



PITTWATER COUNCIL

Agenda

Council Meeting

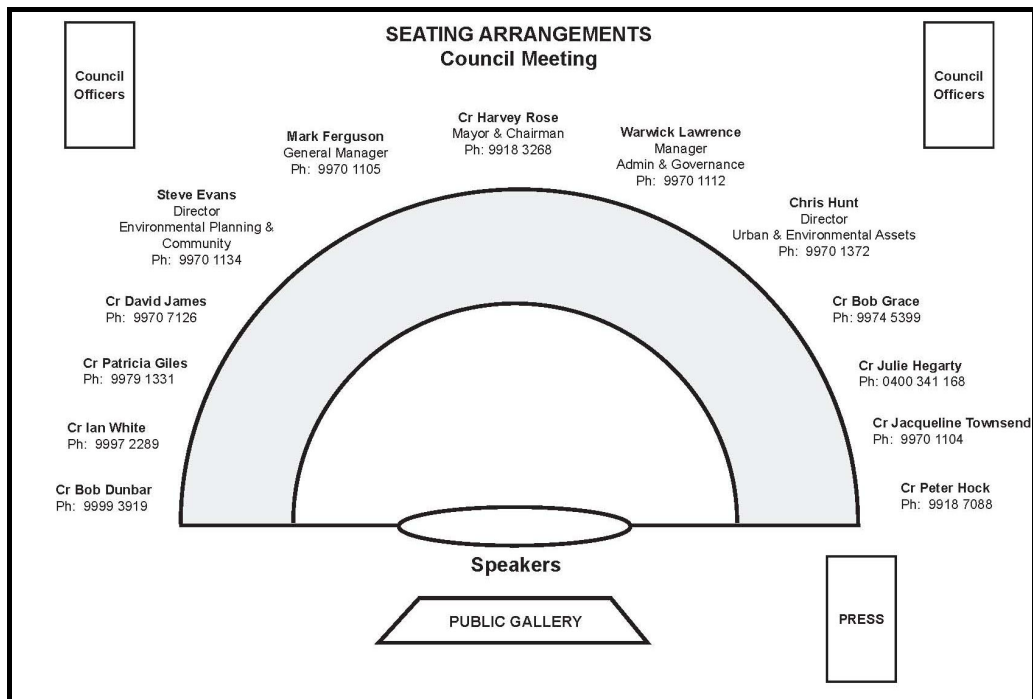
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

2 May 2011

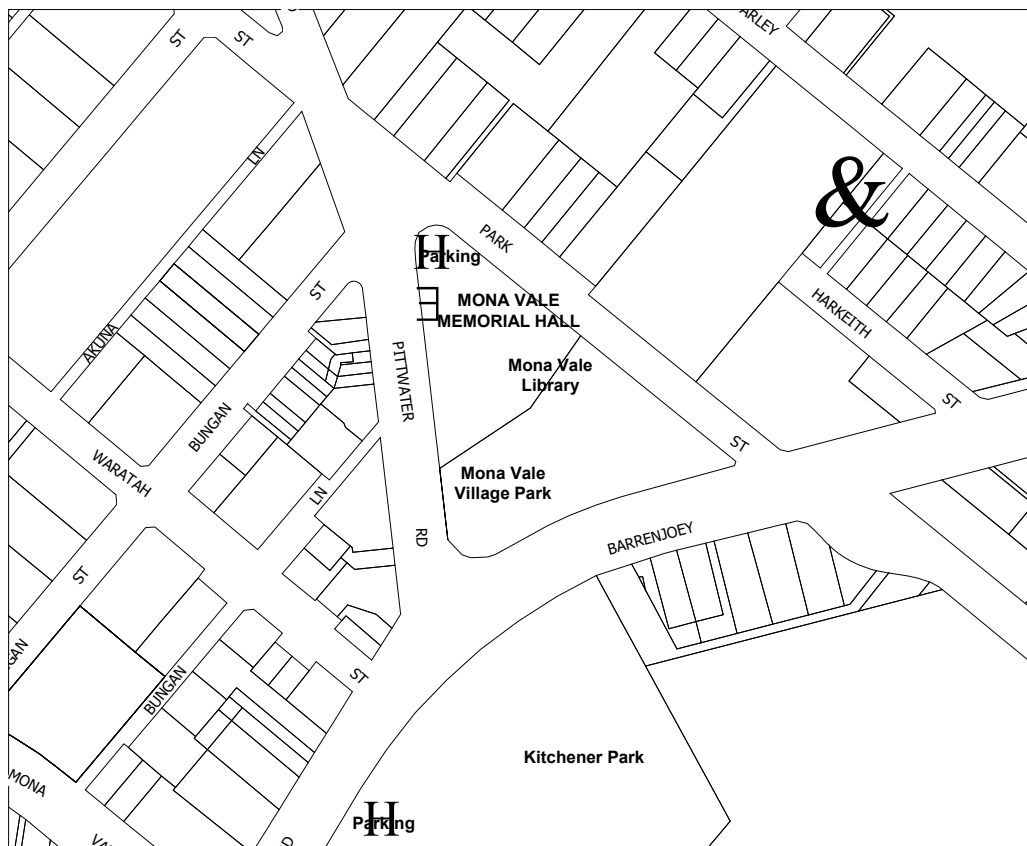
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson
GENERAL MANAGER

Seating Arrangements



Meeting Location



All Pittwater Council's Agenda and Minutes are available on the Pittwater website at www.pittwater.nsw.gov.au

Council Meeting

Acknowledgement of Country

Pittwater Council honours and respects the spirits of the Guringai people.
Council acknowledges their traditional custodianship of the Pittwater area

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**The Senior Management Team
has approved the inclusion of
all reports in this agenda.**

Council Meeting

1.0 Apologies

Apologies must be received and accepted from absent Members and leave of absence from the Council Meeting must be granted.

2.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts.

Councillors are advised of the following definitions of a "pecuniary" or "conflict" of interest for their assistance:

* Section 442 of the Local Government Act, 1993 states that a "pecuniary" interest is as follows:

"(1) [Pecuniary interest] A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

(2) [Remoteness] A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."

Councillors should reference the Local Government Act, 1993 for detailed provisions relating to pecuniary interests.

* Council's Code of Conduct states that a "conflict of interest" exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

Councillors are also reminded of their responsibility to declare any Political donation or Gift in relation to the Local Government & Planning Legislation Amendment (Political Donations) Act 2008.

* A reportable political donation is a donation of:

- \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or

- \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or
- Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

3.0 Confirmation of Minutes

“Councillors are advised that when the confirmation of minutes is being considered, the only question that can arise is whether they faithfully record the proceedings at the meeting referred to. A member of a council who votes for the confirmation of the minutes does not thereby make himself a party to the resolutions recorded: **Re Lands Allotment Co (1894) 1 Ch 616, 63 LJ Ch 291.**”

Minutes of the Council Meeting held on 18 April 2011.

4.0 Business by Exception (All items on the Agenda)

Items that are dealt with by exception are items where the recommendations contained in the reports in the Agenda are adopted without discussion.

Statement of Respect

Pittwater Council promotes and strives to achieve a climate of respect for all and endeavours to inspire in our community shared civic pride by valuing and protecting our unique environment, both natural and built, for current and future generations.

5.0 Public Addresses

The following guidelines apply to any person addressing a Council / Committee meeting in relation to an item on the Council / Committee meeting agenda:

1. *A member of the public may be granted leave to address a meeting of Council or a Committee, where such a request is received by the General Manager no later than 3.00pm on the day of the meeting. This is subject to:*
 - (a) *A maximum of up to four speakers may address on any one item, with a maximum of two speakers in support of the recommendation in the report, and two speakers in opposition.*
 - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*
 - (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

Exceptions to these requirements may apply where:

- (a) *The Meeting specifically requests that a person be interviewed at a meeting.*
 - (b) *The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager*
2. *Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing.*
3. *No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their address will be immediately terminated by the Chair of the meeting.*
4. *Council's general meeting procedures apply to Public Addresses, in particular, no insults or inferences of improper behaviour in relation to any other person is permitted.*
5. *Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*

6.0 Mayoral Minutes - Nil

7.0 Council Meeting Business

C7.1 NOTICE OF MOTION - ICAC Investigation into the Purchase of Currawong – (Motion submitted by Cr Townsend)

Meeting: Council

Date: 2 May 2011

NOTICE OF MOTION

BACKGROUND

Following lobbying by Pittwater Council and the Friends of Currawong, the then State Government entered into negotiations to purchase Currawong for \$12.2 million.

