

## Natural Environment Referral Response - Coastal

<b>Application Number:</b>	DA2018/1289
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<b>Responsible Officer</b>	Daniel Milliken
<b>Land to be developed (Address):</b>	<p>Lot B DP 954998 , 1154 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 1 DP 313699 , 1156 Pittwater Road COLLAROY NSW 2097</p> <p>Lot C DP 954998 , 1156 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 1 DP 1016094 , 1158 Pittwater Road COLLAROY NSW 2097</p> <p>Lot C DP 302895 , 1160 Pittwater Road COLLAROY NSW 2097</p> <p>Lot B DP 302895 , 1162 Pittwater Road COLLAROY NSW 2097</p> <p>Lot A DP 302895 , 1164 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 1 DP 970200 , 1168 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 71 DP 1011242 , 1166 A Pittwater Road COLLAROY NSW 2097</p> <p>Lot 72 DP 1011242 , 1166 B Pittwater Road COLLAROY NSW 2097</p> <p>Lot CP SP 2949 , 1150 Pittwater Road COLLAROY NSW 2097</p>

### Reasons for referral

This application seeks consent for land located within the Coastal Zone.

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

### Officer comments

Matters for consideration		Comments
<b>Are the proposed works located in an area considered to be generally suitable for coastal protection as identified in:</b>		
The Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermen's Beach.	YES	
The Northern Beaches Coastal Erosion Policy.	YES	
<b>Landowners Consent</b>		
Is Landowner's consent from the Department of Primary Industries required for any private	NO	

protection works that extend onto or under Crown Land.		
Has Landowner's consent from the Department of Primary Industries been granted for any private protection works that extend onto or under Crown Land.	NA	All works to be contained within private property boundaries.

<b>Northern Beaches Coastal Erosion Policy</b>		
Pursuant to Section 79C(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> <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.</b>		
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	No comment
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 comment
In the case of an 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.	No	To be conditioned
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	To 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.	No	Will be conditioned to ensure compliance with the Northern Beaches Coastal Erosion Policy 27 of the Coastal Management Act 2016.
An assessment demonstrating that the development does not have a long-term impact on coastal processes in the	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics

Collaroy-Narrabeen embayment.		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) and additional assessment of this application by both the Manly Hydraulics Laboratory and UNSW Water Research Laboratory.
An assessment of the impact of climate change and sea level rise on the development and the adjoining beach environment.	Yes subject to condition	Addressed and to be conditioned
Demonstration that the works are consistent with the CZMP and the Northern Beaches Coastal Erosion Policy	Yes	No additional comment
<b>Design and construction:</b> <b>Are the works designed and constructed:</b>		
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)
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.	Yes subject to condition	Actions required to coordinate protection with adjoining council land to be conditioned.
Such that the works are only visible temporarily during and after significant erosion events.	Yes	Attempts to minimise visual impact have been incorporated into design. Potential impacts to visual amenity offset by reduced footprint of the works.
To be contiguous, similar and integrated with adjoining protection works constructed in the embayment.	Yes subject to condition	Works consistent with Collaroy-Narrabeen Beach Coastal Protection Works Specifications. Interaction with adjoining public land to be addressed via condition.
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	Yes	Maintenance of ongoing access to be

maintenance of the works.		conditioned.
In accordance with the minimum criteria outlined in the Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications.	Yes	No additional comment
<b>Maintenance</b> <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?</b>		
Undertaking a routine series of inspections.	Yes subject to condition	To be conditioned
Ensuring works are renewed in a timely manner such that the design level of protection is not threatened.	Yes subject to condition	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
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	To be conditioned
Existing protection works (e.g. loose rock or geobags) that are not incorporated into permanent protection works shall be removed by the Principal Asset Owner for the permanent works.	Not Applicable	No additional comment

#### WLEP 2011 requirements Clauses 5.5 and 6.5

Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the objectives of the Warringah Local Environmental Plan 2011 (WLEP 2011) relevant to coastal protection are considered as follows:

