. • Policies for the ongoing management, maintenance and protection of moveable heritage and their significance. • An updated statement of significance.

Internal Referral Body	Comments:
	<p>Details of compliance with this condition are to be submitted to the Principal Certifying Authority.</p> <p>Reason: Protection of heritage significance and ongoing maintenance of the heritage item</p> <p>Additional condition to be added for During Works <u>Unexpected Finds – Non Indigenous Archaeology</u> As required by the Heritage Act 1977, in the event that historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.</p> <p>In the event that archaeological resources are encountered, further archaeological work may be required before works can re- commence, including any the statutory requirements under the Heritage Act 1977.</p> <p>Note: The Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.</p> <p>Reason: Statutory requirements for the protection of archaeology</p>
Strategic and Place Planning (Development Contributions)	<p>Support, subject to conditions</p> <p>On 3 November 2023, a referral request was made to S&PP (Development Contributions) in respect to the subject DA.</p> <p>This DA is for alterations and additions to the existing Freshwater Surf Life Saving Club, a facility building listed as a local heritage item (referred to as Item I66) under Warringah Local Environmental Plan 2011.</p> <p>Northern Beaches Section 7.12 Contributions Plan 2022 came into effect on 1 June 2022 and applies to the development site.</p> <p>The proposal involves alterations and additions to an existing building, known as the Freshwater Surf Life Saving Club. The proposed Estimated Cost of Works is \$10,224,866 includes 10% contingency and GST (TRIM 2023/487422).</p> <p>To ascertain the alterations and additions generally, reliance is made to the submitted amended plans for the DA and specifically the plan titled “GFA PLANS & SCHEDULE EXISTING & PROPOSED” Drawing 219 Issue A dated 08.05.2023, prepared by Bonus + Architects. It is particularly the case as this specific plan contains a detailed comparison of the existing and proposed gross floor area (GFA) across the three (3) levels of the development. The comparison table on Drawing 219 Issue A confirms there is an increase in GFA overall particularly in Levels 2 and 3, namely:</p> <p>Level 2 attributing an additional 113m² and relocation of gymnasium to Level 3 to make way for Restaurant GFA.</p> <p>Northern Beaches Section 7.12 Contributions Plan 2022 applies to the land.</p> <p>Council’s Manager S&PP1 specifically advised on the heritage significance of the building and this DA. She has confirmed that the “...heritage significance [is] attributed to its built form and community use. The item is categorised as ‘community club and community club house’. The proposed alterations and additions are considered to be in-line with the category and the current</p>

Internal Referral Body	Comments:
	<p>broad use of Surf Life Saving clubs across NSW and therefore from a heritage perspective is not considered an adaptive reuse of the site.”</p> <p>It is confirmed that development contributions is not funding the construction of this development.</p> <p>Based on the above advice, this development is not: Development for the purpose of the adaptive re-use of an item of environmental heritage. Local infrastructure identified in this plan to be carried out by or on behalf of any public authority including the Council (e.g. if a community facility includes commercial/ retail floorspace then the commercial/retail floorspace of the development will, based on that component’s cost of works, be subject to the levy), and therefore not development being exempted from development contributions under Section 2.5 of the Northern Beaches Section 7.12 Contributions Plan 2022.</p> <p>Accordingly, if the DA is recommended for approval, then a condition is to be imposed on the consent requiring development contributions payable to Council under the Northern Beaches Section 7.12 Contributions Plan 2022</p> <p>Recommendation: The subject DA attracts development contributions payable to Council, based on the Northern Beaches Section 7.12 Contributions Plan 2022 as the applicable plan.</p> <p>The Assessment Officer is to ensure that the condition for Section 7.12 contribution is imposed on the subject development consent DA2023/0998</p>
Traffic Engineer	<p>Support, subject to conditions</p> <p>Amended Comments relating to Amended Plans (21/01/2025) The Traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> • Response to the Request for Information (RFI) prepared by TRAFFIX, dated November 15, 2024, • Amended Traffic Impact Assessment report prepared by • TRAFFIX, dated March 2023, • Amended Master Set plans, Revision B, designed by BONUS + ASSOCIATES and dated November 14, 2024, and • Loading Dock Management Plan (LDMP) prepared by • TRAFFIX, dated November 2024. <p>In response to the Traffic Engineer Referral Response dated 10/11/2023, Traffix has provided additional information addressing each of the issues raised.</p> <ul style="list-style-type: none"> • The RFI states that the proposed café/restaurant will expand the existing café without altering its current operations, which include both table service and takeaway food and drink options. Consequently, the travel behavior of staff and patrons related to the existing café is expected to remain consistent with that of the proposed café. To gain insights into the travel behavior of café patrons, the consultant conducted travel mode surveys and headcount surveys on Sunday, November 3, 2024, from 10:00 AM to 2:00 PM. • The travel mode survey found that for the average hourly usage of approx.6 patron maximum for the current cafe, there was a generated parking demand of some 0.48 spaces. This equates to a site-specific parking demand of 0.012 parking spaces per patron (0.48 parking space/41 patrons). With the application of this parking rate on the proposed additional 147 seats, the development could generate an additional parking demand of 2 parking spaces.