Arising out of the negotiations a NSW senior public servant is being investigated and a referral to the ICAC has been made.

There is no suggestion that any steps taken by Council during the purchase negotiations are currently under investigation.

Motion

That Council be kept informed and updated on any requests made by ICAC for Council information or representation arising out of the investigation.

Cr Townsend

Community, Recreation and Economic Development Committee

**8.0 Community, Recreation and Economic Development
Committee Business - Nil**

Natural Environment Committee

9.0 Natural Environment Committee Business

C9.1	Pittwater Foreshore Floodplain - Mapping of Sea Level Rise Impacts - Public Exhibition of Draft Final Report and Mapping
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Meeting: Natural Environment Committee

Date: 02 May 2011

STRATEGY: **Sustainability and Climate Change Coordination**
 Land Use and Development
 Risk Management Co-ordination
 Community Engagement, Education and Awareness

ACTION: Develop and implement a program to undertake natural hazard risk management studies in accordance with Risk Management Guidelines
 Develop, implement and regularly review a guiding document for risk management
 Develop plans to mitigate/control wherever possible, natural hazards associated with risks.
 Implement and periodically review plans to mitigate/control wherever possible, risks associated with natural hazards.
 Ensure that potential climate change and sea level rise impacts are incorporated in the Estuary and Coastal management Strategies and Plans of Management.
 Progress and implement programs for flood risk management studies.
 Implement Council's Community Engagement Policy.
 Undertake community consultation regarding all major Council plans and projects.
 Consider the impacts of climate change and sea level rise in Council's policies, strategies and plans.
 Ongoing compliance with Council's statutory obligations and to properly discharge Council's common law duty of care to the community when managing risks.

PURPOSE OF REPORT

1. To provide background and summarise the details of the Draft Final Report for the Pittwater Foreshore Floodplain — Mapping of Sea Level Rise Project (March 2011) prepared for the Pittwater Estuary (Waterway) by specialist floodplain management consultants, Cardno (NSW/ACT) Pty Ltd.
2. To seek approval to place the Draft Final Report for the Pittwater Foreshore Floodplain — Mapping of Sea Level Rise Project on public exhibition for a period of five (5) weeks, from Friday 6 May 2011 to Friday 10 June 2011.
3. To provide Council with the details of the Community Engagement Strategy for this project, particularly the activities planned during the proposed public exhibition.
4. To provide Council with the details of the process following the public exhibition leading to exhibition of draft amendments to the Pittwater 21 Development Control Plan relating to Foreshore Inundation Risk.

1.0 BACKGROUND

1.1 NSW Government Flood Prone Land Policy

The primary objectives of NSW Government Flood Prone Land Policy are to:

- reduce impact of flooding on owners and occupiers of flood prone property;
- reduce existing and future private and public losses resulting from floods.

The policy highlights that the primary responsibility for floodplain risk management rests with local councils, which are provided financial and technical support from the NSW State Government.

The NSW State Government has prepared the *Floodplain Development Manual* (NSW Government, 2005) (www.environment.nsw.gov.au/floodplains/manual.htm) in accordance with its Flood Prone Land Policy to guide Local Councils in the development and implementation of robust and effective local floodplain risk management plans.

The Floodplain Development Manual outlines a risk management framework called the Floodplain Risk Management Process. This structured framework provides councils with a step-by-step management process, which ultimately leads to a Floodplain Risk Management Plan adopted by the elected Council that has taken into consideration the full range of social, economic and environmental factors.

Provided councils utilise the framework provided by the Floodplain Risk Management Process and they have acted in good faith, councils can receive with indemnity under Section 733 of the Local Government Act, 1993.

Pittwater Council's Flood Risk Management Strategy is an ongoing and evolving strategy that commenced some 20 years ago. The Strategy has been developed in accordance with the Floodplain Risk Management Process as outlined in the 2005 Floodplain Development Manual.

1.2 NSW Sea Level Rise Policy Statement and NSW Coastal Planning Guideline: Adapting to Sea Level Rise

Within the past 18 months, the NSW Government has adopted a suite of four documents relating to planning for sea level rise, namely:

- *NSW Sea Level Rise Policy Statement* (NSW Department of Environment, Climate Change and Water, Publication No. DECCW 2009/708, October 2009) (www.environment.nsw.gov.au/resources/climatechange/09708sealevrisepolicy.pdf)
- *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (NSW Department of Planning, Publication No. DOP 10_022, 20 August 2010) — referred to as the Coastal Planning Guideline (2010) (www.planning.nsw.gov.au/LinkClick.aspx?fileticket=VYjmQirQIAk%3d&tabid=177&language=en-US)
- *Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments* (NSW Department of Environment, Climate Change and Water, Publication No. DECCW 2010/759, August 2010) (www.environment.nsw.gov.au/resources/water/coasts/10759FloodRiskManGde.pdf)
- *Coastal Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Coastal Risk Assessments* (NSW Department of Environment, Climate Change and Water, Publication No. DECCW 2010/760, August 2010) (www.environment.nsw.gov.au/resources/water/coasts/10760CoastRiskManGde.pdf).

The *NSW Sea Level Rise Policy Statement* (2009) includes sea level planning benchmarks which have been developed to support consistent consideration of sea level rise in land use planning and coastal investment decision-making for NSW. The adopted benchmarks are for a rise relative to 1990 mean sea levels of **40cm by 2050** and **90cm by 2100**.

At its meeting of 07 December 2009, Council formally acknowledged the NSW Sea Level Rise Policy Statement and the sea level rise planning benchmarks. At its meeting of 5 October 2010, Council formally acknowledged this suite of documents and recommended that they be “utilised by Council for the purposes of all future strategic land use planning, development assessment and flood and coastal risk assessment and management across all parts of the Pittwater Local Government Area that are likely to be affected by sea level rise.”

The Coastal Planning Guideline (2010) has been prepared to provide guidance on how sea level rise is to be considered in land use planning and development assessment in coastal NSW. The Guideline adopts the sea level rise planning benchmarks in the *NSW Sea Level Rise Policy Statement* (2009).

The Coastal Planning Guideline (2010) applies to all ‘coastal areas’ of NSW, which includes the NSW Coastal Zone together with Sydney Harbour, Botany Bay, the Hawkesbury River and their tidal tributaries. The term ‘coastal areas’ is used broadly in the Guideline to refer to all land fronting tidal waters including the coastline, beaches, coastal lakes, bays and estuaries and tidal sections of coastal rivers. It also includes other low lying land surrounding these areas that may be subject to coastal processes in the future as a consequence of sea level rise.

In the Coastal Planning Guideline (2010) ‘coastal risks’ are taken to include risks from coastal erosion, tidal inundation and coastal flooding.

In addition to the Coastal Planning Guideline (2010), the *Flood Risk Management Guide* and the *Coastal Risk Management Guide* technical guides have been developed to assist councils in preparing coastal hazard and flood risk studies to incorporate the sea level rise planning benchmarks.

The information in these risk management guides updates the guidance in the Floodplain Development Manual and Coastline Management Manual related to sea level rise. These guides need to be read in conjunction with the Coastal Planning Guideline (2010).

The Flood Risk Management Guide also updates the sea level rise section of the *Floodplain Risk Management Guideline: Practical Consideration of Climate Change* (DECC 2007). The 2007 guideline provides additional information relating to the management of the impacts of climate change on existing developed areas and on potential changes to flood-producing rainfall events caused by climate change.

At its meeting of 05 October 2010, Council formally acknowledged the Coastal Planning Guideline (2010) and the accompanying risk management guides.

1.3 **Pittwater Estuary Processes Study (2003)**

The Pittwater Estuary Processes Study was completed by Lawson and Treloar in January 2003. As part of the 2003 Processes Study, 1%AEP design water levels were calculated at 37 different locations around the foreshore of the Pittwater Estuary (Waterway) from a combination of:

- 1% AEP storm tide (1.5mAHD); plus
- wind setup; plus
- wave setup.