Assessment Consideration	Assessment Acceptability	Further Assessment Comment
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	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016) and additional

		assessment of this application by both the Manly Hydraulics Laboratory and UNSW Water Research Laboratory.
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) and additional assessment of this application by both the Manly Hydraulics Laboratory and UNSW Water Research Laboratory.
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 significantly?	No	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016) and additional assessment of this application by both the Manly Hydraulics Laboratory and UNSW Water Research Laboratory.
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 (Subject to condition)	To be conditioned

#### WDCP 2011 requirements Clause E9 – Coastline Hazard

Pursuant to Section 79C(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:

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	Yes	No comment

Beach and Fisherman's Beach?		
Does the development mitigate any adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches?	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
Does the development mitigate any adverse impact on the coastal processes affecting adjacent land?	Yes	Findings consistent with Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016)
Does the development retain the area's regional role for public recreation and amenity?	Yes	No comment

**NSW Coastal Management Act:** Has section 27 of the Coastal Management been satisfied in the conditions of consent for the proposed coastal protection works?

### Conclusion / General Comments

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.

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 125 meters.

This has been taken into account in assessing the potential impact of these works and actions required to coordinate protection with adjoining properties.

### Recommendation

NO OBJECTION	Unlikely Significant Impact - Subject to conditions
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### Referral Body Recommendation

Recommended for approval, subject to conditions

### Refusal comments

### Recommended Natural Environment Conditions:



## DEFERRED COMMENCEMENT CONDITIONS

### Demonstration of agreement between multiple properties

The owners of the properties 1168 (Lot 1 DP 970200), 1166A (Lot 71 DP 1011242), 1166B (Lot 72 DP 1011242), 1164 (Lot A DP 302895), 1162 (Lot B DP 302895), 1160 (Lot C DP 302895), 1158 (Lot 1 DP 1016094), 1156 (Lot 1 DP 313699, Lot C DP 954998), 1154 (Lot B DP 954998), 1150 (Lot CP SP 2949) Pittwater Road, Collaroy ('the owners') are to provide evidence to Council of an enforceable agreement that all owners will fund and construct the new rock revetment and ancillary works ('coastal protection works') as a single contiguous project to be completed within 12 months of the on-site commencement of the construction works. The agreement must restrain transfer, assignment or novation by any owner unless the transferee/assignee enters into an agreement in similar terms. If the owners create a trust or corporate entity for the purposes of construction of the works, such entity is to be bound by the terms of the agreement. The agreement may provide that it will cease to operate upon the issue of a final occupation certificate.

Reason: To ensure satisfactory completion of the coastal protection works.

### Easements for construction, support and maintenance

a) An easement must be registered over so much of 1168 (Lot 1 DP 970200), 1166A (Lot 71 DP 1011242), 1166B (Lot 72 DP 1011242), 1164 (Lot A DP 302895), 1162 (Lot B DP 302895), 1160 (Lot C DP 302895), 1158 (Lot 1 DP 1016094), 1156 (Lot 1 DP 313699, Lot C DP 954998), 1154 (Lot B DP 954998), 1150 (Lot CP SP 2949) as necessary for construction, support and maintenance in favour of each of the owners to allow each owner to carry out its obligations under this consent and otherwise burdening the owners of the properties and their successors in title to maintain the coastal protection works to the standard approved by the Development Consent, approved plans and specifications in the Consent. The easement may provide that it shall be released if the coastal protection works are removed.

b) The easement shall also provide that:

i. if reasonably required by Council by notice in writing, the coastal protection works shall be maintained to the standard approved by the Development Consent, approved plans and specifications in the Consent if any damage occurs that impacts the support or performance of the works; and

ii. the owners of the lot burdened must not place any improvements or structures that cannot be easily relocated or removed within the easement site or interfere with the coastal protection works or the support they offer.

Reason: To create long term (i.e. 60 years) support and maintenance of the coastal protection works for the benefit of all owners (currently and in the future).

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

### Design Drawings

The following changes relevant to the drawings submitted with the application be made prior to issue of the construction certificate:

- Additional detail and notes be added to Drawing S02 to confirm the actions required to ensure the works provide the appropriate level of protection and are structurally independent of any council works on the adjoining land at Stuart Street.
- Additional detail and notes be added to Drawing S02 to articulate the actions required should

the works not be coordinated with any council works at Wetherill Street.