Internal Referral Body	Comments:
	<ul style="list-style-type: none"> • The current café employs a maximum of six (6) staff members, while the proposed café will employ a maximum of twelve (12) staff members, resulting in an increase of six (6) staff members. According to the Request for Information (RFI), all staff members currently drive to work and park in the surrounding streets, as they arrive early in the morning when parking is more readily available. Therefore, if we assume that all staff members will continue to arrive by private vehicle and park in the surrounding streets, the addition of six (6) staff members would create a demand for six (6) additional parking spaces. • In total, the proposed expansion is expected to generate a demand for an additional eight parking spaces, consisting of six for staff and two for patrons. Based on the surveys undertaken, it was concluded that in the vicinity of the site, there was an abundance of spare car parking spaces on both a typical weekday and weekend; users of the proposal therefore would likely be able to park their car in those locations. • There are five public bicycle racks located to the east of the site, near the beach access. These racks are available for both patrons and staff to use. <p><u>Loading Dock Management Plan</u></p> <ul style="list-style-type: none"> • Traffix has provided a Loading Dock Management Plan (LDMP) dated November 2024. The LDMP outlines procedures for using the loading dock facilities and management strategies to ensure fair access for all users. A Loading Dock Manager (LDM), or a designated individual, will administer the plan and oversee the operation of the loading dock. • Service vehicles access the development via the existing vehicular access driveway from Kooloora Avenue, entering in a forward direction. They will park in the loading bay located on level 1, perform a three-point turn, and reverse into the designated loading bay. Upon departure, service vehicles will exit the loading bay and egress onto Kooloora Avenue in a forward direction. The report includes swept path diagrams demonstrating satisfactory access to and from the site. • The LDM will manage all servicing and deliveries for the café and restaurant. The café and restaurant team will communicate their loading dock usage requirements to the LDM. Waste and recycling collection will continue to be conducted using the Council's rear lift waste vehicle. The LDM will coordinate with the Council to confirm the regular collection periods for each waste stream, ensuring that waste collection times and frequency remain consistent with existing arrangements. The LDMP also includes indicative frequencies and types of deliveries. <p><u>Traffic generation</u></p> <p>The traffic generation of the proposal has been determined by considering the travel modal split. This approach will result in a net increase in traffic generation of 7 vehicle trips/hour. The proposal therefore will generate minimal vehicular traffic during the peak, and it will not have any unacceptable implications in terms of road network capacity performance.</p> <p><u>Conclusion</u></p> <p>Subject to conditions, the application can be supported on traffic grounds.</p> <p>Comments dated 10/11/2023</p> <p>Proposal description: Alterations and additions to a Community Facility. Crown land - Part Lot 2797 DP820312, Lot 1 DP909023 & Lots 21 to 23 Section 2 DP975183.</p> <p>The DA is for the alterations and additions to the existing Freshwater Surf</p>

Internal Referral Body	Comments:
	<p>Life Saving Club (FSLSC), including a new restaurant (168 patrons), café (-21 patrons), museum, and upgrades to the existing community facilities (inclusion of 1 indoor badminton court). No changes to current access are proposed. Onsite carparking is not also proposed in relation to the proposed modification as per existing arrangements.</p> <p>It is noted that vehicular access is currently provided via Kooloora Avenue providing access to existing FSLSC boat and equipment storage facilities within the subject site. Onsite parking for staff and visitors is not currently provided.</p> <p>The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> • <i>Traffic Impact Assessment (TIA)</i>, r01v01, prepared by TRAFFIX dated 22/03/2023, • The <i>Statement of Environment Effects</i> prepared by GSA PLANNING dated June 2023, and • Plans (Master Set) – designed by BONUS + ASSOCIATES, dated 02 June 2023. <p><u>Parking requirement and design:</u></p> <ul style="list-style-type: none"> • The site is zoned “RE1 Public Recreation”, according to Warringah LEP. The Warringah DCP applies to the subject site. Under the DCP: <ul style="list-style-type: none"> o 15 parking spaces per 100 sqm of GFA or 1 space per 3 seats are required for restaurants although consideration can be given to a reduced rate if there is available parking in the vicinity at the restaurant’s hours of operation. With the proposed maximum of 168 seats, this equates to 56 spaces. <ul style="list-style-type: none"> o For the Café component of the proposal, 12 parking spaces per 100 sqm of GFA or greater of 1 space per 5 seats (internal and external) and 1 space per 2 seats (internal) are required. This equates to -11 spaces. o The badminton court was considered equivalent to a tennis court in terms of parking demand given that a maximum of 4 players can play at any one time. This is considered acceptable. Under the DCP, 3 spaces per court is required and with the proposed one (1) indoor badminton court, this equates to 3 spaces. • In accordance with Council’s DCP requirements, the proposed modification would result in a total parking demand of 48 car parking spaces. In response , no additional parking spaces are proposed under this DA application. • The ‘first principles’ approach has been used in the Traffic report involving the adoption of an average car occupancy rate (3.5 persons per car) for patrons attending the site, an 80% arrival rate by private vehicle, an estimated 50% of patrons being locals expected to walk to the restaurant/café or beachgoers who are already present in the locality. • It is noted that the 85th percentile peak demand is assessed for café/restaurant component of the development, according to the RMS Guide which recommends that these sites should not be assessed at maximum capacity, and rather use a lower site occupancy rate. This is considered acceptable. • Under the ‘first principles’ approach, and the 85th percentile peak demand assessment, the development is assessed to