1.4 **Pittwater Estuarine Planning Level Mapping Study (2004)**

Using information from the 2003 Processes Study, Lawson and Treloar then completed the Estuarine Planning Level Mapping Study in 2004. The study was adopted by Council in September 2004. The key outcome of the 2004 EPL Mapping Study was to determine an Estuarine Planning Level (EPL) for each property around the foreshore of the Pittwater Estuary (Waterway), which was determined as a combination of:

- 1% AEP storm tide; plus
- wind setup; plus
- wave setup; plus
- wave run-up, which is dependent on the type of foreshore edge type or structure and the distance from the foreshore edge; plus
- an allowance of 0.2m for sea level rise; plus
- freeboard, which is generally 0.3m, but varies from 0.0m to 0.3m in some locations.

Approximately 1,550 properties around the foreshore of the Pittwater Estuary were identified as part of the 2004 EPL Mapping Study as having an “Estuarine Risk” and were notated accordingly on their Section 149(2) Planning Certificates. At the time of the 2004 EPL Mapping Study, LiDar or Airborne Laser Scanning (ALS) topographical data was not available for the Pittwater LGA.

The following definition was used to determine whether a property had an “Estuarine Risk” or a “Tidal/Inundation Risk” and hence flood-related development controls would apply to that property:

- *Estuarine Risk or Tidal/Estuarine Inundation Risk* — where the lowest point of the property is below the Estuarine Planning Level (EPL) (100 year ARI sea level plus freeboard) (Note that properties may have a Category 1/2 “Flood Risk” Classification as well as an “Estuarine Risk”).

There has been no change to these arrangements and definitions since 2004.

The calculation of Estuarine Planning Levels for each of these properties is available on Council’s Website as part of the Flood and Estuarine Levels Tool:

(www.pittwater.nsw.gov.au/building_and_development/property_information/flood_and_estuarine_levels)

1.5 **Flood Risk in Pittwater**

Table 1 shows that nearly 8,000 properties in the Pittwater LGA (or about one-third of the properties in Pittwater) are potentially at risk from flooding and/or estuarine/tidal inundation. This excludes additional flood impacts that may arise as a result of sea level rise and increases in rainfall intensity from climate change.

The Floodplain Development Manual defines ‘flooding’ to include all types of inundation including creek and river flooding, ‘overland’ flooding, tidal inundation and coastal inundation from elevated sea levels. ‘Mainstream’ flooding generally includes:

- floodplains where creeks and rivers overtop their banks;
- tidal inundation in estuaries or ‘foreshore inundation’.

TABLE 1: PROPERTIES AT RISK FROM FLOODING AND, ESTUARINE/TIDAL/FORESHORE INUNDATION IN PITTWATER LGA

TYPE OF FLOODING	NO. PROPERTIES
Mainstream Flooding — Catchment Flooding	2,700
Overland Flooding	3,600*
Mainstream Flooding — Estuarine/Tidal/Foreshore Inundation around Pittwater Estuary (Waterway)	1,500**
TOTAL	7,800

* preliminary estimate only

** excludes about 50 properties that are also at risk from catchment flooding to avoid double-counting

2.0 ISSUES

2.1 Aims of the Current Project

The key aims of Pittwater Foreshore Floodplain — Mapping of Sea Level Rise Impacts Project have been to:

- review, update and expand the current Estuarine Planning Level Mapping to:
 - incorporate the latest adopted sea level benchmarks (0.4m by 2050 and 0.9m by 2100), within the framework of the NSW Floodplain Risk Management Process;
 - utilise the latest detailed topographical information from LiDar (Airborne Laser Scanning) to determine the extent of inundation;
 - utilise the latest calculation techniques (Note that no additional hydraulic modelling was undertaken as part of the current project);
- provide community engagement and information about the likely current and future impacts of foreshore inundation due to sea level rise around the foreshore of the Pittwater Estuary;
- update the Estuarine Planning Level database and associated mapping to inform the Pittwater 21 Development Control Plan (DCP), and appropriate notations on Section 149(2) and Section 149(5) Planning Certificates;
- commence the phasing out of the use of the terms 'Estuarine Risk' and 'Estuarine Planning Level' in Pittwater and the phasing in of the terms 'Foreshore Inundation Risk' and 'Foreshore Flood Planning Level' to provide more consistent terminology with the 2005 NSW Government's Floodplain Development Manual, through amendments to the Pittwater 21 Development Control Plan.

2.2 What mapping has been completed as part of the current project?

The entire Pittwater Estuary (Waterway) has been included in this project. Mapping the impacts of sea level rise for other areas of the Pittwater LGA will be completed as part of separate projects in the future.

The following draft mapping has been completed as part of the current project:

- **Inundation Maps (Foreshore Inundation Risk)** — these maps show the extent of inundation during very high tides associated with oceanic storms (now referred to as 'Foreshore Inundation Risk') and include the following components as shown on **Figure 1**:
 - 1% probability (or 1 in 100 year) storm tide; plus
 - wind set up; plus

- wave set up; plus
- wave run up (which is dependent on the type of foreshore edge type or structure and the distance from the foreshore edge); plus
- freeboard of 0.3m

The Inundation Maps show the extent of inundation for:

- current (2010) conditions with no sea level rise; and
- 2100 conditions with 0.9m sea level rise.

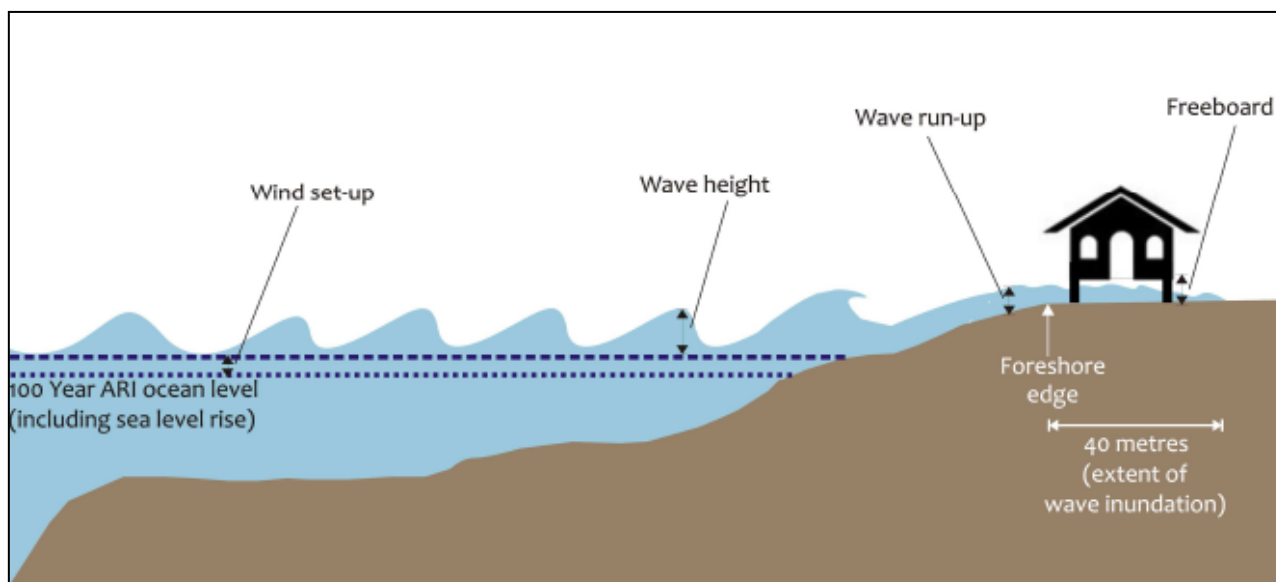


FIGURE 1: COMPONENTS OF FORESHORE INUNDATION RISK AND FORESHORE FLOOD PLANNING LEVELS

(source: Plate 3.1 of Draft Final Report, Cardno, 30 March 2011)

- **Affected Properties Maps (Foreshore Inundation Risk)** — these maps show the properties that would be affected by Foreshore Inundation Risk for:
 - current (2010) conditions with no sea level rise; and
 - 2100 conditions with 0.9m sea level rise.
- **Weekly High Tide and Yearly King Tide Inundation Maps** — these maps show the extents of inundation for typical ‘normal’ high tides (with no influences from storm events) for:
 - current (2010) conditions with no sea level rise; and
 - 2050 condition with 0.4m sea level rise
 - 2100 conditions with 0.9m sea level rise.

