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Northern Beaches Council
Attention: Mr Daniel Milliken
(submitted online at the NSW Planning Portal at <https://www.planningportal.nsw.gov.au/>)

9 June 2022

Section 4.55(1) Modification Application for DA2017/0947 for Construction of Upgraded Coastal Protection Works at 1114 Pittwater Road Collaroy (Flight Deck)

1. INTRODUCTION AND BACKGROUND

DA2017/0947 was approved by Northern Beaches Council on 19 June 2019. This included a minor extent of works on to Crown Land. However, due to difficulties in obtaining Landowner's Consent for the works on Crown Land, a modification to the DA consent is requested with the works now entirely on private property, ie no works on Crown Land. Modified drawings (Revision D) have been prepared as attached, with the changes to these drawings described in Section 2.

The opportunity has also been undertaken to request some modifications to the conditions of consent for consistency with other consents for coastal protection works along Collaroy-Narrabeen Beach¹, and to reflect lessons learned in recent construction of these works, as described in Section 3.

Owner's consent for the submission of this DA modification is also attached.

The estimated cost of the works has not changed since the original DA. The \$445,000 (including GST) entered at the Planning Portal is the estimated contractor cost.

2. DRAWING CHANGES

2.1 Preamble

The changes to the Drawings approved as part of DA2017/0947, that have been made for the subject DA modification, are outlined for each Drawing in turn in subsequent sub-sections. Additions are in red, and deletions are in red strikethrough.

On all Drawings, the works (boulders and stairs) were moved to be entirely within private property.

¹ Namely for 1150-1168 Pittwater Road Collaroy, 1172 Pittwater Road Narrabeen, and 1174-1182 Pittwater Road Narrabeen (denoted by numbers only for simplicity herein).

2.2 Drawing S02

Note 6 has been replaced with a new note.

Removed note UPGRADED REVETMENT TO EXTEND UP TO 2m SEAWARD OF EXISTING REVETMENT.

Changed Note 5 as follows:

WHERE PRACTICAL, REPOSITION ANY LOOSE (NON-INTERLOCKED) ROCKS **ENCOUNTERED** SEAWARD OF TOE ~~AS NECESSARY~~, MOVING THESE ROCKS LANDWARD TO BE PART OF UPGRADED REVETMENT

2.3 Drawing S03

Changed Note 3 as follows:

WASH SAND **THOROUGHLY AND PROGRESSIVELY** INTO VOIDS.....

Changed last sentence of Note 4 as follows:

ALL BACKFILL **(IF ANY)** SHALL BE TO THE SATISFACTION OF THE GEOTECHNICAL ENGINEER

2.4 Drawing S04

Notes 1, 3 and 9 have been replaced with new notes.

Edited Note 2 as follows:

ACCESS TO WORKS SITE WILL BE VIA RAMSAY **STREET** AND/OR FRAZER STREET **AND/OR STUART STREET** AND/OR FRAZER RESERVE (SOUTH OF 1104 PITTWATER ROAD) **OR AN ALTERNATIVE STREET LOCATION**, AS AGREED BETWEEN CONTRACTOR AND COUNCIL

Edited Note 4 as follows:

ALL DELETERIOUS MATERIALS AND EQUIPMENT THAT COULD BE DAMAGED ARE TO BE REMOVED FROM WORKS AREA IF BUND **OR SHEET PILING** CANNOT BE MAINTAINED DUE TO ELEVATED WAVES AND WATER LEVELS. WORKS IN BEACH AREA MAY NEED TO TEMPORARILY CEASE UNDER THESE CONDITIONS

Edited Note 5 as follows:

ALL MATERIAL STOCKPILES ARE TO BE LOCATED LANDWARD OF THE EXISTING ROCK REVETMENT, **UNLESS AGREED BY PRINCIPAL'S COASTAL ENGINEER**. ANY STOCKPILE LOCATIONS ON COUNCIL LAND ARE TO BE AGREED BETWEEN COUNCIL AND CONTRACTOR

Edited Note 6 as follows:

WHEN PLACING SAND OVER THE REVETMENT **AND RESTORING BEACH SAND LEVELS** AT THE COMPLETION OF **THE** ROCK WORKS, SCREENING IS TO BE UNDERTAKEN TO REMOVE RUBBLE, ROCK FRAGMENTS AND OTHER MATERIALS THAT WOULD BE UNSUITABLE ON A BEACH. ALSO SEE NOTE 3 ON DWG S03

Edited Note 7 as follows:

ANY WASTE MATERIALS SHALL BE DISPOSED OF AT AN APPROPRIATE WASTE MANAGEMENT FACILITY OFF SITE (**EXCEPT SEE NOTE 8**)

Edited Note 8 as follows:

APPROPRIATE WASTE AND RUBBLE MATERIALS.....

Changed note as follows:

FORM SAND BUND SEAWARD OF WORKS AREA WITH NATIVE EXCAVATED BEACH SAND (**INDICATIVE**, SEE NOTE 1)

2.5 Drawing S10

Note 4 has been replaced with a new note.