Internal Referral Body	Comments:
	<p>generate a demand for 17 car parking spaces (14 additional restaurant/café spaces and three additional badminton court spaces) during the busy weekend.</p> <ul style="list-style-type: none"> • On-street and off-street car parking surveys were undertaken by the consultant on a typical busy weekend (Sunday 5th March) and weekday (Friday 3rd March) during the peak times of beach users. The surveys included counts every 60 minutes on the times of day that the proposed surf club would be expected to generate its peak car parking demand. The surveys were undertaken to gain an understanding of the existing parking demands within the vicinity of the site. • Based on the surveys undertaken, it was concluded that: <ul style="list-style-type: none"> on a typical weekday, there was an abundance of spare car parking spaces in the vicinity of the site; users of the proposed surf club with a new restaurant, café, museum, and badminton court would therefore likely be able to park their car in those locations. on a typical weekend, parking demand was at near 100% capacity between the hours of 12:00pm – 1:00pm and at more than 90% at other times. <p>It is noted that the survey results for a busy weekend is a worst-case scenario, and it is expected that demand for parking would be lower during the colder month of the year.</p> <p>Although the site is located within the accessible area (within 400m walking distance of multiple bus stops), and bus services run along Charles Street to the north of the subject site, and bus stops are located within close walking distance, the off-street parking shortfall of approximately 17 parking spaces and reliance upon on- street parking/adjacent public parking areas opportunities is not considered appropriate given the following reasons:</p> <p>There is a very high parking demand on the street nearby and Moore Road Parking Area and Freshwater Beach Carpark (especially on weekends). Although parking analysis has been undertaken and demonstrated some parking availability to cater for the off-street parking shortfall, this is not considered acceptable given that:</p> <p>Parking occupancy rates in excess of 85% are generally accepted to result in drivers having to circulate looking for vacant parking with vacant parking spaces being difficult to find. Although the surveys may have identified parking availability at most times, in practice any times with parking availability less than 35 spaces out of 352 would, in practice, be at levels where vacant parking was difficult to obtain, particularly for longer term use. The surveys identified that at midday on the Sunday there was 0 - 1 parking space available within 300m of the site. This situation is expected to be found on many other occasions at peak times.</p> <p>Evans Street, Charles Street and Moore Road currently suffer from high levels of traffic congestion, particularly in peak periods and • drivers circulating looking for vacant parking will add to that congestion. As there are high levels of congestion and high traffic volumes on street, the ongoing availability of kerbside parking on Koolara Avenue, Moore Road, Charles Street and Gore Street cannot be guaranteed.</p> <ul style="list-style-type: none"> • Some information about the anticipated number of restaurant/café staff and staff travel mode should be included in the traffic report. • Bicycle parking spaces are not presented in the architectural plans and their presence in compliance with DCP requirements will contribute towards reducing reliance on private motor vehicle travel. The location and number of bicycle parking spaces should be

Internal Referral Body	Comments:
	<p>confirmed on the amended plans.</p> <ul style="list-style-type: none"> No information about the deliveries/loading and waste management have been included in the Traffic report. It is reported that no changes are proposed to the existing refuse collection and loading arrangements via Kooloora Avenue and the modification is expected to continue to operate satisfactorily. Some information regarding future deliveries/loading arrangements, together with details of the delivery arrangements for the proposed development is required. This should include an analysis of future delivery frequency and the suitability of such servicing arrangements being from Kolora Avenue should be discussed. Servicing should be accommodated off street and it is required to demonstrate that the development can operate effectively without any reliance on an on- street loading bay. <p><u>Traffic Impact</u> An indication of the traffic generation potential of the development proposal should be provided by reference to the TfNSW Guide to Traffic Generating Developments, Section 3 - Landuse Traffic Generation (October 2002).</p> <p>Restaurant Trip Generation and the travel mode Surveys (car driver, taxi, car passenger and share/uber trips) should also be used to determine potential trip generation attributed to the restaurant component of the proposed development. This is not discussed in the traffic report.</p> <p><u>Conclusion:</u> The plans and the traffic report in their current form are unacceptable given the lack of relevant detail to base a traffic and parking impact assessment, as outlined above. The proposal is therefore unsupported.</p>
Waste Officer	Supported, subject to conditions

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid, who provided a response stating that the proposal is acceptable and subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Aboriginal Heritage Office	<p>Supported, subject to conditions</p> <p>Aboriginal Heritage Office has advised:</p> <p>Reference is made to the proposed development at the above area and Aboriginal heritage.</p> <p>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</p> <p>Objects in New South Wales (2010). Is recommended based on the following:</p> <ul style="list-style-type: none"> • The subject area includes archaeologically sensitive landforms defined un the Due Diligence Code of Practice including: <ul style="list-style-type: none"> o Lands within 200m of a watercourse <p>Should the proposed development require further excavation, a Due Diligence Aboriginal heritage assessment should be completed for the subject area to confirm if Aboriginal objects are located or area likely to be located within the subject area. All Aboriginal objects, including those which are not registered, are protected under the NPW Act. Should the development remain within the current building footprint, no further assessment would be necessary.</p> <p>In line with our normal advice for sandy areas, the Aboriginal Heritage Office recommends that the development conditions should provide for stop work provisions (unexpected discovery protocol) should human remains be uncovered. In the event that human remains are uncovered, works should cease and the NSW Police must be contacted.</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p>
NSW Police - Licensing (Clubs, Hotels, Pubs)	See the referral response dated 20.9.2023 from Northern Beaches Local Command, NSW Police, regarding licencing considerations and service of alcohol, including operational recommendation. NSW Police recommendations will be included in the conditions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	An assessment of the proposal against the Warringah Development Control Plan is contained below.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters are addressed via a recommended condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow the Council to request additional information. The Council requested additional information on 14 November 2023. The applicant submitted amended plans and additional documentation to the Council on 14 November 2024.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter is addressed via a recommended condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter is addressed via a recommended condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter is addressed via a recommended condition of consent.</p>

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact This report addresses the proposed development's environmental impacts on the natural and built environment. In summary, the development will not negatively impact the site's coastal ecology or coastal processes.</p> <p>(ii) Social Impact The proposed development will have a beneficial social impact on the greater Northern Beaches community by providing an upgraded community facility that can serve as an SLSC, public meeting places, and community function rooms.</p> <p>Subject to a condition requiring appropriate levels of community access to the building, the development is not anticipated to have any adverse social impacts.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality, considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

CROWN LAND MANAGEMENT ACT 2016 and LOCAL GOVERNMENT ACT 1993

The land is owned by the Crown and is dedicated for the purpose of Public Recreation. Northern Beaches Council is the Crown Land Manager of the land.