These maps will assist Council to plan for the future impacts on public infrastructure such as low-lying roads, parks and playing fields.

2.3 How many properties are affected?

Table 2 shows the number of properties affected by the new draft mapping and provides a comparison with the number of properties identified in the EPL Mapping Study (2004).

TABLE 2: NUMBER OF PROPERTIES AFFECTED BY FORESHORE INUNDATION RISK FROM DRAFT MAPPING

SCENARIO	NO. PROPERTIES
Properties identified as Estuarine Risk (from EPL Mapping Study (2004))	1,556
Properties identified as 2010 (Current) Foreshore Inundation Risk (from Draft Final Report of current study 30 March 2011)	1,492
Properties identified as 2100 (Future) Foreshore Inundation Risk (from Draft Final Report of current study 30 March 2011)	1,882

Table 3 provides more information about the changes from the EPL Mapping Study (2004) to the results of the draft mapping from the current Draft Final Report. Properties have been divided into one of five types depending on the change between 2004 and the current project.

TABLE 3: CHANGES FROM EPL MAPPING STUDY (2004) AND DRAFT MAPPING FROM CURRENT DRAFT FINAL REPORT

PROPERTY TYPE	DESCRIPTION	NO. PROPERTIES
TYPE 1	Properties identified as Estuarine Risk (2004) but not identified as Foreshore Inundation Risk — to be removed	100
TYPE 2	Properties identified as Estuarine Risk (2004) — to be revised to 2010 (current) Foreshore Inundation Risk	1,400
TYPE 3	Properties identified as Estuarine Risk (2004) — to be revised to 2100 (future) Foreshore Inundation Risk	105
TYPE 4	Properties not identified as Estuarine Risk (2004) — to be revised to 2010 (current) Foreshore Inundation Risk	125
TYPE 5	Properties not identified as Estuarine Risk (2004) — to be revised to 2100 (future) Foreshore Inundation Risk	300
—	TYPES 4 and 5 properties that currently have a “Flood Risk” (from catchment flooding)	244
—	TYPES 2, 3, 4 and 5 properties that currently have a “Flood Risk” (from catchment flooding)	300

Note: Changes in the cadastre have occurred in the time between 2004 and 2010 (e.g. lot amalgamation, especially in the vicinity of the National Park). Any discrepancy in property numbers is likely to be due to this.

These results show that around 1,882 properties will be identified as being affected by 2100 (Future) Foreshore Inundation Risk. Of these 1,882 properties, about 1,505 have been identified as having an Estuarine Risk since 2004 and a further 244 properties have been identified as having a Flood Risk since 2005 or earlier (from catchment flooding) from other Flood Risk studies. Therefore there will be about 130 properties identified that currently do not have either an Estuarine Risk or a Flood Risk. About 100 properties identified as having an Estuarine Risk in 2004 will no longer be identified as having a Foreshore Inundation Risk. These changes will be noted on Section 149 Certificates accordingly following adoption of the amendments to the Pittwater 21 DCP.

2.4 How will the new mapping affect the development of properties?

The main change for all properties affected by Foreshore Inundation Risk will be that higher floor levels will be required for all NEW development to take into account 2100 sea levels.

This change will affect new development only and will include alterations and additions. These new minimum floor levels will be called Foreshore Flood Planning Levels.

Currently, any new development located on a property with an Estuarine Risk is required to complete an Estuarine Risk Report as part of the development application. This will not change. All properties with a Foreshore Inundation Risk will be required to complete a Foreshore Inundation Risk Report.

2.5 What information will be available from the new mapping?

Once adopted by Council, it is proposed that the following information will be available to download from the Pittwater Council web site at no cost:

- Inundation Maps for Foreshore Inundation Risk with and without sea level rise;
- Affected Properties Maps for Foreshore Inundation Risk with and without sea level rise;
- Weekly High Tide and Yearly King Tide Inundation Maps with and without sea level rise;
- Foreshore Flood Planning Levels for individual properties, which will provide the new minimum floor levels required to take into account 2100 sea levels;
- an indication of the degree of the property affected by Foreshore Inundation Risk as follows:
 - minor affectation — less than 10% of the property affected;
 - medium affectation — between 10% and 50% of the property affected;
 - high affectation — greater than 50% of the property affected

2.6 Public Exhibition, Community Engagement, Information and Feedback Strategy

Following endorsement from Council to place the Draft Final Report on public exhibition, the following community engagement activities will be undertaken provide information dissemination and opportunities for community feedback:

- **public exhibition** — The public exhibition will run for a period of five weeks from Friday 6 May 2011 to Friday 10 June 2011. There will be static displays in the Mona Vale and Avalon Customer Service Centres;
- **Question and Answer Sheet** — A Question and Answer Sheet will be prepared to facilitate discussions with the community. A copy will be sent to all affected properties and will be available to download from Council's website;
- **on-line information and feedback** — the following information will be provided on the Pittwater Council website:
 - an explanation of the project and the progress to date;
 - copy of complete Draft Final Report;
 - copies of the Inundation Maps for Foreshore Inundation Risk, Affected Property Maps for Foreshore Inundation Risk, Weekly High Tide Inundation Maps and King Tide Inundation Maps;
 - on-line comment form;
 - Question and Answer sheet;
 - on-line booking form to book in to discuss the project with the Project Team via the Telephone Call-Back Service or for one of two Community Information Sessions;
- **letters to affected properties** — individual letters will be sent to all affected property owners outlining the following information:
 - the background to the project;

- information about sea level rise;
- how to view maps and make comments on-line;
- details and how to book in to discuss the project with the Project Team via the Telephone Call-Back Service or the Community Information Sessions;
- a copy of the Question and Answer Sheet.
- **one-on-one community discussions and feedback** — during the public exhibition, members of the community will be able to book-in to discuss their property one-on-one with the Project Team in one of two ways:
 - **Telephone Call-Back Service** — Council will provide a telephone call-back service over various days and times.
 - **Community Information Sessions** — two Community Information Sessions will be held, one in Mona Vale and one in Avalon, to allow members of the community to individually discuss the project with Council staff and consultants.

For both the Telephone Call-Back Service and the Community Information Sessions, the community will be able to book-in for a 15 minute time slot via an on-line and telephone booking system. By asking the community to 'book-in' to discuss their property, the Project Team will have time to research information relevant to the particular site and will be able to provide a much higher level of customer service.

2.7 **After the Public Exhibition and draft amendments to Pittwater 21 Development Control Plan**

Following the public exhibition phase, all submissions received during the public exhibition will be considered and any necessary changes incorporated into a Final Report. The Final Report, together with proposed draft amendments to the Pittwater 21 Development Control Plan relating to Foreshore Inundation Risk, will then be reported back to Council. Council will then exhibit the proposed amendments to the Pittwater 21 Development Control Plan in accordance with the statutory regulations.

Once the Final Report, mapping and the amendments to the Pittwater 21 DCP have been adopted by Council, the Foreshore Flood Planning Levels will be available on the Pittwater Council website via a revised Flood Level Calculation Tool, which will be similar to the current Flood and Estuarine Levels Tool. At the same time, revisions will be made to Section 149 Certificates for properties affected by Foreshore Inundation Risk.

3.0 **SUSTAINABILITY ASSESSMENT**

3.1 **Supporting & Connecting our Community (Social)**

The overarching aim of flood and coastal risk management is to:

- increase safety for residents and businesses;
- increase the community's resilience and reduce the social dislocation.

Communication of risks from natural hazards increases community awareness thereby reducing the potential risk to life and property.

The Coastal Planning Guideline (2010), the accompanying Flood and Coastal Risk Guides and Sea Level Rise Level Rise Policy Statement assists in informing and preparing our community for the impacts of sea level rise. A community engagement strategy has been developed to effectively convey this information.

3.2 Valuing & Caring for our Natural Environment (Environmental)

Floodplain risk management plans are formulated through the balancing a wide range of social, economic and environmental issues. So although Council's Flood Risk Management Strategy focuses on the natural hazard of flooding, understanding how all measures will interact with the natural environment is an integral part of the Strategy.

Assessing the predicted impacts of climate change will allow for future planning of impacts on tidal ecosystems, ground water dependent ecosystems, adverse water quality, threatened species, coastal erosion, etc.

