

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2017/0947
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<b>Responsible Officer:</b>	Daniel Milliken
<b>Land to be developed (Address):</b>	Lot 7351 DP 1166942, Pittwater Road COLLAROY NSW 2097 Lot CP SP 1977, 1114 - 1118 Pittwater Road COLLAROY NSW 2097
<b>Proposed Development:</b>	Construction of coastal protection works
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential Warringah LEP2011 - Land zoned RE1 Public Recreation
<b>Development Permissible:</b>	Yes, under State Environmental Planning Policy (Coastal Management) 2018
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	DDP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	The Owners of Strata Plan 1977
<b>Applicant:</b>	Horton Coastal Engineering Pty Ltd

<b>Application lodged:</b>	22/09/2017
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	28/09/2017 to 16/10/2017
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	2
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 483,577.00
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### EXECUTIVE SUMMARY

In June 2016, a large storm caused severe coastal erosion to Collaroy/Narrabeen Beach, as well as damage to properties fronting the beach, including the subject site.

This Development Application seeks consent for coastal protection works, in the form of a rock revetment structure or "seawall", to primarily provide protection for the residential flat building on the site which is known as "Flight Deck". The works will have the added benefit of providing protection for private land to the north and south (once it links up with existing works to the south and the existing

rock on the property occupied by another residential flat building known as "Ship Mates" to the north). The works will also provide indirect protection for critical infrastructure to the west (i.e. Pittwater Road).

The application is being reported to the NBLPP because the works extend over the rear boundary of the subject site and onto Crown land.

Four sets of coastal protection works on properties to the north and south have been approved by Council and the Land and Environment Court.

Land owners consent from the NSW Department of Lands as the owner of the Crown land beach front was not available at the time of the lodgement of the application. After lengthy and extensive discussions with the Department, land owners consent has been obtained.

The proposal is prohibited in the R2 Low Density Residential and RE1 Public Recreation zones under the Warringah LEP 2011. However, the *State Environmental Planning Policy (Coastal Management) 2018* permits coastal protection works with consent on this land. The *Coastal Management Act 2016* is also relevant to this application, specifically Section 27, which sets out the matters for any consent authority to be satisfied prior to consent being granted. The application has also been assessed under the relevant Warringah LEP 2011 and Warringah DCP 2011 clauses.

The works will link with other protection works on private properties and Council land to the north and south that, overall, will run for approximately 1.3km along Collaroy-Narrabeen Beach. The design of the wall (a rock revetment structure) is the most appropriate for this site to both align with the adjoining coastal protection works to the north and south, minimise the impact on coastal processes and minimise the visual impact to the public beach (i.e. the works are designed to be covered in sand and vegetation during inter-storm periods).

The conditions of consent for coastal protection works have continued to be developed over the previous four consents for other properties to the north and south. Each consent presented a more refined 'standard set' of conditions as Council continues to improve the outcomes for the applicants.

The conditions in the recommendation of this report have been reviewed by the applicant. This is part of the process that Council has undertaken for each coastal protection works application.

Overall, the approval of the application will be in the public interest as the works will fit with the overall alignment of protection works along the coast, ensuring a contiguous wall, best suited to cause the least impact on coastal processes.

## **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.

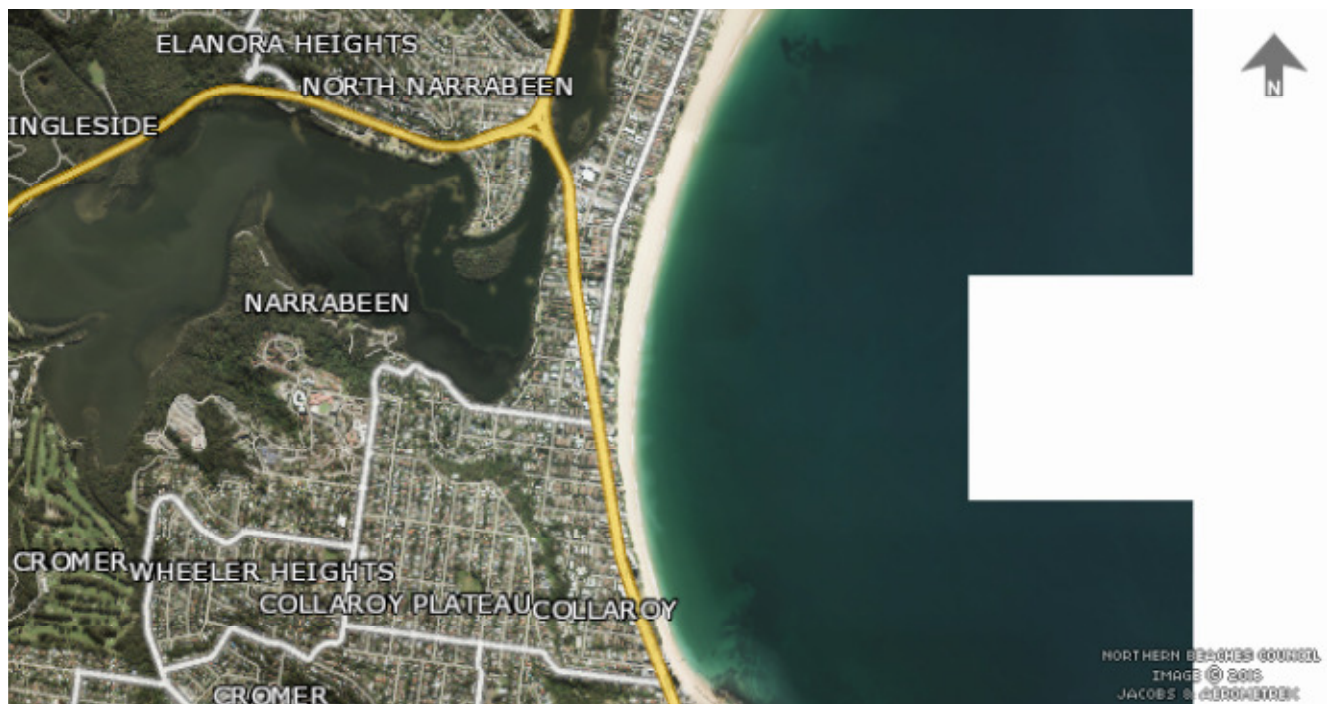
## SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 5.5 Development within the coastal zone  
 Warringah Local Environmental Plan 2011 - 6.5 Coastline hazards  
 Warringah Development Control Plan - B5 Side Boundary Setbacks  
 Warringah Development Control Plan - B9 Rear Boundary Setbacks  
 Warringah Development Control Plan - C9 Waste Management  
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting  
 Warringah Development Control Plan - E7 Development on land adjoining public open space  
 Warringah Development Control Plan - E9 Coastline Hazard

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 7351 DP 1166942 , Pittwater Road COLLAROY NSW 2097</p> <p>Lot CP SP 1977 , 1114 - 1118 Pittwater Road COLLAROY NSW 2097</p>
<b>Detailed Site Description:</b>	<p>The subject site is located on the eastern side of Pittwater Road and contains the residential flat building known as 'Flight Deck'.</p> <p>Collaroy Beach is located directly to the east, the residential flat building known as 'Shipmates' is to the north and a private property (No. 1112 Pittwater Road) is located to the south.</p> <p>The site has an area of approximately 2,890sqm and is generally flat, with a slope down towards the beach at the rear (eastern edge) of the site.</p> <p>The site contains a 13 storey residential flat building with garaged and open parking spaces, associated paved areas and minimal landscaping. Driveway access is obtained from Pittwater Road.</p> <p>The site also contains a loose rock barrier near the eastern boundary that previously provided some protection from coastal erosion during storms. This rock barrier was damaged during the large storms in June 2016.</p> <p>The surrounding development consists of detached dwellings, residential flat buildings, an arterial road and public open space.</p>

Map:



## SITE HISTORY

### Storm Event and Severe Erosion

In June 2016, a large storm caused severe coastal erosion to the eastern side (i.e. the beach side) of the subject site.