Under section 3.21 of the Crown Land Management Act 2016, Council, as the Crown Land Manager, is authorised to classify and manage the land as if it were public land within the meaning of the Local Government Act 1993.

The Coastal Lands Plan of Management has been prepared by Council as part of its role as Crown Land Manager to manage the land.

Coastal Lands Plan of Management 2002

The Coastal Lands Management Plan (CLPOM) was adopted by Warringah Council in September 2002 and provides an overall framework for managing coastal open space in the former local government area of Warringah.

The CLPOM includes several specific references to the Freshwater Surf Life Saving Club as well as general references to surf club buildings and recreational uses. An extract of the concept plan for Freshwater Beach is shown in Figure 5 below, and relevant clauses from the CLPOM are discussed in the table below.

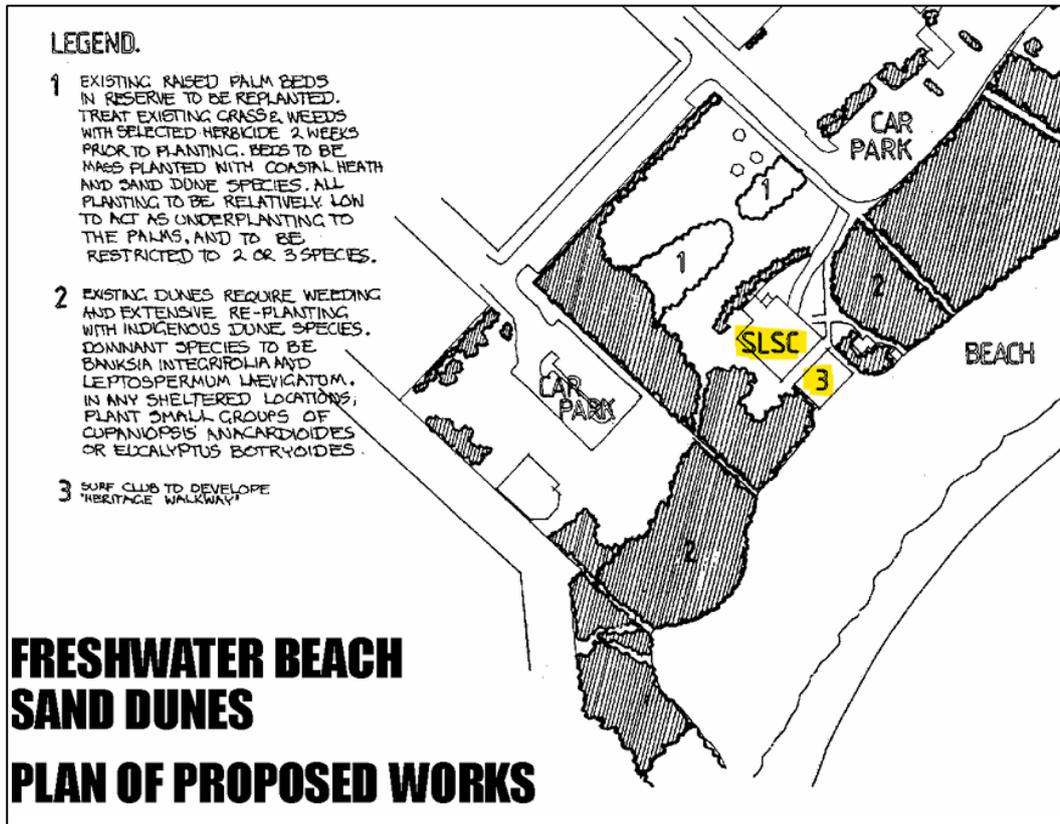


Figure 5. Concept Plan 11 Freshwater Sand Dunes (source: Coastal Lands POM)

Coastal Lands POM requirement	Comment:
<p>Master Plan 4 and Concept Plan 11 –</p> <p>The Master Plan 4 and Concept Plan 11 note that dune restoration is to be undertaken for Freshwater Beach. The master plan notes that the park and dune area surrounding the FSLSC is to undertake restoration, with these areas more specifically identified in the concept plan.</p> <p>The concept plan also identifies the surf club as being subject to developing a 'heritage walkway'.</p>	<p>The proposed works for the surf club are not identified on the concept plan and will not impact the dune areas.</p> <p>The concept plan identifies existing dune areas (labelled "2" in Figure 5 above) that will require weeding and extensive re-planting. One tree will be removed from this area to accommodate the western extension (supported by Arborist Report). Replacement planting including <i>Banksia Integrifolia</i> is proposed elsewhere (shown in Landscape Plans).</p> <p>The proposal includes a double-height infill building that will display the Freshwater SLSC artefacts and memorabilia within a multipurpose space. This part of the proposal aligns with the heritage walkway concept.</p>
<p>Section 5.3 Community Values</p> <p><u>Recreation</u></p> <p>The CLPOM acknowledges that the community highly values Warringah's coastal open space, including surf club buildings, rock pools, and playgrounds. The council's vision emphasises the beach's importance to the local lifestyle, which was reinforced through community consultations. The consultations found that people are</p>	<p>The subject proposal involves a major redevelopment of FSLSC and is, therefore, inconsistent with the findings of the community consultation, which found that residents are satisfied with the variety and number of recreational facilities and preferred moderate</p>