3.3 Enhancing our Working & Learning (Economic)

One of the key outcomes of the NSW Government policies relating to natural hazards is the 'protection of private and private infrastructure and assets'. By ensuring there are adequate development controls in place to deal with natural hazards, this will reduce future economic impacts across the whole of the Pittwater community.

3.4 Leading an Effective & Collaborative Council (Governance)

This project has been undertaken to ensure compliance with the requirements of the NSW Government Flood Prone Land Policy and accompanying Floodplain Development Manual (2005).

With the primary responsibility for the management of flood risks resting with local councils, this project has been carried out in accordance with the NSW Flood Prone Land Policy and accompanying Floodplain Development Manual. This can provide Council with indemnity under Section 733 of the Local Government Act.

The adoption of the sea level rise benchmarks and incorporation into Council's hazard management planning will provide compliance with Councils obligations under the NSW Coastal Policy and the NSW Flood Prone Land Policy. This can provide Council with indemnity under Section 733 of the Local Government Act.

3.5 Integrating our Built Environment (Infrastructure)

Incorporation of the Coastal Planning Guideline and the associated technical Risk Guides and adoption of the benchmarks will allow Council to make informed decisions for the management of current and the provision of future infrastructure from the impacts of climate change.

4.0 EXECUTIVE SUMMARY

- 4.1 The NSW Government Flood Prone Land Policy highlights that the primary responsibility for floodplain risk management rests with local councils. The NSW State Government has prepared the *Floodplain Development Manual* (2005) in accordance with its Flood Prone Land Policy to guide Local Councils in the management of their flood risks.

The Floodplain Development Manual outlines a risk management framework called the Floodplain Risk Management Process. This structured framework provides councils with a step-by-step management process, which takes into consideration the full range of social, economic and environmental factors. Provided councils utilise the framework provided by the Floodplain Risk Management Process and they have acted in good faith, councils can receive with indemnity under Section 733 of the Local Government Act, 1993.

The Floodplain Risk Management Process forms the basis of Pittwater Council's Flood Risk Management Strategy.

- 4.2 Within the past 18 months, the NSW Government has adopted a suite of documents relating to planning for sea level rise to provide guidance on how sea level rise is to be considered in land use planning and development assessment in coastal NSW. The *NSW Sea Level Rise Policy Statement* (2009) includes sea level planning benchmarks of **40cm by 2050** and **90cm by 2100**.

At its meeting of 5 October 2010, Council formally acknowledged this suite of documents and recommended that they be "utilised by Council for the purposes of all future strategic land use planning, development assessment and flood and coastal risk assessment and management across all parts of the Pittwater Local Government Area that are likely to be affected by sea level rise."

- 4.3 The Pittwater Estuary Processes Study in 2003. As part of the 2003 Processes Study, 1%AEP design water levels were calculated at 37 different locations around the foreshore of the Pittwater Estuary (Waterway). Based on information from the 2003 Processes Study, Council adopted the Estuarine Planning Level Mapping Study in 2004. The key outcome of the 2004 EPL Mapping Study was to determine an Estuarine Planning Level (EPL) for each property around the foreshore of the Pittwater Estuary (Waterway).

Approximately 1,550 properties around the foreshore of the Pittwater Estuary were identified as part of the 2004 EPL Mapping Study as having an "Estuarine Risk" and were notated accordingly on their Section 149(2) Planning Certificates.

- 4.4 The key aims of the current project have been to:

- review, update and expand the current Estuarine Planning Level Mapping to:
 - incorporate the latest adopted sea level benchmarks;
 - utilise the latest detailed topographical information from LiDar (Airborne Laser Scanning) to determine the extent of inundation;
 - utilise the latest calculation techniques;
- provide community engagement and information about the likely current and future impacts of foreshore inundation due to sea level rise around the foreshore of the Pittwater Estuary;
- update the Estuarine Planning Level database and associated mapping to inform the Pittwater 21 Development Control Plan (DCP), and appropriate notations on Section 149(2) and Section 149(5) Planning Certificates;
- commence the phasing out of the use of the terms 'Estuarine Risk' and 'Estuarine Planning Level' in Pittwater and the phasing in of the terms 'Foreshore Inundation Risk' and 'Foreshore Flood Planning Level' to provide more consistent terminology with the 2005 NSW Government's Floodplain Development Manual.

- 4.5 The entire Pittwater Estuary (Waterway) has been included in this project. Mapping the impacts of sea level rise for other areas of the Pittwater LGA will be completed as part of separate projects in the future. The following draft mapping has been completed as part of the current project:

- *Inundation Maps (Foreshore Inundation Risk)* — these maps show the extent of inundation during very high tides associated with oceanic storms (now referred to as 'Foreshore Inundation Risk') with and without sea level rise;

- *Affected Properties Maps (Foreshore Inundation Risk)* — these maps show the properties that would be affected by Foreshore Inundation Risk with and without sea level rise
- *Weekly High Tide and Yearly King Tide Inundation Maps* — these maps show the extents of inundation for typical ‘normal’ high tides (with no influences from storm events) with and without sea level rise

4.6 These results show that around 1,882 properties will be identified as being affected by 2100 (Future) Foreshore Inundation Risk. Of these 1,882 properties, about 1,505 have been identified as having an Estuarine Risk since 2004 and a further 244 properties have been identified as having a Flood Risk since 2005 or earlier (from catchment flooding) from other Flood Risk studies. Therefore there will be about 130 properties identified that currently do not have either an Estuarine Risk or a Flood Risk. About 100 properties identified as having an Estuarine Risk in 2004 will no longer be identified as having a Foreshore Inundation Risk. These changes will be noted on Section 149 Certificates accordingly following adoption of the amendments to the Pittwater 21 DCP.

4.7 The main change for all properties affected by Foreshore Inundation Risk will be that higher floor levels will be required for all NEW development to take into account 2100 sea levels. This change will affect new development only and will include alterations and additions. These new minimum floor levels will be called Foreshore Flood Planning Levels.

There will only be very minor changes to all other development controls that relate to Foreshore Inundation Risk.

4.8 Following endorsement from Council to place the Draft Final Report on public exhibition, the following community engagement activities will be undertaken provide information dissemination and opportunities for community feedback:

- public exhibition, which will run for a period of five weeks from Friday 6 May 2011 to Friday 10 June 2011;
- question and answer sheet;
- on-line information and feedback including copies of all draft inundation extents and affected properties mapping;
- on-line booking form, to book in to discuss the project with the Project Team via the Telephone Call-Back Service or for one of two Community Information Sessions;
- letters to affected properties —
- one-on-one community discussions and feedback during the public exhibition, where members of the community will be able to book-in to discuss their property one-on-one with the Project Team via a Telephone Call-Back Service and two Community Information Sessions. For both the Telephone Call-Back Service and the Community Information Sessions, the community will be able to book-in for a 15 minute time slot via an on-line and telephone booking system. By asking the community to ‘book-in’ to discuss their property, the Project Team will have time to research information relevant to the particular site and will be able to provide a much higher level of customer service.

4.9 Following the public exhibition phase, all submissions received during the public exhibition will be considered and any necessary changes incorporated into a Final Report. The Final Report, together with proposed draft amendments to the Pittwater 21 Development Control Plan relating to Foreshore Inundation Risk, will then be reported back to Council. Council will then exhibit the proposed amendments to the Pittwater 21 Development Control Plan in accordance with the statutory regulations.

Once the Final Report, mapping and the amendments to the Pittwater 21 DCP have been adopted by Council, the Foreshore Flood Planning Levels will be available on the Pittwater Council website via a revised Flood Level Calculation Tool, which will be similar to the current Flood and Estuarine Levels Tool. At the same time, revisions will be made to Section 149 Certificates for properties affected by Foreshore Inundation Risk.

RECOMMENDATION

1. That the tabled Draft Final Report and associated draft mapping for the Pittwater Foreshore Floodplain - Mapping of Sea Level Rise Project be placed on public exhibition for a period of five (5) weeks, from Friday 6 May 2011 to Friday 10 June 2011.
2. That the activities of the Community Engagement, Information and Feedback Strategy that will be carried out during and following the public exhibition be noted.

