

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/1138
Responsible Officer:	Daniel Milliken
Land to be developed (Address):	Lot CP SP 677, 1122 Pittwater Road COLLAROY NSW 2097
Proposed Development:	Construction of coastal protection works
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes, under State Environmental Planning Policy Coastal Management (2018)
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	The Owners Of Strata Plan 677
Applicant:	The Owners Of Strata Plan 677
Application Lodged:	16/10/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Other
Notified:	05/11/2019 to 19/11/2019
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 521,840.00

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the construction of coastal protection works on the eastern side of the site. The works will be located entirely within the subject site.

In detail the proposal includes:

- Site preparation works.
- The construction of an engineered coastal protection wall on the eastern side of the site. The wall is a rock revetment design.
- The back filling of the coastal protection wall to restore the subject site to its natural ground level.

- The covering of the coastal protection wall with sand.
- Associated landscaping works on and behind the wall.

The engineered coastal protection wall is:

- Located at the rear boundary of the site and is,
- 29.07m wide (at the eastern boundary),
- 13.23m deep, and
- 6.5m in height (from -1.0m to 5.5m AHD).

The works will be required to link with Council coastal protection works to the north and with similar works on No. 1114 Pittwater Road, 'Flight deck', to the south.

Note: The development is prohibited under the Warringah Local Environment Plan 2011 but is permitted with consent under Clause 19(1) in the State Environmental Planning Policy (Coastal Management) 2018.

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 - 6.5 Coastline hazards
Warringah Development Control Plan - B5 Side Boundary Setbacks
Warringah Development Control Plan - B7 Front 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

Property Description:	Lot CP SP 677 , 1122 Pittwater Road COLLAROY NSW 2097
Detailed Site Description:	<p>The subject site is located on the eastern side of Pittwater Road, the southern side of Ramsay Street and contains the building known as 'Shipmates'. Collaroy Beach is located directly to the east and the 'Flight deck' apartment building is located to the south.</p> <p>The site has an area of 2649sqm and is generally flat, with a gentle slope down towards the beach at the rear (eastern edge) of the site.</p> <p>The site contains an eight storey residential flat building with driveway access from both Pittwater Road and Ramsay Street. 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

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

There have been no recent or relevant applications for the subject site, however, No. 1114 Pittwater Road ('Flight deck') to the immediate south, and groups of properties (fronting the beach) to the north and south have had recent approvals for coastal protection works.

Current application

The current DA is for coastal protection works on No. 1122 Pittwater Road only but will form a part of an overall coastal protection barrier running approximately 1.3km along Collaroy/Narrabeen Beach.

Other relevant matters

No records can be found for any approval for the existing rock wall, it is assumed that this wall was put in place after large coastal storms in the 1970s.

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)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><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 consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested and submitted.</p> <p><u>Clause 92</u> of the EP&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><u>Clauses 93 and/or 94</u> of the EP&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><u>Clause 98</u> of the EP&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><u>Clause 98</u> of the EP&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</p>

Section 4.15 Matters for Consideration'	Comments
	of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact 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) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>The site is located on the foredune and suffered significant erosion during storms in June 2016. In order to protect the most vulnerable stretch of Collaroy and Narrabeen Beach (a stretch that includes this site), a series of connected coastal protection walls will need to be constructed. This proposal will form part of this longer contiguous wall.</p> <p>The site is therefore considered suitable for the proposed development.</p>
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	<p>The proposed coastal protection works are permitted with consent under State Environmental Planning Policy (Coastal Management) 2018. Public access to the beach will not be impeded by the works and natural coastal processes will not be significantly adversely affected.</p> <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. 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 "design life" and what is the "life of the works"?

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. March 2020). The design life is therefore, the time period that the Coastal Engineers are confident the works will afford the appropriate level of protection to the subject site .

It is possible that the works, as approved, will exist indefinitely. This extended, possibly indefinite time period, is the life of the works.