Coastal Lands POM requirement	Comment:
<p>generally satisfied with the variety and number of facilities; however, they stressed the need for better maintenance. The CLPOM suggests moderate improvements alongside restoring and enhancing existing facilities.</p> <p><u>Surf Life Saving Club Buildings</u></p> <p>The CLPOM acknowledges the crucial role of the volunteer surf lifesaving movement in ensuring the safe and enjoyable use of Warringah's beaches, contributing to the area's character. To help these clubs grow, the CLPOM emphasises the need for greater financial independence from the Council. This includes offering recreational services to the wider community and exploring new ways of managing and expanding existing club buildings as outlined in the master plans.</p> <p>CLPOM requires that community buildings uphold the 'shared use principle.' Proposals must be in keeping with the coast's recreational values and maintain a reasonable level of general community access to the buildings.</p>	<p>improvements and restorations to surf club buildings.</p> <p>Providing an enlarged café /kiosk reflects the goal of greater financial independence for surf lifesaving clubs.</p> <p>The proposed building is consistent with the 'shared use' principal as the proposal maintains the use as Surf Life Saving Club, as access is maintained to the club, café facilities and associated amenities.</p>
<p><u>Access</u></p> <p>The CLPOM requires that public buildings within public open space provide equitable access.</p> <p>The Action Tables reinforce the values of shared, multi-use open space and associated facilities.</p> <p>The CLPOM states the need to develop accessible facilities to serve the broadest number of people in the community.</p>	<p>Equitable access to the surf club building has not been demonstrated.</p> <p>A recommended deferred consent condition will require an updated Operational Plan of Management, including equitable access details. The majority of areas within the building should allow general community access.</p>
<p>Section 6.2</p> <p>Section 6.2 of the CLPOM provides an action table to address the objectives of the Local Government Amendment (Community Land Management) Act 1998.</p> <p>The relevant Action Plans are:</p> <p><u>Action Plan 15:</u> Continue to liaise with surf lifesaving clubs to encourage increased and continuing broad community access to the buildings and to undertake facility improvements and management practices which enable this. Any exclusive commercial use activities are to consider and incorporate this principle.</p> <p>Means of Assessment: Ratio of general public access in proportion to club/group use. Percentage of the available facility time hired/used by the general public.</p>	<p>The subject application does not provide information to determine a satisfactory proportion of community access.</p>
<p><u>Action 20:</u> In approving any extensions or modifications to the Surf Life Saving Club Buildings, consideration must be given to:</p> <ul style="list-style-type: none"> • Minimising the loss of open space 	<p>The amended proposal will not encroach on existing open space areas.</p> <p>As outlined above, the proposal has not demonstrated the shared use principle</p>

Coastal Lands POM requirement	Comment:
<ul style="list-style-type: none"> Principles of shared use (including appropriate placement of lifeguard facilities for Council's operations eg areas for storage and first aid) No net loss of general community facilities Maintenance burden to Council & the community Impact on neighbouring properties Consider any threat from coastal/geological hazards 	<p>The proposal involves the removal of the public amenities from the building.</p> <p>There will be no unreasonable impacts on neighbouring properties</p> <p>There will be no detrimental hazard impacts</p>
<p><u>Action Item 29</u>: relates to public art and requires that all community building projects incorporate public art in accordance with the Council's Art in Public Places Policy, the Cultural & Heritage Strategy, and the Environmental Strategy. It states;</p> <p><i>In particular, this relates to recognising surfing and surf life saving heritage at:</i></p> <ul style="list-style-type: none"> <i>Freshwater Surf Life Saving Club</i> 	<p>It is noted that the infill building is proposed to display FSLSC memorabilia and artefacts.</p> <p>A recommended condition of consent will require the submission of a detailed Public Art Plan, prepared by a suitably qualified and experienced public art consultant, consistent with the Northern Beaches Public Art Policy for approval by Council before the issue of the Occupation Certificate.</p>
<p>Section 6.6</p> <p>Section 6.6 of the CLPOM identifies the club within a Surf Life Saving Club building precinct and expressly authorises the granting of a lease, licence or other estate for:</p> <ul style="list-style-type: none"> Purposes associated with the operation of a volunteer lifesaving and beach patrol service and associated training and club activities, A food and beverage outlet Recreational uses such as a gym, beach equipment hire, or similar. <p>The CLPOM provides a list of all leases, licences and grants of estates authorised through the CLPOM, as well as their purpose and additional conditions. The FSLSC falls under the Surf Life Saving Club building precincts and is subject to the following provisions: <i>Purpose of Lease, Licence or other Estate</i> <i>This Plan of Management expressly authorises the granting of a lease, licence or other estate for:</i></p> <ul style="list-style-type: none"> <i>Purposes associated with the operation of a volunteer lifesaving and beach patrol service and associated training and club activities,</i> <i>A food & beverage outlet</i> <i>Or recreation uses such as a gym, beach equipment hire or similar.</i> 	<p>The proposed alterations and additions will maintain the club's existing activities, which include a volunteer lifesaving and beach patrol service with associated training and club activities. The existing kiosk will be replaced with a larger cafe and kiosk function, which is consistent with the CLPOM.</p> <p>The proposal will also enlarge the existing gym and multipurpose hall, providing for a range of recreation uses in accordance with the CLPOM.</p>
<p>The CLPOM stipulates that:</p> <ul style="list-style-type: none"> Any lease be limited to 21 years. The shared hall area as identified on the existing lease, must remain available to the public for general community use. Any use of the building must permit reasonable community use of the area allowing for activities such as parties, functions and community meetings on a regular basis for times including weekend use where not reasonably required for purposes associated with volunteer lifesaving. Where an application to Council is required for further commercial uses, a business plan may be requested that includes, but is not limited to, detail regarding the 	<p>Council's commercial property team advises that the entire building is a Council asset currently leased to Freshwater SLSC under a 20 year lease until 2043. The FSLSC sub-lease part of the building to other entities</p> <p>It is understood that the proposed works are largely contained within the existing lease boundary.</p> <p>The lease agreement has not been provided.</p>