- Additional detail and notes be added to Drawing S02 to articulate the actions required should the works be coordinated with any council works at Wetherill Street.
- Drawing S02 Be amended to clearly show the basis for set out of the coastal protection works, relative to property boundaries.

Reason: To ensure sufficient information is provided with the design drawings

### **Access for construction and maintenance of works**

The works are to be designed and constructed in accordance with the access requirements outlined in the Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications 2016. Details demonstrating compliance with this requirement are to be prepared by a suitably qualified coastal engineer and submitted to the certifying authority for approval prior to issue of the Construction Certificate.

Reason: To ensure suitable access for construction and maintenance of coastal protection works.

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

### **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.

### **Historic Artefacts and Aboriginal relics**

If any World War Two era tank traps or any Aboriginal objects (or other historic artefacts) are uncovered during the works, Council is to be notified immediately. In the event of any Aboriginal object being uncovered, all requirements (including the duty to notify) under the National Parks and Wildlife Act 1974 must be met.

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

### **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.

### **Completion of Construction Works**

All construction works must be completed within 12 months of the on-site commencement of the construction works.

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

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



## OCCUPATION CERTIFICATE

### **Certification of works**

The constructed coastal protection works are to be certified by a suitably 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.

### **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.

### **Restoration of sand**

The rock component of the coastal protection works is to be covered in sand upon completion of the 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.

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

### **Ongoing maintenance of the Coastal Protection Works and beach amenity**

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.

Sufficient access for the maintenance of the coastal protection works is to be maintained landward of the coastal protection works in accordance with the easement for construction, support and maintenance identified in Deferred Commencement Condition 2.

Any debris on the beach resulting from damage or failure of the coastal protection works must be rectified by the owner or owners of the works that are the source of the damage, as part of maintaining the works as per condition 43 of this consent. If required the financial arrangements established in condition 15 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 55M of the Coastal Protection Act 1979 and to ensure that the coastal protection works will not pose any significant threat to public safety.

### **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 after necessary approvals are obtained.

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

### **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 7 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 the coastal protection works seaward of Lot 1 DP 970200, Lot 71 DP 1011242, Lot 72 DP 1011242, Lot A DP 302895, Lot B DP 302895, Lot C DP 302895, Lot 1 DP 1016094, Lot 1 DP 313699, Lot C DP 954998, Lot B DP 954998, Lot CP SP 2949, if rocks of the same type and dimensions as those on the coastal protection works at and seaward of Lot 1 DP 970200, Lot 71 DP 1011242, Lot 72 DP 1011242, Lot A DP 302895, Lot B DP 302895, Lot C DP 302895, Lot 1 DP 1016094, Lot 1 DP 313699, Lot C DP 954998, Lot B DP 954998, Lot CP SP 2949 are found on public land within a line extending from either longitudinal boundary to the mean low water mark.

Reason: To ensure the safety of the public beach.

### **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 report, by a suitably qualified independent coastal engineer, which reviews the performance of the works to ensure it provides the necessary protection ('Review Report').

The Review Report shall be submitted to the Council for consideration not later than twelve (12) months prior to the date of 60 years after the issue of the occupation certificate.

If appropriate, the Review Report may recommend an extension to the 60 year design life for an extra period of time consistent with evidence and coastal hazard predictions at that time. Similarly, if appropriate, the Review Report may recommend actions to upgrade the works to extend the design life for an extra period of time consistent with evidence and coastal hazard predictions 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.

If the Review Report recommends removal and replacement of the structure with an alternative design, the replacement structure will be the subject of a further development application for consent to Council.

If the Review report concludes that the structure is satisfactory (or is capable of being rendered satisfactory) the Council may, in writing, approve an extension of the term of the development consent for the period recommended in the report, or such lesser time as the Council considers appropriate.

Any written approval from the Council extending the consent is to be recorded on the 10.7 Certificate for the land and Council's register of development consents.

A further Review Report will be provided a minimum of twelve (12) months prior to the end of the extended design life, on each extension.

Reason: The development application indicates that the coastal protection works have a design life of 60 years.