Section 27 does not require the consent authority to be satisfied just for the design life, but for the life of the works. The difference in time periods between the design life and the life of the works, and the unknown state of the coast beyond 2080, 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)

The works are entirely on private land, having a nil setback to the eastern boundary. A Council maintained road reserve exists to the north of the site. This road reserve will include coastal protection works that have been budgeted for. Therefore, for the purpose of this assessment, it can be assumed that the coastal protection works to the road reserve will be built. The Council works will include provision for public access to the beach, even in the event of a storm or severe coastal erosion.

The above factors demonstrate that the proposed works will have no unreasonable impact on public access to the beach in their current form and with current knowledge of coastal processes.

Based on this, Council can be satisfied that the works will not limit or be likely to unreasonably limit public access to or the use of Collaroy Beach for the period of the design life.

Satisfying Clause 1(a)(ii)

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 are very likely to vary enough 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, which is the test 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 can be certain 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 articulated in the Coastal Engineering Report accompanying the Development Application. The condition includes a mechanism whereby the owners of the wall 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 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)

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.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

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 1 submission/s from:

Name:	Address:
Mr Stephen Clive Mellor	21 / 1114 Pittwater Road COLLAROY NSW 2097

The following issues were raised in the submissions and each have been addressed below:

- **Extent of the works and integration with the neighbours.**

The matters raised within the submissions are addressed as follows:

- **Extent of the works and integration with the neighbours.**

The submissions raised concerns that "aerial photographs following the 2016 storm event indicate that the existing rock revetment extends eastward over the subject property boundary. To contain the proposed works within the subject property would likely require removal of the existing revetment and reconstruction at a steeper gradient. This has not been made clear in the application", and questioned "as to how the proposed works would integrate with the Flight Deck revetment".

Comment:

The plans approved as part of this application show the works entirely within the property boundaries. While some rock may be able to be reused, it is highly likely that all existing rock will be moved as part of these works. The proposed works will be constructed under the responsibility of a Coastal Engineer who will ensure that the integration with neighbouring works (both public and private) will be suitable. Along with conditions requiring the boundaries to be surveyed, this will ensure the works will be within the property boundaries and will integrate suitably with neighbouring works.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulphate)	<p>General Comments</p> <p>This is a review of the proposal to re-construct/improve the seawall associated with Shipmates development on Pittwater Road. An existing seawall will be pulled apart, salvaged and combined with new materials for coastal protection measures. The wall is located in an Acid Sulphate Class 4 site, but the excavation is highly unlikely to expose any potent (acidic) soils. Some rock-breaking may occur, but given standard construction hours should have limited impact on surrounding neighbourhood amenity.</p> <p>Environmental Health recommends approval without conditions.</p> <p>Recommendation</p> <p>APPROVAL - without conditions.</p>
Landscape Officer	The ecological inspection report by Dr Wiesner submitted with the application is noted. No significant species are indicated to be

Internal Referral Body	Comments		
	<p>affected by the works. The plans include details of replanting over the seawall works to stabilise the sand dune.</p> <p>No objections are raised to approval with regard to landscape issues subject to conditions as recommended.</p>		
NECC (Bushland and Biodiversity)	<p>Council's Natural Environment - Biodiversity section supports the application.</p> <p>This application was assessed against Warringah DCP E2 Prescribed vegetation, E4 Wildlife corridors and E6 Retaining unique environmental features.</p> <p>The proposal is for the construction of coastal protection works. The submitted ecological letter "Inspection Report" (Science Plus, 19/06/2019) reports that there was no evidence of threatened species within the works area. This proposal complies with the relevant biodiversity controls.</p>		
NECC (Coast and Catchments)	Matters for consideration		Comments
	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.	NO	
	Has Landowner's consent from the Department of Primary Industries been granted for any private protection works that extend onto or under Crown Land.	N/A	All works to be contained within private property boundaries.
	Northern Beaches Coastal Erosion Policy		
	Supporting information: 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	Yes	No comment

Internal Referral Body	Comments		
	location of the eastern boundary having regard to any erosion and accretion processes.		
	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.	Not Applicable	No comment
	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).	Not Applicable	No comment
	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 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	Yes	Findings consistent with Collaroy-Narrabeen Beach