### Prelodgement Meeting (PLM2017/0030)

A prelodgement meeting was held on 3 April 2017 to discuss the construction of coastal protection works on and over the eastern boundary of the site.

Relevant comments provided in the minutes included:

*"Council is supportive of the proposal in concept. Fully detailed plans and reports, as listed above, will need to be submitted for assessment."*

*Please ensure that all plans and supporting documentation include sufficient detail so that any member of the public can clearly understand the design and characteristics of the proposal (particularly as it relates to it being designed as a predominantly sand covered structure).*

*As mentioned above, it is strongly recommended that discussions with the Crown occur soon to obtain owners consent to avoid delays in any determination."*

### Current Application

The application was lodged on 22 September 2017. The delay in reporting this application has occurred for a number of reasons, being:

- Other coastal protection works were the subject of a Land and Environment Court appeal that related to the conditions being imposed on coastal protection work consents. It was appropriate to wait until the appeal was finalised so that a more refined set of conditions could be

recommended for this application. The appeal was finalised on 5 June 2018.

- Landowners consent from the Crown was not obtained until 26 June 2018.
- The applicant submitted amended plans on 2 February 2019.
- The set of conditions was further refined with the most recent approved development application for another section of sea wall having a determination date of 10 May 2019.

On-going communication between Council and the applicant has occurred throughout this process.

## PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the construction of coastal protection works on the seaward (eastern) side of the site. The works will be located mostly on private land with a smaller part of the structure on the adjoining beach which is Crown land. This is necessary as these protection works must be consistent with the overall alignment of other coastal protection works along Collaroy and Narrabeen Beach.

In detail the proposal includes:

- Site preparation works
- The construction of engineered coastal protection works ("seawall") on the eastern side of the site and on the adjoining crown land
- The back-filling of the coastal protection works to restore the subject land to its natural ground level
- The covering of the coastal protection works with sand and vegetation
- Associated landscaping treatment around the works (on the subject site)

**Note:** The development is prohibited under the *Warringah Local Environment Plan 2011*, but is permitted with consent under the *State Environmental Planning Policy (Coastal Management) 2018*, hence the application is lodged under the SEPP.

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

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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of



Section 4.15 Matters for Consideration'	Comments
(EP&A Regulation 2000)	<p>consent.</p> <p>Clauses 54 and 109 of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p>Clause 92 of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p>Clauses 93 and/or 94 of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p>Clause 98 of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
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) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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	The proposed coastal protection works are permitted with consent under the <i>State Environmental Planning Policy (Coastal Management) 2018</i> . Public access to the beach will not be unreasonably impeded by the works and natural coastal processes will not be significantly adversely affected.

Section 4.15 Matters for Consideration'	Comments
	<p>The works will assist in the protection of public infrastructure and private property. This will be achieved by the construction of the proposal and it linking to other similar coastal protection works (seawalls) which are currently approved or planned for this vulnerable section of Collaroy and Narrabeen Beach. The works will have an overall public benefit.</p> <p>In this regard, no matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

## COASTAL MANAGEMENT ACT 2016

Section 27 of the *Coastal Management Act 2016* states:

### **27 Granting of development consent relating to coastal protection works**

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

*(a) the works will not, over the life of the works:*

*(i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or*

*(ii) pose or be likely to pose a threat to public safety, and*

*(b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:*

*(i) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,*

*(ii) the maintenance of the works.*

*(2) The arrangements referred to in subsection (1) (b) are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either or both of the following:*

*(a) by legally binding obligations (including by way of financial assurance or bond) of all or any of the following:*

*(i) the owner or owners from time to time of the land protected by the works,*

*(ii) if the coastal protection works are constructed by or on behalf of landowners or by landowners jointly with a council or public authority—the council or public authority,*

*(b) by payment to the relevant council of an annual charge for coastal protection services (within the meaning of the Local Government Act 1993).*

*(3) The funding obligations referred to in subsection (2) (a) are to include the percentage share of the total funding of each landowner, council or public authority concerned.*

Comment:

### **Background**

In order for Section 27 to be satisfied, the consent authority must form the opinion that the above matters are achieved over the life of the works.

### **Information provided by the applicant**

To assist Council, the applicant has submitted coastal engineering advice (prepared by a suitably

qualified coastal engineer) that states that the structure has a design life of 60 years. This advice has been reviewed and agreed with by Council's internal and external coastal experts.

### **What is the "Design Life"?**

A "Design Life" of 60 years does not mean that the structure will fail in year 61. Instead, it means that, given the amount of information currently available, coastal hazards and processes (including the effects of sea level rise and climate change), beyond 60 years from now are too unknown to make accurate predictions at the time of granting consent (i.e. June-July 2019). It is possible that the works, as approved, will exist indefinitely. However, the unknown state of the coast beyond 2079, raises the question of how a consent authority can be satisfied that the works will meet the requirements of section 27 over the life of the works.

### **Satisfying Clause 1(a)(i) - *"unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland"***

The works are located on both private land and Crown land. The site does not adjoin road reserves to the north or south. This means that no public access is currently obtained over the private component of the subject site.

A portion of the works does sit on public land. However, the design and location of the works have been determined by Council's internal and external coastal experts, to be the most appropriate for the site. This is in order to best link up with other similar coastal protection works (seawalls) along this section of Collaroy and Narrabeen Beach, and to minimise the impacts to coastal processes.

The portion of the works on the public beach will be covered in sand and vegetation for the majority of the time, only being revealed during large storms that will likely prohibit public access to the beach anyway.

In this regard, the consent authority can be satisfied that the works will not, over the life of the works, unreasonably limit or be likely to unreasonably limit public access to or the use of the beach.

### **Satisfying Clause 1(a)(ii) - *"pose or be likely to pose a threat to public safety"***

As discussed above, beyond 60 years, the state of coastal hazards (incorporating sea level rise and other impacts of climate change) is too uncertain to be able to make accurate predictions as to whether the works will afford the appropriate level of protection to the property behind and not adversely impact public safety in the event that they are damaged beyond repair.

If the works are damaged beyond repair at some stage in the future, new coastal protection works that are designed and constructed in accordance with the prevailing coastal hazard forecasts of the time would be required. Such works could vary so significantly from those approved as part of this consent that a new Development Application would be required.

The key point is that; at the time of granting any consent, the coastal experts (and therefore Council) cannot be certain of the future coastal hazards. This uncertainty means that Council cannot be satisfied that the works will not, over the life of the works, pose a risk to public safety. This is the test that needs to be met. If this test is not met, Section 27 states that development consent must not be granted.

Given it is effectively impossible to forecast the state of the coast for the life of the works, a method needs to be found of being able to grant consent for the time period that Council (or another consent authority) can be satisfied that the works will not pose a risk to public safety.



The solution is to grant a time limited consent, via a condition that specifies the consent only operates for 60 years, in accordance with the design life as explained in the Coastal Engineering Report accompanying the Development Application. The condition includes a mechanism whereby the owners of the works can obtain a report by a suitably qualified coastal engineer that can recommend an extension to the design life. If the findings of this report are acceptable to Council, Council can extend the operation of the consent for a reasonable time period. This process can be repeated in perpetuity.

In this way, each review will be conducted based on the best and most current knowledge of coastal processes available at that time, and, as such, any extension granted will be based on updated information.

Consent can therefore be granted by Council, as the consent authority, being satisfied that, for 60 years, the proposed works will not pose a risk to public safety. As such, a 60 year time limited consent condition will allow Clause 1(a)(ii) to be satisfied and allow development consent to be granted.

**Satisfying Clauses 1(b)(i) & (ii) and 2(a)(i) - *"the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works, the maintenance of the works and the owner or owners from time to time of the land protected by the works"***

A single condition has been recommended to provide satisfactory arrangements to secure adequate funding in a legally binding manner for the restoration of the beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works, and for the maintenance of the works.

This condition requires an irrevocable bank guarantee (or other suitable legally binding obligation) in the amount of \$1000 per lineal metre of work to Council prior to the issue of any Construction Certificate. This money is intended to be used as a last resort for the owners to undertake maintenance of the coastal protection works in the event that they are damaged as a result of coastal storm, including to undertake any works required to remove any threat to public safety arising from the coastal protection works including the removal of rocks or debris, that have become dislodged from the works, from the public beach and adjacent public land and implement the Maintenance Management Plan (MMP).