Added the following to the end of Note 7:

(BAGS AND ROCK TO BE REMOVED OFF BEACH AT COMPLETION OF EXCAVATION WORKS. ALSO SEE NOTE 6 ON DWG S04)

Notes changed as follows:

PLACE TOE ROCK ON CEMENTED SAND LAYER OR AT -1m AHD (WHATEVER IS HIGHER), **OR ON EXISTING TOE BOULDER IF IT IS CONFIRMED THAT THIS IS ON CEMENTED SAND OR AT -1m AHD AND INTERLOCKED WITH ADJACENT BOULDERS**, SEE NOTE R14 ON DRAWING S01 & NOTE 4 ON THIS DRAWING

POST-STORM PROFILE (**TOP OF EXISTING ROCK REVETMENT**)

ADDITIONAL LAYER OF ARMOUR ROCK, APPROX. 3.0tonne OR 1200mm DIMENSION BASALT BOULDERS (**SEE NOTE R4 ON DWG S01 FOR REQUIRED MASS GRADING**)

2.6 Drawing S20

Added Note 3.

3. REQUESTED CONDITION CHANGES

Deferred Commencement Condition 1 can be deleted as the works no longer have any portion on Crown Land.

For Condition 4, to facilitate completing the works as quickly as possible, it is requested that there is no distinguishing between the types of activities, and works can finish at 7.30pm (consistent with the 1150-1168 seawall project) instead of 7.00pm on weekdays, so it says:

- (a) Unless authorised by Council, all works are restricted to 6.30 am to 7.30 pm inclusive Monday to Friday, and 8.00 am to 6.00 pm inclusive on Saturday, with no work on Sundays and Public Holidays.

The main works activity is the placement of rock boulders, and this is not particularly noisy as the rocks are placed and not dropped.

For Condition 8, please modify this to a condition to be satisfied prior to the issue of the Occupation Certificate, as it has been for the 1150-1168, 1172 and 1174-1182 seawall consents, to allow time to develop and obtain approval for the MMP.

For Condition 10, please modify this to a condition to be satisfied prior to the issue of the Occupation Certificate, as it has been for the 1172 and 1174-1182 seawall consents, to allow time to obtain the bank guarantee.

Please rename Condition 13 to be “Construction Management **Plan Program**”, to be consistent with typical construction terminology and the 1150-1168, 1172 and 1174-1182 seawall consents.

Please modify Condition 15 as follows (as per the 1150-1168 [Mod2020/0439] and 1172 seawall consents, where this wording was applied as a standard Waste Management Plan is not applicable for a unique seawall project):

The Plan must be in accordance with the **Approved Plans and Supporting Documentation Development Control Plan**.

Please modify Condition 25 as follows (as per the 1172 consent, to reflect the true role of the coastal engineer and distinction to the contractor):

A suitably qualified coastal engineer is to be employed to **review and check the work of the construction contractor supervise-construction** for the duration of the approved works

Please delete “Details demonstrating compliance are to be submitted to the Principal Certifying Authority” from Condition 26, as per the 1172 and 1174-1182 seawall consents, and consistent with the condition being under the “conditions to be complied with during demolition and building work” heading.

Please delete Condition 30, as it is not practical to install site safety fencing on a beach. This condition was not required in the 1172 and 1174-1182 consents, and was removed as part of Mod2020/0439 for 1150-1168.

Please modify Condition 38 as follows (as per the 1150-1168, 1172 and 1174-1182 seawall consents):

Any ~~debris on impact to~~ the beach resulting from damage or failure of ~~the~~ coastal protection works

Condition 41 can be deleted as the works no longer have any portion on Crown Land.

Please modify Condition 42 as follows (as per the 1150-1168, 1172 and 1174-1182 seawall consents). The entire modified condition is provided below, rather than the individual edits, for simplicity:

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 owner/s shall procure, at no cost to Council, a Review Report, by a suitably qualified independent coastal engineer.

The report must review the performance of the works using the evidence and coastal hazard predictions known at that time. The report must consider whether:

- (a) The works are satisfactory in their current state and do not result in a threat to public safety, in which case the report can recommend an extension to the consent, or
- (b) Upgrades to the works are recommended to ensure they will not result in a threat to public safety to extend the consent for a further period of time, or
- (c) Removal and replacement of the structure with an alternative design is recommended to ensure they do not result in a threat to public safety, 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, and Council accepts the findings of the report, Council will, 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 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. For the avoidance of doubt, nothing shall oblige the owners to replace the protection works if they instead choose to remove the works which will be removed at the expense of the owners.

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 own expense and within such reasonable 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
- The Council 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.

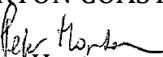
Reason: The development application indicated the Coastal Protection works have a design life of 60 years; to satisfy the requirements of Section 27 of the Coastal Management Act 2016, and to provide a mechanism to review the works and extend the operation of the consent.

4. SALUTATION

Should you require any additional information or clarification, please do not hesitate to contact Peter Horton via mobile on 0407 012 538, or via email at peter@hortoncoastal.com.au.

Yours faithfully

HORTON COASTAL ENGINEERING PTY LTD


Peter Horton

Director and Principal Coastal Engineer