Internal Referral Body	Comments		
	development does not have a long-term impact on public access to or along the 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 to comply with section 27 of the Coastal Management Act.
	Demonstration that the works are consistent with the CZMP and the Northern Beaches Coastal Erosion Policy	Yes	No comment
	Design and construction: 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).
	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 private and council land to be conditioned.
	Such that the works are only visible temporarily during and after significant erosion events.	Yes	Nominated design will allow for natural accretion following erosion events.
	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

Internal Referral Body	Comments		
			private and 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 maintenance of the works.	Yes subject to condition	Maintenance of ongoing access to be conditioned.
	In accordance with the minimum criteria outlined in the Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications.	Yes subject to condition	Additional information to demonstrate compliance to be required via condition.
	Maintenance 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 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	Yes subject to condition	To be conditioned

Internal Referral Body	Comments		
	owners.		
	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.	Yes subject to condition	To be conditioned
	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) 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.

Internal Referral Body	Comments		
	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
<p>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:</p>			
Assessment		Assessment	Further

Internal Referral Body	Comments		
	Consideration	Acceptability	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 comment
	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
Relevant matters under the NSW Coastal Management SEPP			
	Assessment Consideration	Assessment Acceptability	Further Assessment Comment
	<p>Clause 13: Development on land within the coastal environment area.</p> <p>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:</p> <p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater)</p>	Yes	It is considered that the application does comply with the requirements of clause 13 of the State Environmental Planning Policy (Coastal Management) 2018.

Internal Referral Body	Comments
	<p>and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(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,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(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,</p> <p>(f) Aboriginal cultural heritage, practices and places</p> <p>(g) the use of the surf zone.</p> <p>2. Development on land within the coastal environment area.</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be</p>

Internal Referral Body	Comments		
	<p>managed to avoid an adverse impact referred to in subclause (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>		
	<p>Clause 14: Development on land within the coastal use area.</p> <p>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p>	<p>Yes</p> <p>Yes subject to condition</p> <p>No</p> <p>Not Applicable</p>	<p>It is considered that the application does comply with the requirements of clause 14 of the State Environmental Planning Policy (Coastal Management) 2018.</p>

Internal Referral Body	Comments		
	<p>(b) is satisfied that:</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>		
	<p>Clause 15: Development in coastal zone generally—development not to increase risk of coastal hazards.</p> <p>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.</p>		<p>It is considered that the application does comply with the requirements of clause 15 of the State Environmental Planning Policy (Coastal Management) 2018.</p>
	NSW Coastal Management Act		
	<p>Has section 27 of the Coastal Management Act has been satisfied in the conditions of consent for the proposed coastal protection works?</p>	<p>Yes</p>	<p>To be conditioned</p>

Internal Referral Body	Comments		
	<p>Conclusion / General Comments Following internal assessment and external technical review it is recommended that the application be approved subject to condition.</p> <p>Recommendation</p> <table border="1"> <tr> <td>NO OBJECTION</td><td>Subject to conditions</td></tr> </table>	NO OBJECTION	Subject to conditions
NO OBJECTION	Subject to conditions		
NECC (Development Engineering)	No objections are raised to the proposed development, subject to conditions.		
Parks, reserves, beaches, foreshore	<p>This proposal is for a new seawall located within the eastern boundary of the property. The eastern boundary abuts with Collaroy Beach Reserve. The proposal involves the removal and reuse of the existing stone seawall, which currently extends onto the beach reserve. To remove the existing wall, excavation work will likely impact on the public reserve.</p> <p>No objections are raised to approval with regard to public reserve issues subject to the recommended conditions, which look to maintain reserve amenity and public safety.</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	The application was referred to the NSW Department of Lands. No response has been received and as the works are entirely on private land, it is assumed that the department raises no objections to approval.

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 residential and 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) is the most appropriate for this site to both align with the adjoining coastal protection works, minimise the impact on coastal processes, and maximise the usable space for the private property owners.