Report prepared by
Sue Ribbons - Principal Officer, Floodplain Management

Chris Hunt
DIRECTOR — URBAN AND ENVIRONMENTAL ASSETS

C9.2	Adoption of Risk Management Policy for Coastal Public Buildings and Assets in Pittwater
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Meeting: Natural Environment Committee

Date: 2 May 2011

STRATEGY: **Beach & Coastal Management
Risk Management Co-ordination Strategy**

ACTION: Provide planning, design, investigation and management of beaches, coastline and estuaries;
Maintain and service beach, coastal and estuary facilities;
Upgrade beach, coastal and estuary facilities;
To deal with risks due to natural and man-made hazards of air and water pollution (e.g. bushfire, coastal, estuarine, flood, geotechnical, acid sulphate soil, extreme weather events) for the benefit of the community;
To manage public liability risk associated with public infrastructure;
To require that land use planning decisions take into account risks due to natural hazards and the impacts of climate change.

PURPOSE OF REPORT

To report the results of the public exhibition of the Draft Risk Management Policy for Coastal Public Buildings and Assets in Pittwater (the Policy) and recommend the amended Policy for adoption by Council.

1.0 BACKGROUND

- 1.1 The draft Policy was developed in response to concerns raised by several Pittwater surf life saving clubs over the need to upgrade existing surf club buildings and facilities in order to improve each club's operational capabilities and viability and to continue to offer vital services to the community. The draft Policy was reported to the Council meeting held on 21 February 2011 with a recommendation that it be placed on public exhibition for a period of 28 days.
- 1.2 Based on the principles of ecologically sustainable development, the former NSW Government introduced the Coastal Erosion Reform Package which promotes development that balances social, economic and environmental considerations. Whilst the reforms do not prohibit coastal development, all components of the package are designed around a risk based approach allowing proponents of coastal development to demonstrate whether they can adequately manage the risks arising from coastal processes.
- 1.3 Levels of risk associated with coastal hazards such as beach erosion, shoreline recession, coastal inundation, coastal lagoon entrance instability and tidal inundation will increase over time as a result of climate change impacts and in particular sea level rise.
- 1.4 The Policy attempts to strike a balance between the responsible management of risk for Council's buildings and assets already subject to (or likely to become subject to) coastal hazards and the ongoing use of those buildings and assets until the level of risk is no longer acceptable to the community.

- 1.5 The Policy, if adopted, will apply to development proposals for existing public buildings and foreshore assets owned by Pittwater Council and located in the Coastal Zone of the Pittwater LGA (as defined by the *Coastal Protection Act 1979*) where a proponent other than Council submits a DA for proposed development with a total estimated value not greater than \$500,000 (indexed).
- 1.6 Where the estimated total value of the proposed development exceeds \$500,000, the relevant requirements of the Coastline Risk Management Policy for Development in Pittwater will apply to the development application.
- 1.7 Volunteer and not for profit organisations that could take advantage of the provisions of the Policy includes, but is not necessarily limited to surf life saving clubs, amateur swimming clubs, amateur sailing clubs, volunteer coastal patrol organisations, sea scouts, sailability groups and other water based, not for profit, recreational organisations.

2.0 ISSUES

2.1 Public Exhibition of Draft Policy

- The draft Policy was placed on public exhibition on the Pittwater website and at the Mona Vale and Avalon Customer Service Centres from 28 February 2011 until 31 March 2011. The draft Policy was also advertised on the Pittwater website, in the Manly Daily and on the Pittwater Community Noticeboard on two occasions.
- Copies of the draft Policy and Council report were also mailed to DECCW, LPMA, DoP, SCCG and all Pittwater surf life saving clubs.
- At the close of the public exhibition period no submissions had been received, although Sydney Coastal Councils Group staff had discussed issues that may arise in the implementation of the Policy with Council staff. Mona Vale Surf Life Saving Club indicated that it wished to make a submission and sought an extension of time to do so and the LPMA advised that it would also be submitting comments on the draft Policy. As a consequence, Council agreed to accept submissions from all Pittwater surf life saving clubs and the three state agencies until 21 April 2011.
- At the conclusion of the extended consultation period, a formal submission had been received from the Office of Environment and Heritage (formerly DECCW) and a staff submission had been received from the former Land and Property Management Authority (LPMA). As the LPMA has been abolished and the relevant staff have yet to be redeployed, former LPMA staff advised that the submission should be considered as staff comment only rather than a formal submission from LPMA. Copies of these submissions are appended to this report (refer **Attachment 1**).
- A summary of the submissions received and any amendments made to the draft Policy in response are included in Table 1 (refer **Attachment 2**).
- The amended version of the Policy is appended to this report (refer **Attachment 3**).

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The Policy aims to assist surf life saving clubs (as well as other volunteer and not for profit organisations) in the Pittwater local government area to continue to utilise and improve their existing buildings in order to provide effective, ongoing services to the community, accommodate expanding club memberships and store the equipment necessary to provide services and undertake meetings, training and social activities.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 An important consideration of the Policy is the environmental consequences of coastal protection works on natural beach systems, in particular the long term impacts of seawalls and other 'hard' engineered structures on beach environments, amenity and access.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The Policy seeks to maximise the utility of existing council owned, coastal buildings and assets while returning a positive cost/benefit to the Pittwater community.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The Policy demonstrates that Council is responsive to the specific needs of the community and is willing to take a leading role in addressing those needs in a reasonable and practical manner.
- 3.4.2 Proponents of development will nevertheless be required to undertake an appropriate assessment of risk to life and property, in accordance with relevant NSW Government Guidelines, in support of any development proposal for a Council owned coastal building or asset.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The Policy will provide the opportunity for the community to make the necessary transition to longer term climate change adaptation measures for public infrastructure in Pittwater.

4.0 EXECUTIVE SUMMARY

- 4.1 The Policy has been prepared in response to concerns raised by surf life saving clubs over the need to improve their buildings and facilities in order to remain viable and to continue to provide surf life saving services to the community.
- 4.2 In view of the likelihood that some existing coastal buildings and assets may not be affected by coastal hazards in the short to medium term, it is considered reasonable that these structures continue to be used and even improved until the level of risk increases to an unacceptable level.
- 4.3 The Policy works within the existing coastal land use planning framework to enable Council to maximise the benefits to the community from the ongoing use of coastal buildings and assets whilst providing surf clubs and other volunteer and not for profit organisations with a higher degree of certainty when planning future investment.

- 4.4 The Policy takes a merit based approach to the assessment of development applications for the improvement of existing council owned, coastal buildings. DAs must demonstrate the ability of the proponent to appropriately manage the risk to life and property, a positive cost/benefit to the Pittwater community and the total estimated value of the proposed work must be less than \$500,000 (indexed).
 - 4.5 The Policy will remain in force until such time as the necessary redevelopment proposals and risk management strategies (consistent with the recommendations of the relevant, certified coastal zone management plan) have been incorporated into the plans of management for affected coastal lands.
 - 4.6 Following an extended period of public consultation, a number of submissions and comments were received. The relevant matters and comments from the submissions together with any amendments proposed to the draft Policy have been summarised in table 1 (refer **Attachment 2**).
 - 4.7 The draft Policy has been amended to incorporate or accommodate all relevant comments and an amended version of the Policy has been appended to this report (refer **Attachment 3**).
-

RECOMMENDATION

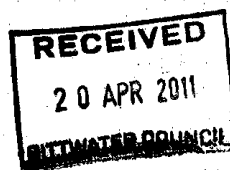
That the Risk Management Policy for Coastal Public Buildings and Assets in Pittwater, as amended following public exhibition and stakeholder consultation (refer **Attachment 3**) be adopted.

Report prepared by
Paul Hardie - Principal Officer, Coast & Estuary

Chris Hunt
DIRECTOR, URBAN & ENVIRONMENTAL ASSETS



**Environment,
Climate Change
& Water**



Our reference: ED11/324
Contact: Phil Watson, 4904 2590

Mr M Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Attn Mr L Munn

15 April 2011

Dear Mr Ferguson

Reference is made to your letter of 28 February 2011 seeking comments from the Department of Environment, Climate Change and Water (DECCW) on the Draft Interim Coastal Risk Management Policy for Public Buildings and Assets in Pittwater. A recent restructure of NSW Government Departments has resulted in coastal management being the responsibility of the Office of Environment and Heritage (OEH), Department of Premier and Cabinet.