Coastal Lands POM requirement	Comment:
<p>financial viability of the proposal, demand for the service/activity and future cost and maintenance expectations.</p> <ul style="list-style-type: none"> • That suitable off street parking be available to accommodate additional uses that require development consent. • That any use is in accordance with Council's policies & strategies governing the use of open space, particularly as this relates to the alienation of open space. • All leasing arrangements within the Council's building assets are to be approved by the Council's Buildings, Property and Spatial Information Department. 	

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid, who raised no objections.

SEPP (Resilience and Hazards) 2021

The site is subject to SEPP (Resilience and Hazards) 2021. Accordingly, an assessment under the SEPP has been carried out as follows:

Chapter 2 Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

2.10 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - b) *coastal environmental values and natural coastal processes,*
 - c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), 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,*
 - 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,*
 - f) *Aboriginal cultural heritage, practices and places,*
 - g) *the use of the surf zone.*

Comment:

The proposed development is unlikely to cause any adverse impacts on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes, the water quality of the marine estate, or marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.

The proposed development is also unlikely to cause an adverse impact on existing public open space and safe access to and along the foreshore and beach for members of the public, including persons with a disability. The proposal includes the replacement of existing pathways surrounding the surf club with new pathways and ramps designed to comply with Australian Standards. The external works will integrate with the Freshwater Beach Masterplan.

The subject site has not been identified as containing any Aboriginal cultural heritage, practices or places; however, a condition is recommended to ensure that if any Aboriginal engravings or relics are found as part of the proposed development, works will cease immediately, and the relevant authorities notified.

The proposal is supported by consultants' report relating to coastal impacts. The proposed additions are sited on the area occupied by the existing SLSC building. The application has been reviewed by Council's technical officers with regards to biodiversity, coastal processes, landscape and land contamination and no objections have been raised by those technical officers. In summary, the proposal satisfies the matters for consideration.

The proposed development has been designed, sited and can be managed to avoid adverse impacts upon the relevant matters identified in section 2.10(1).

- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*

- b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The proposed development has been designed, sited and can be managed to avoid an adverse impact on the cultural and environmental aspects referred to in Subclause 1.

2.11 Development on land within the coastal use area

1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

a) 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,*
- 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, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and*

b) is satisfied that:

- i) the development is designed, sited and will be managed to avoid an*
- ii) adverse impact referred to in paragraph (a), or*
- iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - i. if that impact cannot be minimised—the development will be managed to*
 - ii. mitigate that impact, and*

c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The proposed development maintains safe access to and along the foreshore and beach.

The proposal does not result in any overshadowing of residential properties, and the adjoining public open space retains good access to sunlight. Views from public places to the foreshore are maintained as the building is on the existing surf lifesaving club site. A comprehensive Visual and View Impact Assessment submitted has been provided in support of the proposal

The proposal has been designed to complement the scenic values of the coast. It is set within the existing building footprint to reduce its visual impact. The building additions have been architecturally designed and are appropriate for the setting (subject to condition requiring a redesign of the north and south verandahs).

As noted above, while the subject site has not been identified to contain any Aboriginal cultural heritage, practices or places, a condition will be recommended to require that if any Aboriginal engravings or relics are found as part of the proposed development, works will cease immediately and the relevant authorities will be notified. The proposed development will also not have an adverse impact on cultural or built environmental heritage.

Overall, if the proposed development has been designed, sited and will be managed to avoid an adverse impact on the aforementioned cultural and environmental aspects. Additionally, the proposed development is consistent with the surrounding coastal and built environment, which consists primarily of low to medium density residential development, and is of an appropriate bulk, scale and size.

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

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 risk of coastal hazards on that land or other land.

Comment:

The land is not identified on the Coastline Hazard Map under the WLEP 2011 as being within the area of wave impact and slope adjustment, nor in an area for reduced foundation capacity.

A Coastal Assessment Report has been prepared in support of the proposal and notes that;

‘The proposed works are not likely to cause increased risk of coastal hazards on the subject land or other land as the proposed works are either located landward of coastal processes, or are situated within existing building structures, or are at a level above the influence of coastal processes’.

Council's Coastal Engineer has reviewed the proposed development and is satisfied that the development is not likely to cause increased risk of coastal hazards on the subject site or other surrounding land.

The proposal is found to comply with the requirements of Chapter 2 – Coastal Management of the SEPP (Resilience and Hazards) 2021.

Chapter 4

Clause 4.6(2) of SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated. Council records indicate that the subject site has been used for recreation and community purposes for a significant period with no prior land uses. The site poses no risk of contamination, and therefore, no further consideration is required under Clause 4.6(2) of SEPP (Resilience and Hazards), and the land is suitable for the land use.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
Aims of the LEP?	Yes
Zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
5.3 Development near zone boundaries	Yes
5.10 Heritage conservation	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Clause	Compliance with Requirements
Schedule 5 Environmental heritage	Yes* Subject to conditions

Detailed Assessment

Zone RE1 Public Recreation

The site is zoned RE1 Public Recreation pursuant to Clause 2.3 of the Warringah Local Environmental Plan 2011 (WLEP).