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 entirely on private land and will not impact on the public access to the beach. The works are at the height of the foredune 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.

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

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.

Warringah Local Environmental Plan 2011

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 works will sit at or below natural ground level, to a maximum RL of 5.5m AHD, level with the rear of the property and tapering down with the natural foredune level.	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	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

6.5 Coastline hazards

Under this clause, 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, and

Comment: The development has been assessed by Council's Coastal Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not significantly adversely affect coastal hazards.

(b) will not result in significant detrimental increases in coastal risks to other development or properties, and

Comment: Conditions to ensure appropriate integration with adjoining council land and 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, and

Comment: The development has been assessed by Council's Coastal Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not significantly alter coastal hazards to the detriment of the environment.

(d) incorporates appropriate measures to manage risk to life from coastal risks, and

Comment: The development has been assessed by Council's Coastal Engineers. The Engineers have confirmed that the works, subject to conditions, are consistent with the Collaroy-Narrabeen Beach Coastal Protection Works Specifications. Therefore, Council is satisfied that the development incorporates appropriate measures to manage risk to life from coastal risks.

(e) avoids or minimises exposure to coastal hazards, and

Comment: 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.

Comment: Actions required to retrofit works have been identified. These actions are recommended to be conditioned as part of a maintenance plan. Therefore, Council is satisfied that the development makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk.

Comment: The development has been assessed by Council's Coastal Engineers. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	At or below ground level, up to 5.5m AHD	N/A	Yes
B3 Side Boundary Envelope	South - 4m	No encroachments	N/A	Yes
	East - 4m	No encroachments	N/A	Yes
B5 Side Boundary Setbacks	South - 0.9m	Nil	100%	No

	East - 0.9m	Nil	100%	No
B7 Front Boundary Setbacks	West - 6.5m	Approximately 49m	N/A	Yes
B7 Secondary Front Boundary Setbacks	North - 3.5m	Nil	100%	No
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	Current - 40.85% (1081.99sqm) Proposed - 23.91% (633.31sqm)	N/A 40.23%	Yes No

The site is a corner lot and therefore the rear setback does not apply.

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	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	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
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
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 the southern side boundary with No. 1114 Pittwater Road and a nil setback to the eastern side boundary.

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:

Vegetation will be able to be planted on the wall after it is covered in sand. As such, sufficient opportunities for deep soil landscaping will remain on site.

- 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 for the majority of the time. The works will link up with an adjacent Council wall on the road reserves to the north and with either the existing rock or a similar rock revetment wall on the property to the south. 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 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.

B7 Front Boundary Setbacks

Description of non-compliance

The coastal protection works have a nil setback to the secondary front boundary with Ramsay Street to the north.

The control allows secondary street setbacks to be a minimum of 3.5m.

Merit consideration:

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

- *To create a sense of openness.*

Comment:

The works must be located on the northern boundary as they need to link up with adjacent Council coastal protection works (within the road reserve). As the wall is at or below the fore dune level and has been designed to be covered with sand, a reasonable sense of openness will be created.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The eastern boundaries of all properties and Council land along this section of Collaroy Beach will eventually contain coastal protection works. In this regard, the proposal will be consistent with the future visual continuity and pattern of buildings and landscape elements in the area.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The wall has a nil setback to the easternmost edge of the subject site and will link up with a future Council constructed wall on Ramsay Street. Public access to the beach will not be impeded by the proposal as it is entirely on private land, and the wall is designed to best fit the site to cause the least impact to coastal processes. In this regard, the visual quality of the public space will be protected.

- *To achieve reasonable view sharing.*

Comment:

The coastal protection wall will be at or below the foredune level and will not result in any unreasonable impacts to 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 section 1.3 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

Currently the site contains approximately 40.85% (1081.99sqm) of landscaped open space (LOS)

The coastal protection works will be constructed over the eastern part of the site, technically reducing the LOS to 23.91% (633.31sqm).

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 not impact on planting fronting Pittwater Road.