In this condition "maintenance" means the restoration of the works to a standard in accordance with the approved plans and specifications following any damage caused by a coastal storm and implementation of the MMP.

The bank guarantee (or other suitable legally binding obligation) is to be replenished if drawn upon and increased to allow for Consumer Price Index (CPI) every 10 years from the date of establishment.

The bank guarantee (or other suitable legally binding obligation) is to be in the favour of Council. The funds may be accessed by one or more owners, for the undertaking of works referred to in this condition and in the approved MMP, with the written consent of Council.

This condition will satisfy Clauses 1(b)(i) & (ii) and 2(a)(i).

## Conclusion

It is considered that the two conditions outlined above will be sufficient to satisfy Section 27 of the *Coastal Management Act 2016* and can be viewed in full at the end of this report.

Having satisfied the clauses within Section 27 of the *Coastal Management Act 2016*, a time-limited

development consent can be granted.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## 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 2 submission/s from:

Name:	Address:
Kimale May Raicevich	1110 Pittwater Road COLLAROY NSW 2097
Mr Michael George Hopkins	C/- Tomasy Planning Level 1, 1073 Pittwater Road COLLAROY NSW 2097

The following issues were raised in the submissions:

- **Visual impact**
- **Location on Crown land**
- **Conditions of consent**
- **Adjoining landowners consent**

The matters raised within the submissions are addressed as follows:

- **Visual Impact**

The submissions raised concerns that if the proposal is not covered in sand, it will "*deter from the look of the beach*".

Comment:

The proposal is a rock revetment wall and is designed to be covered in sand and vegetation post construction.

After large storms, portions of the works may be uncovered, however, coastal processes and human activities will rebuild the sand covering.

- **Location on Crown Land**

The submissions raised concerns that the protection works are located partly on Crown land.

Comment:

The proposed coastal protection works are located across private and public land, extending onto the Crown owned beach. The works will link with other protection works to the north and south that, overall, will run for approximately 1.3km along Collaroy/Narrabeen Beach. Coastal

experts have determined that the proposed works will fit with this overall alignment, ensuring a contiguous wall, best suited to cause the least impact on coastal processes.

- **Conditions of Consent**

The submissions raised the following question:

*"What conditions will be placed on the applicant? Are they consistent 100% with all other applications for coastal protection?"*

Comment:

The conditions of consent are outlined in the recommendation of this report.

The conditions are not 100% consistent with all other applications for coastal protection because each application/site/design is assessed on its individual circumstances and merits. Some applications for coastal protection works require different or additional conditions due to their unique circumstances.

The bulk of the conditions will be consistent with the current 'standard' set of coastal protection consent conditions which have been developed through extensive discussion and legal review.

- **Adjoining Landowners Consent**

The submissions raised the following question:

*"Have the adjoining landowners agreed to this design or the works in total?"*

Comment:

Landowners consent has been received from the Crown and from the owners of the subject site. No other landowners consent is required for this application.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p>The wall is basically overtopping with basalt of the older existing sandstone boulders. Expert engineering and water impact advice is supplied.</p> <p>It is recommended that a system be put in place to ensure any future washout of smaller pieces of stone on to the beach will be managed in ongoing manner by the applicant or by agreement with Council.</p> <p>Condition for consideration:</p> <p>That the applicant put in place an ongoing management plan to ensure on going maintenance as well as removal ,from the beach ,of any pieces of stone that may be dislodged.</p> <p>Reason: To ensure on going maintenance</p>

Internal Referral Body	Comments		
Landscape Officer	No objections subject to conditions		
NECC (Bushland and Biodiversity)	Councils Natural Environment and Climate Change (NECC) - Biodiversity section, raises no objection to approval, subject to conditions as recommended.		
NECC (Coast and Catchments)			
	<b>Matters for consideration</b>		
	Are the proposed works located in an area considered to be generally suitable for coastal protection as identified in:		
	The Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermen's Beach.		YES
	Landowners Consent		
	Is Landowner's consent from the Department of Primary Industries required for any private protection works that extend onto or under Crown Land.		YES
	Has Landowner's consent from the Department of Primary Industries been granted for any private protection works that extend onto or under Crown Land.		YES
	<b>Northern Beaches Coastal Erosion Policy</b>		
	Pursuant to Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979, the requirements of the Northern Beaches Coastal Erosion Policy are to be satisfied as follows:		
	<b>Supporting information:</b>		
	Is the application accompanied by sufficient information to address the requirements of this policy, the CZMP, the Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications and the Collaroy-Narrabeen Protection Works Assessment Checklist.		
	Survey identifying the location of all relevant property boundaries with respect to the proposed works including the location of the eastern boundary having regard to any erosion and accretion processes.	Yes subject to condition	Has been addressed in the application. A survey to ensure works are located where approved will be required post completion.
	Certification that the works set out in the application are supported by appropriately experienced and qualified specialists in the field of coastal engineering.	Yes	No additional comment
	In the case of an		No additional comment

Internal Referral Body	Comments		
	application dealing with multiple properties, that an enforceable agreement from all owners has been obtained to fund and construct the works as a single contiguous project.	Not Applicable	
	A mechanism to ensure appropriate protections for Council and the public in the event that the applicant cannot complete the works in a timely professional; manner (e.g. bank guarantee in favour of Council in the event of non-compliance or failure to complete the works).	No	Has not been addressed. Will be conditioned
	Appropriate mechanisms that allow for the efficient maintenance, funding of offsets for any adverse impacts on adjacent properties and/or the public beach and any renewal of the works as required by or on behalf of the benefiting property owner/s.	Yes subject to condition	Will be conditioned to ensure compliance with Northern Beaches Coastal Erosion Policy and Coastal Protection Act.
	An assessment demonstrating that the development does not have a long-term impact on coastal processes in the Collaroy-Narrabeen embayment.	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	An assessment demonstrating that the development does not have a long-term impact on public access to or along the beach.	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	An assessment of the impact of climate change and sea level rise on the development and the adjoining beach environment.	Yes	No additional comment
	Demonstration that the	Yes	No additional comment



Internal Referral Body	Comments		
	works are consistent with the CZMP and the Northern Beaches Coastal Erosion Policy		
	<b>Design and construction:</b> Are the works designed and constructed:		
	To ensure the long-term coastal processes of the Collaroy-Narrabeen Beach embayment are maintained.	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	<b>To ensure that the presence of the works will not adversely impact on adjoining private and public properties, or adversely affect the long-term amenity of the adjoining beach and surf zone.</b>	<b>Yes</b> <b>Yes</b> <b>subject to condition</b> <b>No</b> <b>Not</b> <b>Applicable</b>	
	Such that the works are only visible temporarily during and after significant erosion events.	Yes	Works consistent with Collaroy-Narrabeen Beach Coastal Protection Works Specifications.
	To be contiguous, similar and integrated with adjoining protection works constructed in the embayment.	Yes subject to condition	Works will contained within one property boundary. Condition to be applied in relation to interaction with adjoining works to ensure no impact on adjacent properties.
	To a consistent design standard that provides an appropriate level of protection from coastal erosion for affected properties.	Yes	Works consistent with Collaroy-Narrabeen Beach Coastal Protection Works Specifications
	To ensure public access is not adversely impacted by any new protection works.	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	To ensure access for ongoing maintenance of	No	Suitable access landward of the works is not