The application proposes the following land uses:

- Community facility
- Café
- Museum

The proposed surf lifesaving club building and associated facilities fall within the definition of a “community facility”. The proposed café falls within the definition of a “restaurant or café”.

These land uses are defined in WLEP 2011 as follows:

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.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

Note—

Restaurants or cafes are a type of food and drink premises—see the definition of that term in this Dictionary. The underlying objectives of the RE1 Public Recreation zone

Both uses are permissible in the RE1 Public Recreation zone.

The proposed ‘museum of surf’ is as an ancillary to the primary ‘community facility’ use. From discussions with FSLSC representatives, it is understood that the space nominated as a ‘museum’ is intended to display and exhibit surf-related artefacts and memorabilia associated with the club and will not operate as an independent museum. The area will serve as an entry to the club and can also be used as a function space.

Objectives of the zone

- 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 protect, manage and restore public land that is ecological, scientific, cultural or aesthetic value.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Comment:

The development is consistent with the relevant objectives of the zone for the following reasons:

- The proposal retains the existing public open space areas for recreational purposes and complements those activities.
- The proposal complements and enhances the use of the adjoining beach and surrounding recreational areas.
- The proposal is sited on the existing area used for a surf lifesaving club and ancillary facilities and will not harm the natural environment.
- The development is not likely to destroy, damage, or otherwise harm public land of ecological, scientific, cultural or aesthetic value subject to conditions of consent.

5.10 Heritage conservation

The subject site is listed as an item of local heritage significance on Schedule 5 of the WLEP as 'Freshwater Surf Life Saving Club' (item no. 166). The Heritage Map identifies only the 1935 building, and the property description on Schedule 5 of the Warringah LEP 2011 is "Lot 7140, DP 1032133 and Lot 2797, DP 820312, as shown on 'Heritage Map'".

The following Statement of Significance for the Freshwater Surf Life Saving Club is sourced from the NSW Heritage Database.

A building of strong social significance which continued on from earlier clubhouses in this location. Historically evidence of the development of popular beach culture in the inter-war years. Good example of Inter-war Mediterranean style of architecture.

The Council's Heritage Officer has assessed the proposal and advises that the amended plans have addressed most of their initial concerns. The remaining issues with the timber screens to the north and south verandahs, the lack of details regarding the internal treatment of the proposed enlarged Freshwater Room and inadequate schedule of materials and colours, have been addressed via recommended consent conditions. The proposal satisfies the requirements of clause 5.10 of WLEP.

6.1 Acid Sulfate Soils

Part of the site is mapped as Class 5 Acid Sulfate Soils. Development consent is required for the carrying out of works within 500 metres of adjacent Class 1, 2, 3, or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3, or 4 land.

The Geotechnical Investigation prepared by Geotechnique Pty Ltd supports the proposed development, subject to the use of construction materials (such as concrete and bricks) and construction methods appropriate for Class A2 soils.

The development is, therefore, consistent with clause 6.1.

6.2 Earthworks

The proposal will involve minor earthworks to facilitate the construction of the development.

The application was supported by a Geotechnical Investigation prepared by Geotechnique Pty Ltd. Subject to the recommendations of the report, it is not envisaged there would be any detrimental effect on drainage patterns, soil stability, the potential future use of the site or impact on amenity of adjoining properties.

Consequently, the development is consistent with clause 6.2.

6.4 Development on sloping land

The site is identified as Area A – a less than 5 degrees slope – on the Council’s Landslide Risk Map.

The Geotechnical Investigation prepared by Geotechnique Pty Ltd has provided recommendations to ensure suitable construction methods and an appropriate stormwater design. Subject to conditions, there is minimal potential for landslides, detriment impacts of stormwater discharge and impact on subsurface flow conditions.

WARRINGAH DEVELOPMENT CONTROL PLAN

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes (refer to discussion below)	Yes
C3 Parking Facilities	Yes (refer to discussion below)	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes (refer to discussion below)	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes (refer to discussion below)	Yes
D10 Building Colours and Materials	Yes (refer to discussion below)	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes (refer to discussion below)	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes

E10 Landslip Risk	Yes	Yes
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Detailed Assessment

C2 Traffic, access and safety

Vehicular Access

The proposed Freshwater SLSC utilises parking in the adjoining public car parks. The proposal includes a Traffic Impact Assessment (TIA) and a supplementary response letter. The traffic assessment concludes that the proposal will generate minimal additional vehicular traffic during the peak and will not have any unacceptable implications regarding road network capacity performance.

Council's Traffic Engineer supports the proposal.

On-site loading and unloading

A Loading Dock Management Plan (LDMP) has been provided to support the proposal. The LDMP outlines procedures for using the loading dock facilities and management strategies to ensure fair access for all users.

Council's Traffic Engineer supports the proposed loading dock facilities. A recommended consent condition will require compliance with the LDMP.

C3 Parking facilities

The traffic assessment concludes that the proposed expansion of the café is expected to generate a demand for an additional eight parking spaces, consisting of six for staff and two for patrons. Based on the surveys undertaken, it is concluded that in the vicinity of the site, there is an abundance of spare car parking spaces on both a typical weekday and weekend.

There are five public bicycle racks located to the east of the site, near the beach access. These racks are available for both patrons and staff to use

Council's Traffic Engineer supports the proposal.

D3 Noise

The proposal is accompanied by an Acoustic Impact Assessment report (GHD, 15 November 2024).

The report recommends a number of measures be undertaken to mitigate the potential acoustic impacts of the proposed uses in the proposed buildings. This includes recommendations relating to complaints management, licensed café management, gymnasium management and mechanical plant.

The report has been reviewed by Council's Environmental Health (Acoustic) Officer who has raised no objections to the proposal subject to conditions.

