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08/10/2021

DR Christina Kirsch
58 Cumberland ave ST
Collaroy NSW 2097
[REDACTED]

RE: DA2021/1612 - 1 Clarke Street NARRABEEN NSW 2101

Reference: Application Number: DA2021/1612

Objection to the design of the seawall in its current form for the following reasons:

1. Inappropriate seawall design.

All relevant studies, which are also in possession of council, have shown that the preferred design of a seawall is a revetment and not a vertical concrete wall. A revetment reduces the negative impact on coastal processes and the damage caused to the beach. The vertical wall will maximise negative impacts on the beach and potentially lead to increased coastal erosion.

If a seawall is allowed to proceed, which is another issue, its design needs to minimise negative impacts on the public amenity, the beach.

2. Loss of beach amenity due to armouring preventing landward movement of passive erosion and active erosion

Collaroy, as many beaches affected by sea level rise, is undergoing long-term net erosion, the shoreline will eventually migrate landward to (and potentially beyond) the seawall structure.

The effect of this migration will be the gradual loss of beach in front of the seawall as the water deepens and the shoreface moves landward.

While private structures may be temporarily saved, the public beach is lost. This process of passive erosion is a natural process and a known phenomenon. Council is aware of the studies that model the expected landward movement and predicted level of passive erosion. Any consenting authority would have needed to take the expected degree of passive erosion into account in the assessment of this DA at Collaroy (or any other beach in Australia).

Passive erosion is independent of the type of seawall constructed. Passive erosion will eventually destroy the recreational beach area unless this area is continually replenished.

Active Erosion - the interrelationship between wall and beach - whereby due to wave reflection, wave scouring, "end effects" and other coastal processes the seawall may actually increase the rate of loss of beach. The inappropriate design (vertical) will increase the negative impact due to passive erosion.

3. Negative impact on surf amenity and wave quality

Various studies - which council is aware of - have shown that seawalls have a potentially negative impact on wave quality. The naturally occurring passive erosion will impact the beach profile at Collaroy/ Narrabeen such that shallow areas required to create breaking waves for surfing are lost. This negative impact has already started due to the illegally placed rock revetments and borders strewn on the beach.

4. Inappropriate claims that replacing illegal structures with inappropriate designs will be beneficial

The illegally placed rock and concrete revetments on Collaroy and Narrabeen beach have been illegally placed on Crown land and need to be removed. In legal terms those illegal revetments do not exist and therefore the argument that there is an overall benefit to replacing illegal (and therefore non-existing)

structures with inappropriate designs is not valid.

5. Potential incursion on public amenity and public land

The vertical wall is inappropriate and therefore needs to be replaced by revetments. Those revetments can not be placed on public land - the beach. The revetment needs to be fully on the property itself.

6. Loss of public access

The seawalls at Collaroy are already leading to the loss of public access at the moment as a result of passive erosion, placement loss or active erosion. The seawall built on this eroding beach will increase the loss of access. Due to the seawall at certain times it will be impossible to walk from Collaroy to Narrabeen.

7. Visual/aesthetic impacts and costs in terms of recreational value and tourism

The Seawall looks absolutely horrendous and detracts from a natural beach experience. The beach is one of our key public assets and of tremendous value in terms of recreational value and tourism value. Once it is destroyed, it will be lost forever. The costs to the public - due to loss of beach amenity, loss of visual aesthetics etc. - have not been taken into account.

8. Negative ecological impacts

Ecological impacts - scientific studies have documented that seawalls result in a loss of ecosystem services, loss of habitat and reduction in biodiversity when seawall-impacted beaches were compared to natural beaches.

NSW Coastal Management Act 2016 Requirements - Legal compliance

If the seawall is allowed to proceed with an alternative design (revetment), it will still have a negative impact on beach amenity. The community should NOT be forced to cover the costs to rectify the damage caused by the seawall. The property owners are aware of the risks related to the property and the fact that these properties are in the erosion zone (listed on the property's section 149 (now section 10.7) certificates. Therefore it would be inappropriate to 'socialise' the costs of the risks, whilst property owners who outsource the risks would benefit from inappropriately high (considering the location) property valuations.

Therefore the NSW Coastal Management 2016 Act applies.

The coastal management act requires (<https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-020#sec.27>):

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-

...

(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."

Therefore any development consent needs to come with conditions imposed on the consent are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either - legally binding obligations (including by way of financial assurance or bond) of the owner or owners from time to time of the land protected by the works (ownership and funding requirements to be allocated proportionate to the funding provided - 10% council, 10% state government and 80% property owners), or

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

Without legally binding provisions that require those responsible for the seawall to cover beach remediation (e.g. beach nourishment) and ongoing maintenance costs, the DAs should NOT be approved. The wider community should not be forced to cover the costs of damages created by private property owners.

NOTE

The late consultation of the wider community is highly inappropriate. The key adjacent 'property' that will be negatively impacted is Crown land and public amenity - the beach - and therefore the general NSW and potentially wider Australian public should have been consulted on construction of seawalls as the 'owners' of the adjacent land (the beach). On the other hand, council has been consulting with the property owners for more than 10 years. These consultations should always have involved the wider community.

The previous council (Warrinagh) had a coastal committee, which amongst others had requested that (a) public amenity (the beach) always take precedent over private land and (b) no public moneys be expended to protect private properties affected by coastal erosion and sea level rise. These resolutions had been overthrown not by an elected council, but by an unelected administrator. An administrator does not represent the views of the Northern Beaches community and should have NEVER been given the delegation to overthrow decisions by an elected council.

It has been an aberration to assume that the beach has no stakeholders. This should NEVER be allowed to happen again. The consultation on these DAs has been too late and insufficient and there should now be a wider community engagement to determine if the majority of beach users is willing to sacrifice beach amenities to protect private properties. A representative sample would be advisable.