OEH congratulates council on preparing its draft Interim Coastal Risk Management Policy. OEH's main comment on the draft policy relates to development on fore-dunes. One of the initiatives in the NSW Coastal Policy 1997 is prohibiting development on beach fore dunes, other than for essential public purposes such as surf life saving clubs. With respect to any future redevelopment of surf clubs on fore dunes, OEH considers that the policy should encourage activities at surf clubs that are not directly related to life-saving services to be located away from areas associated with immediate threat from coastal hazards, particularly for dunes. Where this is not possible or practical, the assessment criteria for protection options considered as part of a risk management regime should ensure essential surf life saving functions (including beach patrolling and emergency access) and recreational beach amenity are not compromised.

Departmental staff would be happy to discuss other issues directly with council staff as necessary. In this regard, feel free to contact Mr Phil Watson, Principal Coastal Specialist on 4904 2590. I thank you for the opportunity to review the Draft Policy document.

Yours sincerely

Derek Rutherford
Director, Waters, Wetlands and Coast
Climate Change, Policy and Programs

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage,
Department of Premier and Cabinet

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From: Kristy Chan <Kristy.Chan@lpma.nsw.gov.au>
To: "Paul_Hardie@pittwater.nsw.gov.au" <Paul_Hardie@pittwater.nsw.gov.au>
Date: 06/04/2011 12:41 PM
Subject: Draft Interim Coastal Risk Management Policy for Public Buildings and Assets in Pittwater

Hi Paul

As discussed, due to the recent change in government, the Land and Property Management Authority has been abolished however the new Department of Primary Industries has not at this stage been established and therefore I cannot send a formal response to your letter dated 28 February 2011 regarding the Draft Interim Coastal Risk Management Policy for Public Buildings and Assets in Pittwater. However, the draft Policy has been reviewed by Crown lands staff and the following comments are offered:

- Overall, the concept of a “risk and merit based approach” to the issue is supported and the efforts of PSC are applauded in responding to SLR and associated impacts of climate change.
- The adoption of a 100 year return on investment (and therefore planning considerations) may be too long, when we are really dealing with another consideration as an overlay - that is, the purpose of these constructions as representing the most easily visible vantage and access, for life saving purposes. Often this remains the immediate dune or close by. A lesser period may therefore be more appropriate. In fact, we (in our communications with stakeholders) have already mentioned the 50 year period as a reasonable life expectancy for such a purpose, based on nothing more than it is more consistent with the return on investment (or write-off period) of a new club house built today eg \$2-3m.
- Although for developments on Crown land (as is the proposal at North Palm Beach) the Minister is required to endorse any development proposal, we have generally considered (informal only) that issues associated with the footprint on prime community land will in the main only concern LPMA from the perspective of social amenity and access issues by the people of NSW, to that land and adjoining (the beach). In that case, the consent authority is to be assumed by LPMA to have all the technical support, skills, knowledge, and policy (as presented here) etc (not LPMA) in making decisions about any environmental implications in this situation. In essence, LPMA would remain mute on this component and defer the consideration to Council.
- Although the document mainly refers to surf clubs, there are repeated references to other “volunteer and service obligations” but with no indication of who else might be impacted. To appreciate the range and scale of the impacts of the policy, more information should be provided as to who else would be seeking to take advantage of this policy.
- The policy does not appear to reference the existence or otherwise of a coastal zone management plan – CZMPs are a fundamental component of NSW Government policy and it would be expected that the status (and any relevant content) of any such plans would be noted in the policy documentation.
- The documents are confusing as to whether they apply to “buildings” only or all built assets. Although there are some references to other types of infrastructure (such as boat ramps), all of the measures regarding risk assessment and location relative to hazard lines in *Section 3.0 Policy Direction* appear to relate specifically to “buildings”.

- It is not clear from the policy who “owns” the relevant buildings. There are various references to “public buildings” and “buildings “owned or managed” by Council – at the same time proponents are being asked to carry out risk assessments. The “ownership” of the building is relevant in terms of issues such as insurance coverage and liability in the event of damage, injury or destruction of property due to coastal hazards. Is it possible that there may be difficulties in effecting insurance if risks are considered too high by the insurer.

Regards

Kristy Chan
Manager Planning Policy
Land and Property Management Authority

TABLE 1 – SUMMARY OF SUBMISSIONS

Office of Environment and Heritage (formerly DECCW)		
Comment	Response	Amendment
With respect to any future redevelopment of surf clubs on fore dunes, OEH considers that the policy should encourage activities at surf clubs that are not directly related to life-saving services to be located away from areas associated with immediate threat from coastal hazards, particularly fore dunes. Where this is not possible or practical, the assessment criteria for protection options considered as part of a risk management regime should ensure essential surf life saving functions (including beach patrolling and emergency access) and recreational beach amenity are not compromised.	Where feasible and practical, new surf club buildings, or at least those components of the building not associated with essential surf life saving functions, will be located away from areas associated with immediate threat from coastal hazards.	No amendment proposed.
Crown Lands Staff (formerly LPMA)		
<ul style="list-style-type: none"> The adoption of a 100 year return on investment (and therefore planning considerations) may be too long, when we are really dealing with another consideration as an overlay - that is, the purpose of these constructions as representing the most easily visible vantage and access, for life saving purposes. Often this remains the immediate dune or close by. A lesser period may therefore be more appropriate. In fact, we (in our communications with stakeholders) have already mentioned the 50 year period as a reasonable life expectancy for such a purpose, based on nothing more than it is more consistent with the return on investment (or write-off period) of a new club house built today eg \$2-3m. 	<p>Noted. Policy applies to development with a total estimated value for the proposed works of less than \$500,000.</p> <p>Appropriate design lifespans for different classes of buildings will be investigated as part of Council's Asset Management Strategy.</p>	No amendment proposed

<ul style="list-style-type: none"> Although for developments on Crown land (as is the proposal at North Palm Beach) the Minister is required to endorse any development proposal, we have generally considered (informal only) that issues associated with the footprint on prime community land will in the main only concern LPMA from the perspective of social amenity and access issues by the people of NSW, to that land and adjoining (the beach). In that case, the consent authority is to be assumed by LPMA to have all the technical support, skills, knowledge, and policy (as presented here) etc (not LPMA) in making decisions about any environmental implications in this situation. In essence, LPMA would remain mute on this component and defer the consideration to Council. 	<p>Noted, Crown Reserves upon which surf clubs in Pittwater are currently located are subject to the provisions of Plans of Management prepared in accordance with the requirements of the <i>Crown Lands Act 1979</i>.</p>	<p>No amendment proposed</p>
<ul style="list-style-type: none"> Although the document mainly refers to surf clubs, there are repeated references to other “volunteer and service obligations” but with no indication of who else might be impacted. To appreciate the range and scale of the impacts of the policy, more information should be provided as to who else would be seeking to take advantage of this policy. 	<p>Noted</p>	<p>The types of volunteer and not for profit organisations that could take advantage of the Policy are now listed in the Policy.</p>
<ul style="list-style-type: none"> The policy does not appear to reference the existence or otherwise of a coastal zone management plan – CZMPs are a fundamental component of NSW Government policy and it would be expected that the status (and any relevant content) of any such plans would be noted in the policy documentation. 	<p>While the requirements for Coastal Zone Management Plans are listed in the relevant Legislation and Related Policies there is no direct reference in the Policy.</p>	<p>The relationship to CZMPs has now been referenced in the body of the Report.</p>
<ul style="list-style-type: none"> The documents are confusing as to whether they apply to “buildings” only or all built assets. Although there are some references to other types of infrastructure (such as boat ramps), all of the measures regarding risk assessment and location relative to hazard lines in <i>Section 3.0 Policy Direction</i> appear to relate specifically to “buildings”. 	<p>The Policy relates to both buildings and other assets that may be utilised by volunteer and not for profit organisations.</p>	<p>The Policy now stipulates Council owned buildings and assets as the applicable structures.</p>
<ul style="list-style-type: none"> It is not clear from the policy who “owns” the relevant buildings. There are various references to “public buildings” and “buildings “owned or managed” by Council – at the same time proponents are being asked to carry out risk assessments. The “ownership” of the building is relevant in terms of issues such as insurance coverage and liability in the event of damage, injury or destruction of property due to coastal hazards. Is it possible that there may be difficulties in effecting insurance if risks are considered too high by the insurer. 	<p>Noted, see previous comment.</p> <p>Damage due to coastal erosion and saltwater flooding are currently uninsurable losses.</p>	<p>The Policy now stipulates Council owned buildings and assets as the applicable structures.</p>