Internal Referral Body	Comments		
	the works.		possible due to the location of the existing structure. However suitable measure are in place to ensure that maintenance works can be delayed until access from the seaward side of the works is possible.
	In accordance with the minimum criteria outlined in the Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications.	Yes, but for access	Matters related to access dealt with above.
	<b>Maintenance</b> Coastal protection works are to be maintained in a manner that ensures the ongoing level of design performance. Have the following maintenance considerations been addressed in the application?		
	Undertaking a routine series of inspections.	Yes	Inspection following storms to be conditioned
	Ensuring works are renewed in a timely manner such that the design level of protection is not threatened.	Yes	Inspection following storms to be conditioned
	Ensuring works are upgraded as required in response to changes in impacts associated with frequency or intensity of storm events or sea level rise associated with climate change.	Yes subject to condition	To be conditioned to ensure works are maintained in accordance with approved plans.
	Ensuring suitable access is retained to the works so that ongoing maintenance can be implemented by private and/or public owners.	Yes subject to condition	Suitable access landward of the works is not possible due to the location of the existing structure. However suitable measure are in place to ensure that maintenance works can be delayed until access from the seaward side of the works is possible.
	Existing protection works (e.g. loose rock or geobags) that are not incorporated into	Not Applicable	No additional comment

Internal Referral Body	Comments		
	permanent protection works shall be removed by the Principal Asset Owner for the permanent works.		
	<b>WLEP 2011 requirements Clauses 5.5 and 6.5</b> Pursuant to Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979, the objectives of the Warringah Local Environmental Plan 2011 (WLEP 2011) are considered as follows:		
	<b>Assessment Consideration</b>	<b>Assessment Acceptability</b>	<b>Further Assessment Comment</b>
	Does the development maintain existing public access to and along the coastal foreshore?	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	Is the development suitable in relation to the surrounding area and its impact on the natural scenic qualities?	Yes	Works consistent with Collaroy-Narrabeen Beach Coastal Protection Works Specifications
	Is the development suitable in relation to the surrounding area and its impact on the amenity of the coastal foreshore?	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	Is the development suitable in relation to its cumulative impacts and other development in the coastal catchment?	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	Will the development adversely affect coastal process significantly?	No	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	Will the development increase the impacts of coastal hazards to other development or properties	No	Works will contained within one property boundary. Condition to be applied in relation to

Internal Referral Body	Comments		
	significantly?		interaction with adjoining works to ensure to ensure no impact on adjacent properties.
	Will the development increase the impacts of coastal hazards to the detriment of the environment?	No	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	Does the development incorporate appropriate measures to minimise exposure to coastal hazards?	Yes	Works consistent with Collaroy-Narrabeen Beach Coastal Protection Works Specifications
	Does the development incorporate appropriate for modification in response to sea level rise?	Yes	Works consistent with Collaroy-Narrabeen Beach Coastal Protection Works Specifications
<p><b>WDCP 2011 requirements Clause E9 – Coastline Hazard</b> Pursuant to Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979, the Objectives of the Warringah Development Control Plan 2011 (WDCP 2011) are considered the following:</p>			
	Assessment Consideration	Assessment Acceptability	Further Assessment Comment
	Does the proposal provide protection from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach?	Yes	No additional comment
	Does the development mitigate any adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches?	Yes	No additional comment
	Does the development mitigate any adverse impact on the coastal processes affecting adjacent land?	Yes subject to condition	Works will contained within one property boundary. Condition to be applied in relation to interaction with adjoining works to ensure to ensure

Internal Referral Body	Comments		
			no impact on adjacent properties.
	Does the development retain the area's regional role for public recreation and amenity?	Yes	No additional comment
	<b>Requirements under SEPP Coastal Management 2018; and Clause 55 - Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]</b> The proposal has been identified as being located within a Sensitive Coastal Location as identified on the Coastline Hazard Map. Accordingly, pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy No.71 – Coastal Protection are to be considered.		
	<b>Assessment Consideration</b>	<b>Assessment Acceptability</b>	<b>Further Assessment Comment</b>
	Is the development acceptable with regard to the SEPP Coastal Management 2018: <i>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and...</i> <i>(f) to protect and preserve beach environments and beach amenity, and</i> <i>(g) to protect and preserve native coastal vegetation, and</i> <i>(h) to protect and preserve the marine environment of New South Wales, and</i> <i>(i) to protect and preserve rock platforms, and</i> <i>(j) to manage the coastal zone in accordance with the principles of ecologically</i>	Yes	No additional comment



Internal Referral Body	Comments		
	<p><i>sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and... (I) to encourage a strategic approach to coastal management.</i></p>		
	Does the development implement measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats?	Not Applicable	No additional comment
	Does the development implement measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats?	Not Applicable	No additional comment
	Does the development take into consideration existing wildlife corridors and the impact of development on these corridors?	Not Applicable	No additional comment
	Are the likely impact of coastal processes and coastal hazards on the development and any likely impacts of the development on coastal processes and coastal hazards acceptable?	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
	Are the likely impacts of development on the water quality of coastal waterbodies acceptable?	Yes	No additional comment
	Is the development acceptable with regard to:	Yes	No additional comment

Internal Referral Body	Comments		
	<div> <div> <p>(i) the cumulative impacts of the proposed development on the environment, and</p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient</p> </div> <div></div> <div></div> </div> <p><b>Conclusion / General Comments</b></p> <p>The proposed coastal protection works are consistent with the CZMP for Collaroy-Narrabeen Beach and Fisherman Beach as well as the Northern Beaches Coastal Erosion Policy. The proposal can be approved subject to condition.</p> <p>It is noted that this proposal integrates with existing informal coastal protection works that extend both north and south of this proposal for a distance of approximately 1.3 kilometres. The proposed works cover a distance of approximately 60 meters.</p> <p>This has been taken into account in assessing the potential impact of these works and actions required to coordinate protection with adjoining properties.</p> <p><b>Recommendation</b></p> <table> <tr> <td>NO OBJECTION</td><td>Unlikely Significant Impact - Subject to conditions</td></tr> </table>	NO OBJECTION	Unlikely Significant Impact - Subject to conditions
NO OBJECTION	Unlikely Significant Impact - Subject to conditions		
NECC (Development Engineering)	<p>The proposal is for construction of seawall which is to span across the rear of the entire site to protect the site from tidal wave action. All works are to be done in accordance with the submitted Geotechnical Report and Coastal Engineering Report. It must be done in the approval of the Coast and Catchment department.</p> <p>No development engineering conditions are required.</p>		

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Department of Lands - Lands and Property Management Authority	<p>The Department of Industry - Lands, granted unconditional owners consent on 26 June 2018, stating:</p> <p><i>"It has been identified that the Land Owners Consent provided to applications DA2017/0591 and DA2017/0947 were provided without prejudice. I can confirm that Land Owners Consent for 0A2017/0591</i></p>

External Referral Body	Comments
	<p><i>and DA2017/0947 have been issued and can be relied upon by Council, without qualification to determine the applications."</i></p> <p>Additional comments from the department included:</p> <p><b>"Coastal Zone Management Plan</b>  <i>The requirements of the CZMP, more specifically the issues raise in Kylie Hargreaves letter of the 13 October 2016 will be addressed as part of the tenure approval process.</i></p> <p><b>Reserve Purpose</b>  <i>I note Council's submission and support for the additional purpose of Coastal protection to be added to Reserve 79606. The department supports the premise for Council seeking a qualification of the additional reserve purpose, however, this isn't something that is available to be implemented through the gazettal process. Council as Reserve Trust manager and also the planning consent authority have legislative functions that can ensure this is the case with any future proposed developments."</i></p>

## 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 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the proposed coastal protection land use.

### SEPP (Infrastructure) 2007

#### Ausgrid

Clause 45 of the SEPP 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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

### **SEPP (Coastal Management) 2018**

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

#### **13 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 works have been assessed by Council's internal and external coastal experts.

The coastal protection works will link with other protection works to the north and south that, overall, run for approximately 1.3km along Collaroy/Narrabeen Beach. The proposed works will fit with this overall alignment, ensuring a contiguous wall, best suited to cause the least impact on coastal processes.

The design of the wall (a rock revetment structure) is the most appropriate for this site to align with the adjoining coastal protection works, minimise the impact on coastal processes, maximise the usable space for the private property owners, and minimise the visual impact on the beach.

Conditions have been imposed to protect public safety, access to the beach, and Aboriginal cultural heritage.