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

Comment:

The works will be covered in sand and native vegetation once completed, thereby enhancing indigenous vegetation 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 works will be covered in sand and vegetation once completed. The site will therefore look very similar to what is existing and will retain the same LOS dimensions (despite the technical non-compliance).

- *To enhance privacy between buildings.*

Comment:

The works are at or below ground level and will not result in any privacy impacts.

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

Comment:

The works will be covered in sand and vegetation once completed. The site will therefore look very similar to what is existing and will retain the same outdoor recreational opportunities that meet the needs of the occupants.

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

Comment:

The works will be covered in sand and vegetation once completed. The site will therefore look very similar to what is existing and will retain the same space for service functions.

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

Comment:

The works will allow the infiltration of stormwater, which will then flow straight onto the beach. The proposal is acceptable in this regard.

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 (public and private). The proposed works will form part of the foredune and will be covered in sand.

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 section 1.3 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 no suitable protection against erosion and storm damage and will eventually be washed into the sea. This will destabilise the neighbouring public

and 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 will be constructed to the north of the site, and the rock to the south, 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 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 Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$5,218 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$521,840.

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

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 DA2019/1138 for Construction of coastal protection works on land at Lot CP SP 677, 1122 Pittwater Road, COLLAROY, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **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

Architectural Plans - Endorsed with Council's stamp
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Drawing No.	Dated	Prepared By
SSW-00 Revision B	6 September 2019	International Coastal Management
SSW-01 Revision B	6 September 2019	International Coastal Management
SSW-02 Revision A	30 July 2019	International Coastal Management

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

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.

2. 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.

3. 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.

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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for

swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

4. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$5,218.40 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$521,840.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

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 the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

5. **Security Bond**

A bond (determined from cost of works) of \$2,000 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).

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

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

6. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

7. Working on Reserves Permit

Works on (undertaken by principal contractors working without Council supervision), or access across land under Council's care control and management requires a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

Reason: Public Safety and the protection of Council infrastructure.

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 46. 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. **Design Drawings**

Design drawing (SSW-00) submitted with the application be amended to confirm that:

- Sheet piling will not be used as a method of providing temporary support of excavation undertaken below the water table in accordance with condition x
- The building at 1120 - 1122 Pittwater Road (Lot SP 677) is founded on piles.

Design drawing SSW-01 Rev B be amended to reflect the method of integration with the adjoining works, referred to in condition x Integration with adjoining works)

Design drawing SSW-02 Rev A be amended:

- To state that works will be placed on the cemented sand encountered without any excavation or damage to the cemented sand present.
- The building at 1120 - 1122 Pittwater Road (Lot SP 677) is founded on piles.

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

10. **Maintenance Obligations and Public Safety**

The owners of 1120 - 1122 (SP 677), 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. **Temporary support of excavation undertaken below the water table**

Sheet piling is not permitted as a measure to provide temporary support of exaction due to potential damage to the cemented sand. The measures required to ensure the temporary support of excavation undertaken below the water table are to be confirmed.

Details demonstrating the actions required to ensure compliance with this requirement are to be

prepared by a suitably qualified engineer and submitted to Northern Beaches Council for approval prior to issue of the construction certificate.

Reason: To prevent damage to the structure/integrity of the cemented sands present at the site.

12. **Integration 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 with the existing protection or approved works at the adjoining properties, including those approved under DA 2017/0947 and the existing works to the north.

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 without impacting the adjoining works or properties and to be suitably integrated.

13. **Demonstration of global slope stability**

Demonstration of global slope stability requirements as outlined in the Collaroy – Narrabeen Beach Coastal Protection Works Design Specifications is to be provided.

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

Reason: To confirm stability of the proposed works.

14. **Placement of works on the cemented sand layer**

Confirmation that the works are designed to be placed on the cemented sand layer where it is encountered without any excavation or damage to the cemented sand present is required.

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 prevent damage to the structure/integrity of the cemented sands present at the site.