Conditions requiring compliance with the recommendations of the Acoustic Impact Assessment report are included in the recommendations.

D7 Views

To the west of the subject site, on the opposite side of Gore Street, is a residential area. Residential apartments and dwelling houses within this area enjoy views of the reserve, beach and ocean.

A Visual and View Impact Assessment has been prepared to support the proposal. The assessment identifies public and private view vantage points and provides a photographic image, existing 3D model, and proposed 3D model view from each location.

The view assessment demonstrates that the proposal will have a negligible impact on views from surrounding dwellings, as it is sited in the exact location as the existing surf lifesaving club and below the ridge height of the existing heritage-listed building. As an illustrative example, the view impact assessment from the dwelling house at 4 Gore Street is shown in Figures 6 and 7 below.



Figure 6. Existing balcony view (4 Gore Street) (source: Bonus + Associates)



Figure 7. Proposed balcony view (4 Gore Street) (source: Bonus + Associates)

The proposal complies with the relevant planning controls and has been skilfully designed in terms of its siting and its integration into the landscape. The proposal provides for reasonable view sharing and satisfies the requirements of clause D7 of WDCP and the Land and Environment Court's planning principle (*Tenacity Consulting v Warringah Council [2004] NSWEC 140*).

D9 Building Bulk

The objectives for building bulk provided in clause D9 are addressed below:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment: The proposal generally represents good design and utilises appropriate materials, colours, and finishes (subject to a conditions) and satisfies this objective.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment: Original concerns with building bulk have largely been addressed by the amended plans, which have;

- significantly reduced the westward extension, and
- lowered the roof height so it sits below the ridgeline of the retained 1935 section.

However, concerns remain regarding the unnecessary building bulk arising from the proposed double-height shade structures above the north and south verandahs. As seen in Figure 8 below, the double-height verandahs with their timber cladding, add considerable visual bulk to the building and interfere with the view of the adjacent heritage item.



EXISTING



PROPOSED

Figure 8. View from the access pathway looking towards north-verandah (Source: Bonus + Architects)

A recommended deferred commencement condition will require a redesign of part of the infill building to reduce the building bulk above the north and south verandahs. Updated details of the proposed

north and south verandahs showing a reduction in the extent of the battens/sunshades must be submitted to the consent authority to the satisfaction of the Council's Heritage Advisor.

D10 Building Colours and Materials

The objective for building colours and materials contained in clause D10 are addressed below:

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Comment: As the proposal relates to a heritage item, an amended schedule of materials and finishes is required to reflect the details indicated on the amended plans and to ensure that the proposed works do not have any detrimental impacts on the significance of the heritage item. Given the importance of this issue, a recommended consent condition will require an updated schedule of external materials and colours to ensure external materials and colours are appropriate for the heritage item.

D18 Accessibility

The relevant objectives for accessibility contained in clause D18 is addressed below:

- *To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.*

Comment: The submitted Loading Dock Management Report supports the proposed development and outlines procedures for using the loading dock facilities and management strategies to ensure fair and safe access for all users.

- To ensure convenient, comfortable and safe access for all people, including older people, people with prams and strollers and people with a disability.

Comment: The proposal includes a passenger lift to all three levels of the building. The Access Report submitted in support of the proposal, concludes that the proposed development provides accessibility capable of complying with the BCA, Disability (Access to Premises—Buildings) Standards 2010, and the objectives of the Disability Discrimination Act 1992

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations, ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$102,249 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$10,224,866.

The Housing and Productivity Contribution does not apply to this application as the development application was lodged prior to 1 October 2023, when the Housing and Productivity was introduced.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- The Coastal Lands Plan of Management.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

This proposed development is for alterations and additions to the Freshwater Surf Life Saving Club. The proposal maintains the existing heritage-listed 1935 clubhouse, proposes substantial alterations and additions to the existing rear 1986 addition and proposes a new, connecting infill building. The proposed development sits within the same footprint as the existing surf club building, with additional floor space in an upper-level westward extension. The proposed development contains facilities for volunteer lifesaving and beach patrol activities, a gymnasium, members lounge, function and meeting rooms, a caretaker's unit and a café. Landscaping works are also proposed.

The proposed development constitutes 'Regional Development', requiring referral to the Sydney North Planning Panel (SNPP) as it has a Capital Investment Value greater than \$5 million and occupies land owned by Northern Beaches Council. SNPP is the consent authority for this application.

Many of the concerns raised in the objections have been addressed and resolved by amended plans and conditions of consent.

A deferred commencement consent is recommended to enable the following unresolved issues to be addressed:

- Certainty around the new standalone public amenities building

Overall, the development represents a quality design that performs well against the relevant controls and will not result in unreasonable impacts on the natural environment, the surrounding public reserve or nearby residential dwellings. The proposal has, therefore, been recommended for approval.

RECOMMENDATION

- A. THAT Sydney North Planning Panel, as the consent authority, grants a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2023/0998 for alterations and additions to a community facility (Freshwater SLSC) at Crown land - Part Lot 2797 DP820312, Lot 1 DP909023 & Lots 21 to 23 Section 2 DP975183 - Part Reserves D500403 and R64997 for Public Recreation -

Freshwater Surf Life Saving Club on land at Lot 1 DP 909023, 9999 The Esplanade, FRESHWATER, subject to the conditions attached to this report.

- B. Once the matters detailed in the Deferred Commencement Development Consent conditions are satisfactorily addressed, an operational development consent will be issued, subject to the time frames detailed in Part A of this recommendation.

FINAL DECLARATION

Consultant Name: Danielle Deegan, DM Planning Pty Ltd

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.