In this regard, the works, as assessed by Council's internal and external coastal experts will not have unreasonable impacts on:

- the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment
- the coastal environmental values and natural coastal processes
- 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
- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms
- 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
- Aboriginal cultural heritage, practices and places
- the use of the surf zone

(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 subclause (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:

As above, the proposed works are the best fit for the circumstances of the site and the overall alignment of works along Collaroy/Narrabeen Beach, ensuring a contiguous wall, best suited to cause the least impact on coastal processes.

The impacts from the works will be managed by the conditions of consent, ensuring on-going maintenance and action in the event of a storm that causes any damage to the works.

#### **14 Development on land within the coastal use area**

- (1)
  - (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,
    - (iv) Aboriginal cultural heritage, practices and places,
    - (v) cultural and built environment heritage, and
  - (b) is satisfied that:



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

(a) The proposed works are located on both private land and Crown land, and will not have an unreasonable impact on the public access to the beach. The works are generally at the height of the fore-dune and will not cause unreasonable impacts to the visual amenity and scenic qualities of the coast, or any unreasonable overshadowing, wind funnelling or the loss of views from public places to the foreshore. Conditions of consent have been included to protect public safety, access to the beach, and Aboriginal cultural heritage.

(b) The proposed works are the best fit for the circumstances of the site and the overall alignment of works along Collaroy/Narrabeen Beach, ensuring a contiguous wall, best suited to cause the least impact on coastal processes.

The impacts from the works will be managed by the conditions of consent, ensuring on-going maintenance and action in the event of a storm that causes any damage to the works.

(c) The coastal protection works will link with other protection works to the north and south that, overall, run for approximately 1.5km along Collaroy/Narrabeen Beach. The proposed works will fit with this overall alignment, ensuring a contiguous wall, best suited to cause the least impact on coastal processes.

## **15 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 proposed works have been assessed by Council's internal and external coastal experts who have confirmed that, subject to conditions, the proposed development is not likely to cause increased risk of coastal hazards.

Overall, the proposed coastal protection works will link with other protection works to the north and south that run for approximately 1.5km along Collaroy/Narrabeen Beach. The proposed works will fit with this overall alignment, ensuring a contiguous wall, best suited to cause the least impact on coastal processes and hazards.

As such, it is considered that the application meets the requirements of the *State Environmental Planning Policy (Coastal Management) 2018*.

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

#### Principal Development Standards

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	The coastal protection wall will sit at or below natural ground level and will form part of the foredune of the beach.	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.5 Development within the coastal zone	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.5 Coastline hazards	Yes

#### Detailed Assessment

##### 5.5 Development within the coastal zone

Clause 5.5 of the Warringah Local Environmental Plan 2011 states:

*(2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:*

*(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*

- (i) maintaining existing public access and, where possible, improving that access, and*
- (ii) identifying opportunities for new public access, and*

#### Comment:

The proposal will not unreasonably impede existing public access to the beach. By reinforcing the protection of private land, the public beach may be more easily accessible for longer periods of time during the storm season.

*(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*

- (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
- (ii) the location, and*
- (iii) the bulk, scale, size and overall built form design of any building or work involved, and*

Comment:

The proposed coastal protection works are suitable for the site and will be consistent with the network of coastal protection works along Collaroy and Narrabeen beaches.

The coastal protection works on the subject site are designed to be at or below ground level and will be covered in sand and vegetation post construction and for the majority of the time. In this regard, the bulk of the works will be hidden and the development will not unreasonably impact the scenic quality of the beach front and will not impact on land uses and activities associated with the coast.

*(c) the impact of the proposed development on the amenity of the coastal foreshore including:*

- (i) any significant overshadowing of the coastal foreshore, and*
- (ii) any loss of views from a public place to the coastal foreshore, and*

Comment:

The coastal protection works on the subject site are designed to be at or below the foredune level and will not result in any unreasonable overshadowing or loss of views to or from the coastal foreshore.

*(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

Comment:

The visual amenity and the scenic quality of the coast will be reasonably protected due to the coastal protection works being at or below the foredune level and covered in sand.

*(e) how biodiversity and ecosystems, including:*

- (i) native coastal vegetation and existing wildlife corridors, and*
- (ii) rock platforms, and*
- (iii) water quality of coastal waterbodies, and*
- (iv) native fauna and native flora, and their habitats, can be conserved, and*

Comment:

The portion of the site that the proposed coastal protection works will be located was heavily damaged and eroded during the storms in June 2016. There are no rock platforms in the area and limited coastal vegetation or habitats for native fauna and flora remained after these storms.

*(f) the cumulative impacts of the proposed development and other development on the coastal catchment.*

Comment:

The proposed development individually and combined with the eventual line of future coastal protection walls along Collaroy and Narrabeen beaches are necessary to protect private land, public land and critical infrastructure. The nature and location of the proposal and other future similar proposals will not have unacceptable impacts on the coastal catchment.

*(3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*

*(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

Comment:

The proposed development is located entirely on private land. The works will strengthen coastal protection, particularly during large storms. By reinforcing the protection of private and public land, the public beach will more easily accessible for longer periods of time during the storm season. In this regard, the works will not unreasonably impede or diminish, the physical, land-based right of access of the public to or along the coastal foreshore.

*(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

Comment:

The development does not involve the disposal of effluent.

*(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

Comment:

The development does not involve the discharge of stormwater.

*(d) the proposed development will not:*

- (i) be significantly affected by coastal hazards, or*
- (ii) have a significant impact on coastal hazards, or*
- (iii) increase the risk of coastal hazards in relation to any other land.*

Comment:

The proposed coastal protection works will be affected by coastal hazards, however, the purpose of the development (in conjunction with other coastal protection works to the north and south) is to protect private land, public land and critical infrastructure.

Overall, the development will not have a significant impact on coastal hazards and, once constructed in conjunction with other neighbouring coastal protection works, will not increase the risk of coastal hazards on any other land.

## **6.5 Coastline hazards**

The objectives of Clause 6.5 - 'Coastline Hazards' require development to:

- (a) avoid significant adverse impacts from coastal hazards, and*
- (b) enable evacuation of coastal risk areas in an emergency, and*
- (c) ensure uses are compatible with coastal risks, and*
- (d) preserve and protect Collaroy Beach, Narrabeen Beach and Fishermans Beach as national assets for public recreation and amenity.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

Clause 6.5 - 'Matters for Consideration'	Comments
Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:	
(a) will not significantly adversely affect coastal hazards	As confirmed by Council's internal and external coastal engineers, the proposal will not significantly adversely affect coastal hazards.
(b) will not result in significant detrimental increases in coastal risks to other development or properties.	Conditions to ensure appropriate integration with adjoining private land have been included in the recommendation. As such, the proposal will not result in significant detrimental increases in coastal risks to other development or properties.
(c) will not significantly alter coastal hazards to the detriment of the environment.	As confirmed by Council's internal and external coastal engineers, the proposal will not significantly alter coastal hazards to the detriment of the environment.
(d) incorporates appropriate measures to manage risk to life from coastal risks.	The works are consistent with the Collaroy-Narrabeen Beach Coastal Protection Works Specifications and will therefore incorporate appropriate measures to manage risk to life from coastal risks.
(e) avoids or minimises exposure to coastal hazards.	The coastal protection works will minimise exposure to coastal hazards through the appropriate location and integration of the works with adjoining protection works. The wall is designed to only come into effect during large coastal storms.
(f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.	Actions required to retrofit works have been identified. These actions are recommended to be conditioned as part of a maintenance plan.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	The coastal protection wall will sit at or below natural ground level	N/A	Yes
B3 Side Boundary Envelope	North - 4m	No encroachments	N/A	Yes
	South - 4m	No encroachments	N/A	Yes
B5 Side Boundary Setbacks	North - 0.9m	Nil	100%	<b>No</b>
	South - 0.9m	Nil	100%	<b>No</b>
B7 Front Boundary Setbacks	West - 6.5m	Pittwater Road - Minimum of 43.38m	N/A	Yes
B9 Rear Boundary Setbacks	East - 6m	The coastal protection wall is proposed across the rear boundary	100%	<b>No</b>



		and onto adjacent crown land.		
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Approximately 3.1% (88.81sqm)	92.25%	<b>No</b>

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	No	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	No	Yes
D1 Landscaped Open Space and Bushland Setting	No	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E9 Coastline Hazard	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

## B5 Side Boundary Setbacks

### Description of non-compliance

The coastal protection works have a nil setback to both side boundaries.