15. **Performance of coastal protection works**

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

- Will be constructed entirely within the property boundary of 1122 Pittwater Road (Lot CP SP 677) Pittwater Road, Collaroy.
- 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.

16. **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.

17. **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 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.

18. **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.

19. **Construction Management Plan**

A Construction Management Plan 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;

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

(e) 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;

(f) A Traffic Control Plan for any activities involving the management of vehicle and pedestrian

traffic, if required;

(g) 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;

(h) 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.

20. **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 public infrastructure (including roads, gutter, footpaths, etc). 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.

21. **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

22. **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 public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches 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.

23. **Tree protection**

(a) Existing trees which must be retained

i) All trees not indicated for removal on the approved plans, unless exempt

under relevant planning instruments or legislation

ii) Trees located on adjoining land

(b) Tree protection

i) No tree roots greater than 25mm 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 25mm 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.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

24. Road Reserve

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

Reason: Public Safety.

25. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

26. 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.

27. 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.

28. **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.

29. **Temporary support of excavation**

Sheet piling is not to be used as a temporary support of excavations and an alternative strategy is to be used to ensure temporary support of excavations in accordance with condition 11.

Reason: To prevent damage to the structure/integrity of the cemented sands present at the site.

30. **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.

31. **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 and all excavation or construction work must immediately stop and not recommence until written approval is provided by the Department of Planning Industry and Environment.

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

32. **Completion of Construction Works**

All construction works must be completed within 24 months from the commencement of works.

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

33. **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.

34. **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.

35. 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.

36. 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 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

37. 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.

38. Restoration of sand and vegetation

The coastal protection works are to be covered in sand and vegetation comprising 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.

39. Post completion survey

A declaration by a registered surveyor is required as evidence that all construction has been carried out 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.

40. 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.

41. Post-Construction Dilapidation Report

The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of Council's 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

42. Landscape maintenance

Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.

43. 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 x of this consent. If required, the financial arrangements established in x 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.

44. 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 x 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 1120 - 1122 Pittwater Road (Lot SP 677), 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 677 property.

Reason: To ensure the safety of the public beach.

45. **Post storm inspection**

After any storm event that exposes any part of the coastal protection works to damage, that impacts the support or performance of the works, 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.

46. **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 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:

- The works are satisfactory in their current state (i.e. with no upgrades required) and recommend an extension to the design life for an extra period of time consistent with evidence and coastal hazard predictions known at that time, or
- Upgrades to the works are required so that they can provide the necessary level of protection, or
- Removal and replacement of the structure with an alternative design is required, or
- Demolition and removal of the coastal protection works in the interest of public safety is recommended.
- The Review Report shall be submitted to the Council for consideration not later than twelve (12) months prior to the end of the design life (i.e. the date of 60 years after the issue of the occupation certificate in the first instance, or the extended design life once the first review has been completed).

If the Review report concludes that the structure is satisfactory without any upgrades that would require further planning approvals, 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. The development consent cannot be considered to be extended without written approval from Council.

If the Review Report recommends any upgrades to the works, these upgrades must be dealt

with under the planning laws at that time. If planning laws at the time allow the recommended upgrades to be undertaken without formal approval, Council will still need to approve any extension to the development consent.

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 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.

Any written approval from the Council extending the design life 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 to Council a minimum of twelve (12) months prior to the end of the extended design life, on each extension, with the above process repeated.

In the event that Council does not accept the findings of the Review Report (including an amended or replacement report) that may be provided in accordance with this condition, the consent will not lapse until an application to modify this condition, or an appeal against the refusal of Council to accept the findings, has been formally determined by Council, the Land and Environment Court or its successor. Any application or appeal must be lodged within 6 months of Council's decision to not accept the findings.

Reason: To allow a mechanism to prevent the works from ever unreasonably limiting public access to or the use of the beach, and from posing a threat to public safety. This is inline with Section 27 of the *Coastal Management Act 2016*.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Daniel Milliken, Principal Planner

The application is determined on 19/03/2020, under the delegated authority of:



Rodney Piggott, Manager Development Assessments