The control requires a minimum of 0.9m.

### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas.*

#### Comment:

The site currently contains minimal landscaped open space, however, it is a unique development. The proposed works will not eliminate any usable areas of landscaped open space as they will sit mainly in the location of the current rock wall.

The existing areas of deep soil planting on the site, suitable for medium to high vegetation, will remain.

As such, the site will continue to provide adequate opportunities for deep soil landscape areas.

- *To ensure that development does not become visually dominant.*

#### Comment:

The coastal protection works will sit at or below the fore dune level and will be covered by sand and vegetation post construction and for the majority of the time. The works will link up with an adjacent works to the south and with the existing rock on the property to the north. In this regard, the proposal will not become visually dominant.

- *To ensure that the scale and bulk of buildings is minimised.*

#### Comment:

The coastal protection works will sit at or below the fore dune level and will be covered by sand and vegetation post construction and for the majority of the time. The works are at the minimum height required for suitable protection. In this regard, the scale and bulk of the proposal has been minimised.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

#### Comment:

The proposed works will not result in any privacy, amenity or solar access impacts to adjoining properties. In addition, the works must link up with the adjoining rocks, otherwise outflanking would occur defeating the purpose of the coastal protection works. In this regard, a nil setback is

necessary and appropriate.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The coastal protection works will sit at or below the fore dune level and will not result in the unreasonable loss of any views.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **B9 Rear Boundary Setbacks**

### Description of non-compliance

The proposed coastal protection works are located across the rear boundary of the site and onto the adjacent beach, which is Crown land.

The control requires a minimum rear setback of 6.0m.

### Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The site currently contains minimal landscaped open space, however, it is a unique development. The proposed works will not eliminate any usable areas of landscaped open space as they will sit mainly in the location of the current rock wall.

The existing areas of deep soil planting on the site, suitable for medium to high vegetation, will remain.

As such, the site will continue to provide adequate opportunities for deep soil landscape areas.

- *To create a sense of openness in rear yards.*

Comment:

The coastal protection wall will sit at or below the fore dune level and will be covered by sand and vegetation post construction. In this regard, a reasonable sense of openness will be created and maintained. In addition, public access to the beach will not be unreasonably affected by the proposal.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

It is appropriate to locate the works over the rear boundary due to the need to protect the subject site and the requirement for the works to link up with other works along Collaroy and Narrabeen Beach. As the wall is at or below the foredune level and the land to the east consists of the beach and ocean, there will be no unreasonable privacy or amenity impacts caused by the development. Public access to the beach will not be unreasonably affected by the proposal.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The works will link up with other coastal protection works along Collaroy and Narrabeen Beach.

In this regard, the future visual continuity and pattern of buildings, rear gardens and landscape elements will be consistent with this proposal.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

As the wall is at or below the foredune level and the land to the east consists of the beach and ocean, there will be no unreasonable privacy or amenity impacts as a result of the development.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **C9 Waste Management**

A detailed waste management plan has not been submitted with the application. To ensure proper disposal of demolition and builders' wastes, a condition has been included in the consent requiring details prior to the issue of a construction certificate.

## **D1 Landscaped Open Space and Bushland Setting**

### Description of non-compliance

The site will provide approximately approximately 3.1% (88.81sqm) landscaped open space.

The control requires a minimum of 40%

### Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The works are located at the rear of the site and will require no changes to the streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

There is currently very minimal indigenous vegetation, topographical features or habitat for wildlife in the location of the works. This is a result of the June 2016 storms and the constantly changing nature of the foredune.

The works are designed to be covered in sand and vegetation post construction. This will enhance indigenous vegetation, the shape of the foredune and habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The foredune location of the coastal protection works is not suitable for medium to high shrubs or canopy trees.

The works are designed to be covered in sand and vegetation post construction. This will be sufficient to enable the establishment of low lying shrubs and to hide the structure.

- *To enhance privacy between buildings.*

Comment:

The works will have no impact on privacy and will not prevent vegetation being planted on other parts of the site to assist with privacy between buildings.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The area of the site proposed as the location of the works is not currently used for outdoor recreation by the residents. Access to the beach (by the residents only) is obtained through this area.

The works include stairs providing beach access and will help enhance the longevity of the beach, providing better outdoor recreational opportunities for the residents and the public.

- *To provide space for service functions, including clothes drying.*

Comment:

Sufficient space for service functions will remain.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

All water that falls on the works will drain to the beach. As such, stormwater management will continue to be suitable.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **E7 Development on land adjoining public open space**

### Merit consideration:

The development is considered against the underlying Objectives of the Control as follows:

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*

#### Comment:

The coastal protection works will assist in preserving the public beach and will link with other neighbouring coastal protection works to form a network of coastal protection.

- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*

#### Comment:

The coastal protection works will link with other neighbouring coastal protection works.

From a coastal engineering and processes perspective, this is the ideal outcome in these circumstances, given the demolition of all development on the foredune is not a reasonable proposition.

In this regard, the proposed works will be the best option to rebuild and enhance the natural qualities of this environment.

- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

#### Comment:

As previously discussed, the works will complement neighbouring protection works, help preserve private and public land and ensure the beach is usable for longer periods of time (due to less damage during large coastal storms).

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **E9 Coastline Hazard**

Merit consideration:

The development is considered against the underlying Objectives of the Control as follows:

- *To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.*

Comment:

The coastal protection works will serve to minimise the risk of damage for the existing building on the subject site. The works will form part of a longer contiguous protection wall along Collaroy and Narrabeen Beach.

Without these works, the subject site will have minimal protection against erosion and storm damage and will be at increased risk as time goes on. This may destabilise the neighbouring private land, resulting in exponentially more damage.

- *To ensure that development does not have any adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.*

Comment:

The structure is designed to be covered in sand and vegetation post construction and post any storm that exposes the works. In this regard, the scenic quality of Collaroy and Narrabeen Beaches will be reasonably maintained.

- *To ensure that development does not adversely impact on the coastal processes affecting adjacent land.*

Comment:

When combined with the works that exist and are likely to be constructed to the north and south of the site, the development will not adversely impact on coastal processes.

- *To retain the area's regional role for public recreation and amenity.*

Comment:

The works will not unreasonably limit public access to the beach and will help maintain the beach after any storm so that it is usable for longer periods for public recreation and amenity.

- *To maximise the use of existing infrastructure.*

Comment:

The works will assist in the long term protection of Pittwater Road and will, in conjunction with neighbouring coastal protection works, protect public land, public infrastructure and private properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the



proposal is supported, in this particular circumstance.

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or 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

### Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 483,577		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 4,594
Section 7.12 Planning and Administration	0.05%	\$ 242
Total	1%	\$ 4,836

## 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 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

In June 2016, a large storm caused severe coastal erosion to Collaroy/Narrabeen Beach, as well as damage to properties fronting the beach, including the subject site.

This Development Application seeks consent for coastal protection works, in the form of a rock revetment structure or "seawall", to primarily provide protection for the residential flat building on the site which is known as "*Flight Deck*". The works will have the added benefit of providing protection for private land to the north and south (once it links up with existing works to the south and the existing rock on the property occupied by another residential flat building known as "*Ship Mates*" to the north). The works will also provide indirect protection for critical infrastructure to the west (i.e. Pittwater Road).

Four sets of coastal protection works on properties to the north and south have been approved by Council and the Land and Environment Court.

The suite of proposed coastal protection works are located across private and public land, extending onto the Crown owned beach. The works will link with other protection works to the north and south that, overall, will run for approximately 1.3km along Collaroy-Narrabeen Beach. The proposed works will fit with this overall alignment, ensuring a contiguous wall, best suited to cause the least impact on coastal processes.

The design of the wall (a rock revetment structure) is the most appropriate for this site to both align with the adjoining coastal protection works to the north and south, minimise the impact on coastal processes and minimise the visual impact to the public beach (i.e. the works are designed to be covered in sand and vegetation during inter-storm periods).

Conditions have been recommended to protect public safety, protect public access to the beach, and ensure the restoration of the beach and/or land adjacent to the beach if any increased erosion of the beach or adjacent land is caused by the presence of the works. Conditions have also been recommended to ensure the on-going maintenance of the works.

Overall, the proposal is acceptable from a coastal engineering perspective and the conditions imposed will satisfy the relevant legislative requirements and public interest matters.

The application is therefore recommended for approval.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2017/0947 for Construction of coastal protection works on land at Lot 7351 DP 1166942, Pittwater Road, COLLAROY, Lot CP SP 1977, 1114 - 1118 Pittwater Road, COLLAROY, subject to the conditions printed below:

### DEFERRED COMMENCEMENT CONDITIONS

#### 1. Lawful occupation of the works on Crown Land

The applicant is to produce evidence to the consent authority to the satisfaction of the consent

authority of the registration on title of the Crown Land of any instrument required by the Crown and on terms satisfactory to the Crown for the lawful entitlement for the works to be constructed and maintained by the owners of the properties 1114 -1118 (SP 1977), Pittwater Road, Collaroy ('the owners') on the Crown Land and to remain on the Crown Land.

Reason: To ensure the lawful occupation of the works on public land.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 2. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
S.01 Revision C	17 January 2019	Horton Coastal Engineering Pty Ltd
S.02 Revision C	17 January 2019	Horton Coastal Engineering Pty Ltd
S.03 Revision C	17 January 2019	Horton Coastal Engineering Pty Ltd
S.05 Revision C	17 January 2019	Horton Coastal Engineering Pty Ltd
S.06 Revision C	17 January 2019	Horton Coastal Engineering Pty Ltd
S.07 Revision C	17 January 2019	Horton Coastal Engineering Pty Ltd
S.08 Revision C	17 January 2019	Horton Coastal Engineering Pty Ltd

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Assessment	25 August 2017	JK Geotechnics
Coastal Engineering Report	20 September 2017	Horton Coastal Engineering Pty Ltd
Revegetation Report	6 June 2017	Diane Wiesner

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

### 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (c) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and

- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

#### 4. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Sand excavation is permitted from:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday

Other demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is

required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 5. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$483,577.00		
Contributions	Levy Rate	Payable

Total Section 7.12 Levy	0.95%	\$ 4,593.98
Section 7.12 Planning and Administration	0.05%	\$ 241.79
Total	1%	\$ 4,835.77

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2018.

## 6. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

## 7. **Interaction with adjoining works**

A detailed plan and cross section(s) at the common boundaries are to be prepared confirming the method and location for integration of the proposed works and the existing protection on the adjoining properties.

Details demonstrating the actions required to ensure compliance with this requirement are to be prepared by a suitably qualified coastal engineer and submitted to Northern Beaches Council for approval prior to issue of the construction certificate

Reason: To provide adequate detail to enable works to be constructed to without impacting the adjoining works or properties.



**8. Maintenance Management Plan for Coastal Protection Works**

A Maintenance Management Plan (MMP) is to be prepared for the maintenance of the coastal protection works for their intended design life. The MMP is to be prepared by a suitably qualified coastal engineer and is to be approved by Council in writing prior to issue of the construction certificate. The MMP must be complied with at all times.

The MMP may be modified from time to time by the agreement of all landowners at the time and with the approval of Council. These modifications to the MMP must also be made (if necessary) each time the design life is extended in accordance with condition 42. This is to ensure the MMP continues to be suitable in perpetuity.

Reason: To ensure a plan is in place for the on-going maintenance and adaptation of the works prior to the start of construction.

**9. Performance of coastal protection works**

A statement is to be prepared by a suitably qualified coastal engineer that the proposed works:

- Will maintain their structural integrity during the design storm event in the absence of formal coastal protection works being constructed on the adjoining land.
- Will not adversely impact coastal processes to the detriment of the adjoining land.

Details demonstrating the actions required to ensure compliance with this requirement are to be prepared by a suitably qualified coastal engineer and submitted to Northern Beaches Council for approval prior to issue of the construction certificate.

Reason: To ensure ongoing structural integrity and performance of the proposed works.

**10. Maintenance Obligations and Public Safety**

The owners of 1114 -1118 (SP 1977), Pittwater Road, Collaroy must provide an irrevocable bank guarantee (or other suitable legally binding obligation) to Council prior to the issue of any construction certificate in the amount of \$1000 per lineal metre of work (based on the length of the seaward property boundary) to undertake maintenance of the coastal protection works in the event that they are damaged as a result of coastal storm, including to undertake any works required to remove any threat to public safety arising from the coastal protection works including the removal of rocks or debris, that have become dislodged from the works, from the public beach and adjacent public land.

In this condition "maintenance" means the restoration of the works to a standard in accordance with the approved plans and specifications following any damage caused by a coastal storm and implementation of the MMP.

The bank guarantee (or other suitable legally binding obligation) is to be replenished if drawn upon and increased to allow for Consumer Price Index (CPI) every 10 years from the date of establishment.

The bank guarantee (or other suitable legally binding obligation) is to be in the favour of Council. The funds may be accessed by the owners, for the undertaking of works referred to in this condition and in the approved MMP, with the written consent of Council.

The bank guarantee is to be released to the landowners at the time, if the coastal protection works are removed.

Reason: To satisfy the requirements of Section 27 of the Coastal Management Act 2016 and to ensure the coastal protection works will not pose any threat to public safety.

**11. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

**12. Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

**13. Construction Management Program**

A Construction Management Program is to be prepared. The CMP should include the following:

(a) The proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through any Council owned or managed land and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed without Council's Consent being granted;

(b) The proposed method of loading and unloading demolition, excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;

(c) The location and operation of any heavy plant (eg: excavators);

(d) Provision for all construction materials to be stored on site, at all times, showing the location of excavated materials, construction materials and waste containers during the construction period;

(e) A Traffic Control Plan for any activities involving the management of vehicle and pedestrian traffic, if required;

(f) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve. To minimise the trafficking of sand onto the road;

(g) The way that the roadway (including any footpath) will be kept in a serviceable condition for the duration of construction.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of the Construction Certificate.

Council must be notified of start date of works as soon as possible and within a reasonable time prior to the start of works.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

**14. Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining or nearby public infrastructure (including roads, gutter, footpaths, etc) potentially impacted by the construction of the coastal protection works. A copy of the report must be provided to Council and any other owners of public infrastructure.

Reason: Protection of Council's and Infrastructure during construction.

**15. Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

**16. Tree protection**

- (a) Existing trees which must be retained
  - i) All trees outside of the area of approved works
  - ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

17. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or land under Council's care, control and management, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

18. **Working on and Access to Reserves Permit**

A Working on and Access to Reserves Permit is required for vehicular access over land under Council care, control and management for the delivery and/or removal of materials, waste or equipment where there is no other reasonable route of access and activities are carried out without direct Council supervision. Applications can be obtained from Council's website or Parks and Recreation business unit.

Reason: Public Safety and the protection of Council infrastructure.

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

19. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

20. **Historic Artefacts and Aboriginal relics**

If any World War Two era tank traps or any Aboriginal relics (or other historic artefacts) are uncovered during the works, Council is to be notified immediately so all excavation or construction work must immediately stop and not recommence until written approval is provided by the Office of Environment and Heritage.

Reason: To protect historic heritage and ensure any artefacts and relics are safely removed/dealt with.

21. **Sand**

No sand excavated from the beach to construct the works is to be placed landward of or buried under the protection works before, during or after construction. All such sand shall be placed seaward of or over the works. The sand shall be screened to remove unsuitable material as required.

Reason: To avoid damage to the beach.

22. **Safety requirements under storm conditions**

Works are not to be placed during storm conditions unless the owner/s obtains a written opinion from a suitably qualified coastal engineer that the placement of the works under these conditions does not present a significant safety risk to any person or will result in damage to the beach. This opinion is to be kept by the landowner until the works are completed. If adverse

weather conditions are forecast, the works site is to be made safe (where practical) to avoid the dispersal of equipment and debris onto the beach and into the surf zone.

Reason: To ensure the safety of workers and the public during construction.

23. **Removal of unsuitable material**

Any existing rock or material encountered in the works area during construction of the works not incorporated into permanent protection works shall be removed by the owner/s, or used as backfill consistent with Council's Coastal Erosion Policy Section 9(d). This shall include the area excavated within a line extending from either longitudinal property boundary to the mean low water mark. Confirmation of this requirement is to be provided to Council by the engineer supervising the works.

Reason: To ensure that all unsuitable material is removed from the beach.

24. **Completion of Construction Works**

All construction works must be completed within 24 months of the on-site commencement of the construction works.

Reason: To ensure the works are completed in a timely manner.

25. **Site Supervision**

A suitably qualified coastal engineer is to be employed to supervise construction for the duration of the approved works.

Reason: To ensure appropriate construction of coastal protection works.

26. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

27. **Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

28. **Requirement to notify about new contamination evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination (acid sulphates) or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

29. **Damage**

Any damage or injury caused to a public road, beach, council reserve or associated structures

including footpaths, drains, kerb and gutter utility services as a consequence of the development works is to be made good at the cost of the landowners.

Reason: To make good any damage to public roads and other public assets.

**30. Site fencing requirements**

Construction site safety fencing and/or hoarding is to be provided in accordance with Workcover requirements. Such fencing and/or hoarding is to be erected wholly within the works area unless prior approval from Council is obtained.

Reason: For safety purposes.

**31. Implementation of Construction Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CMP be impacted by surrounding major development not encompassed in the approved CMP, the CMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: to ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent rather than any secondary approval.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**32. Certification of works**

The constructed coastal protection works are to be certified by a suitable qualified coastal engineer as being constructed in accordance with the approved design and performance criteria. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to approval of an occupation certificate. This certification is to be provided to Council on issue of the Occupation Certificate.

Reason: To ensure appropriate design and construction of coastal protection works.

**33. Restoration of sand and vegetation**

The coastal protection works are to be covered in sand and vegetation (local native species as per Inspection Report (Wiesner 2017) or other native species known to occur locally in the area and should be planted at recommended density of 4 plants per square metre) upon completion of the rock works.

Details are to be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate. These details are to be provided to Council on issue of the Occupation Certificate.

Reason: To limit the impact of the works on the visual quality of the beach.

**34. Surveys During Works and Post completion survey**

A declaration by a registered surveyor is required as evidence that all construction has been effected in accordance with the Development Consent, approved plans and specifications in the



Consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to approval of an occupation certificate. Survey plans and a declaration are to be provided to Council on issue of the Occupation Certificate.

Reason: To ensure accurate location of coastal protection works.

35. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management.

36. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

37. **Post-Construction Dilapidation Report**

The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of Councils road and footpath infrastructure that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure.

Reason: To ensure security against possible damage to Council infrastructure.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

38. **Ongoing maintenance of the Coastal Protection Works and public safety**

The coastal protection works must be maintained in accordance with the Development Consent, conditions, approved plans and specifications as outlined in this consent. The maintenance must be to a standard that does not compromise the protection or integrity of the adjoining land.

Appropriate arrangements to allow sufficient access to the works in the event that maintenance is required are to be maintained in accordance with Maintenance Management Plan of the Coastal Protection Works.

Any impact to the beach resulting from damage or failure of coastal protection works must be rectified by the owner of the works as part of maintaining the works as per condition 39 of this consent. If required the financial arrangements established in condition 10 of this consent may be utilised in accordance with any written consent that may be issued by Council.

Reason: To satisfy the requirements of Section 27 of the Coastal Management Act 2016 and to ensure that the coastal protection works will not pose any significant threat to public safety.

39. **Removal of debris**

The owners must obtain all necessary approvals and then remove debris from any adjoining public land if part of the coastal protection works is dispersed onto that land, with such removal



to be done as soon as reasonably practicable to the satisfaction of Council and, if necessary, the Crown, at no cost to Council. If required the financial arrangements established in condition 10 of this consent may be utilised in accordance with any written consent that may be issued by Council.

**Note:** Debris will be taken to have been deposited from 1114 -1118 (SP 1977), Pittwater Road, Collaroy if it is found on public land within a line extending from either longitudinal boundary to the mean low water mark, and it is evident to have originated from the works or from within the SP 1977 property.

Reason: To ensure the safety of the public beach.

40. **Post storm inspection**

After any storm event that exposes any part of the coastal protection works to damage, that impacts the support or performance on the works (including if directed by Council in writing that such an event has occurred), the owners are to procure, at their cost, inspections by a suitably qualified coastal engineer of the coastal protection works. A detailed report is to be provided by this coastal engineer and any recommendations within the report are to be undertaken as soon as reasonably practicable in accordance with the Maintenance Management Plan or after necessary approvals are obtained, if required.

Reason: To ensure the coastal protection works are maintained after a storm event.

41. **Compliance with the requirements of the Department of Industry – Crown Land for occupation of public land**

The applicant shall at all times comply with any requirements of the Department of Industry – Crown Land for the lawful occupation for the works on public land.

Reason: To enforce any terms of occupation of the adjoining public land subject of this development consent as required by the owner of that land.

42. **Time limited consent**

The consent operates for 60 calendar years from the date of the issue of the occupation certificate and such other period as may be extended with the written approval of Council in accordance with the following.

A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, the owners shall jointly and severally procure, at no cost to Council, a review report, by a suitably qualified independent coastal engineer to ensure the works provide the necessary protection (Review Report).

The review report must consider, consistent with the evidence and coastal hazard predictions at the time, whether:

- (a) The works are satisfactory in their current state and recommend an extension to the design life for a further period of time, or
- (b) Upgrades to the works are recommended to extend the design life for a further period of time, or
- (c) Removal and replacement of the structure with an alternative design is recommended, or
- (d) Demolition and removal of the coastal protection works in the interest of public safety is recommended.

The Review Report shall be submitted to Council for approval not later than twelve (12) months

prior to the date of 60 years after the issue of the occupation certificate in the first instance, or 12 months prior to the end of such other period identified in any written approval from Council, in accordance with this condition.

If the Review Report concludes that the structure is satisfactory in accordance with (a) above, Council may, in writing, approve an extension of the term of the development consent for the period recommended in the Review Report, or such lesser time as the Council considers appropriate.

If the Review Report recommends any upgrades or alterations to the works in accordance with (b) above, those upgrades must be dealt with under the planning laws at that time.

If the Review Report recommends removal and replacement of the structure with an alternative design in accordance with (c) above, the replacement structure will be the subject of a further development application for consent to Council, if required by the planning laws at that time.

If the Review Report recommends demolition and removal of the coastal protection works in the interest of public safety, such removal will be undertaken by the owners at their expense and within such time period required by Council.

Any written approval from the Council extending the period of operation of this consent is to be recorded on the s10.7 Planning Certificate for the land and Council's register of development consents.

A further Review Report will be provided to Council a minimum of twelve (12) months prior to the end of any extended period notified identified in writing by the Council in accordance with this condition, with the above process repeated for such extension.

In the event that,

- The Council does not accept the recommendations of the Review Report (including an amended or replacement Report) in writing, or
- Fails to provide written notification of its acceptance of the recommendations within the Review Report within 12 months of lodgement of the Review Report, or
- An application for the continued use, upgrade or replacement of the works is made,

this consent will continue to operate until any application to modify this condition, or for the continued use or upgrade or replacement of the works, or any proceedings seeking review of the refusal of Council to accept the recommendations, has been finally determined by Council or the Court. Any application, proceedings or appeal, must be lodged within 6 months of Council's decision to not accept the findings of the Review Report or Council's failure to notify of its acceptance of the Review Report, whichever is the later.

Note: This continued operation or extension may need to be facilitated by a formal application to modify the consent having regard to the planning laws at the time.

Reason: The development application indicated the Coastal Protection works have a design life of 60 years; to satisfy the requirements of Section 27 of the Coastal Management Act 2016, and to provide a mechanism to review the works and extend the operation of the consent.