Council Policy – No Version: 1	Adopted:	
	Amended	

TITLE: **Risk Management Policy for Coastal Public Buildings and Assets in Pittwater**

STRATEGY: Beach and Coastal Management
Risk Management Coordination

BUSINESS UNIT: Catchment Management and Climate Change

RELEVANT LEGISLATION: *Coastal Protection Act 1979*
Coastal Protection and Other Legislation Amendment Act 2010
Crown Lands Act 1989
Environmental Planning and Assessment Act 1979
Local Government Act 1993
State Emergency and Rescue Management Act 1989
All applicable sub-ordinate legislation

RELATED POLICIES: State Environmental Planning Policy No 71-Coastal Protection
State Environmental Planning Policy (Infrastructure) 2007
NSW Coastal Policy
NSW Coastal Design Guidelines
NSW Sea Level Rise Policy Statement
NSW Coastal Planning Guideline: Adapting to Sea Level Rise
Minister's Requirements under the Coastal Protection Act
Guidelines for Preparing Coastal Zone Management Plans
State Disaster Plan (DISPLAN)
Coastal Crown Lands Policy
Coastline Risk Management Policy for Development in Pittwater
Estuarine Risk Management Policy for Development in Pittwater
Council Policy – No. 176 Climate Change
Geotechnical Risk Management Policy for Pittwater
Draft Pittwater Asset Management Policy

1.0 Objectives

- 1.1 To comply with all applicable coastal and land use planning legislation as well as all relevant policies and statutory guidelines for development within the NSW coastal zone.
- 1.2 To apply the principles of the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (2010) when assessing applications for development on coastal public lands.
- 1.3 To promote a risk and merit based approach for the assessment of proposals for certain coastal public buildings and assets which (because of their purpose, utility or temporary nature) are or may need to be located in areas subject to coastal hazards.
- 1.4 To implement appropriate management responses and apply reasonable development controls to the improvement and refurbishment of existing coastal public buildings with due consideration for the protection of life and property and the consequent environmental, social and economic impacts.
- 1.5 To ensure that proponents for development on coastal public land demonstrate that their proposal can manage risks from coastal hazards for the design life of the proposed development.
- 1.6 To assist surf life saving clubs in the Pittwater area to continue to utilise and improve their existing buildings in order to provide effective, ongoing surf life saving services, accommodate expanding club memberships and store the equipment necessary to undertake surf life saving activities.
- 1.7 To assist other volunteer and not for profit organisations, such as amateur swimming clubs, amateur sailing clubs, volunteer coastal patrol organisations, sea scouts and sailability groups to continue to provide services to the community and undertake meetings, training and social activities.

2.0 Policy Statement

- 2.1 Pittwater Council accepts the clear intention of the NSW Government to appropriately manage the risks associated with erosion and other coastal hazards exacerbated by climate change (in particular sea level rise) through the provisions of the NSW Coastal Erosion Reform Package.
- 2.2 Council recognises, however, that certain coastal public buildings and assets may need to be located in areas influenced by coastal processes and affected by coastal hazards in order to fulfil their intended function, for example, coastal protection works, ocean rock pools, surf life saving club buildings, wharves and jetties, estuary tidal pools, boat ramps, parking areas, amenity buildings and other recreational structures.
- 2.3 Council acknowledges that these structures may therefore be subject to a higher level of risk from coastal processes than most other coastal development and are more likely to suffer damage as a result of coastal hazards.
- 2.4 Council confirms that it is not in favour of seawalls and other hard engineered structures (which may cause beach loss in the longer term) and prefers instead the use of beach nourishment, revegetated foredunes or 'soft' engineering structures, such as sand filled geotextile containers, for coastal protection purposes.

- 2.5 Council appreciates that volunteer organisations, such as surf life saving clubs, provide an invaluable community service. In most cases surf life saving clubs will rely upon existing council owned buildings and other coastal infrastructure in order to continue to provide surf rescue services to beach visitors, to store surf rescue equipment and to conduct surf rescue training, competitive events and social activities.
- 2.6 Council understands that many existing council owned buildings in the coastal zone of Pittwater, in particular surf life saving club buildings may, in part, be located seaward of the immediate hazard line. These buildings will be affected, sooner or later, by coastal hazards exacerbated by climate change including, shoreline recession, coastal erosion and oceanic inundation, yet most will remain viable and serviceable in the short to medium term future.
- 2.7 Council concedes that it currently does not have sufficient resources to protect or relocate all council owned buildings and infrastructure, in the Pittwater area, that are likely to be affected by coastal hazards exacerbated by sea level rise. This type of climate change adaptation process will require a priority based asset management planning program that will be implemented over a period spanning many decades.
- 2.8 Council respects that surf life saving clubs may wish to improve surf club buildings to enhance their operational capabilities, to grow membership and community participation as well as to take advantage of income generating opportunities to better secure their futures.
- 2.9 Council realises that surf life saving clubs cannot afford the expensive retro-fitting of coastal protection structures for their buildings and may not be in a position to delay upgrading their existing facilities until longer term climate change adaptation measures are put in place.
- 2.10 Council considers it reasonable therefore, to continue to utilise and even improve surf club buildings and other council owned coastal assets, as long as it can be demonstrated that the risks to life and property can be managed to a level acceptable to the community for the intended design life of the structure or until it is no longer viable or useable.

3.0 Policy Direction

- 3.1 All development proposals for building improvements and additions and alterations to council owned buildings in the Pittwater coastal zone must be consistent with any redevelopment proposal adopted in a relevant plan of management. Any risk management measures proposed in response to coastal hazards must also be consistent with the provisions of the relevant, certified coastal zone management plan and agreed by Council or the relevant management authority.
- 3.2 In the case of development proposed on Crown land, the proposal must also be agreed to by the Reserve Trust (where a Crown Reserve is managed under a trusteeship) and the Minister for Lands. If the work is to be undertaken by parties other than the Reserve Trust, the Minister's approval must be gained before work commences. Landowners consent to lodge a DA must be gained from the Department of Land and Property Information prior to lodgement.
- 3.3 All development applications (DAs) for building improvements and additions and alterations to council owned buildings in the Pittwater coastal zone must be supported by a coastal risk assessment for the existing building prepared in accordance with the requirements of section 4 of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise (2010)* and the *Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessments (2010)*.

- 3.4 The risk assessment must outline, as a minimum, the following:
- a description of all relevant coastal hazards affecting the subject property;
 - the coastal hazard zones at the subject property (including the immediate hazard line as well as hazard lines for the 50 and 100 year planning periods);
 - an explanation of how the proposal complies with applicable NSW coastal legislation, statutory coastal guidelines and all relevant policies; and,
 - justification for the proposed design life of the building and details as to how the risks from coastal hazards will be managed to an acceptable level for that period of time (this may include measures such as emergency coastal protection works, emergency evacuation plans, beach nourishment works, allowing discrete parts of the building to be sacrificial in the event of a major storm and decommissioning the building when agreed trigger conditions are met).
- 3.5 Where an existing council owned building is located entirely seaward of the immediate hazard line, the NSW Coastal Planning Guideline deems structures in these locations to be typically unsuitable for future development and consequently major additions and alterations will not be considered under these circumstances. Minor refurbishment and internal reconfigurations may be considered if it can be demonstrated that the risks from current coastal hazards can be satisfactorily managed for the remaining design life of the building.
- 3.6 Where the majority of an existing council owned building is landward of the immediate hazard line but seaward of the 50 year hazard line, the DA will be assessed on merit and against the planning criteria in the NSW Coastal Planning Guideline. The same criteria will also apply where the majority of a council owned building is landward of the 50 year hazard line but seaward of the 100 year hazard line.
- 3.7 No additions or alterations will be permitted to be founded seaward of the building footprint of an existing council owned building that is itself located partially seaward of the immediate hazard line.
- 3.8 As a general guide for Council and the community, this policy will apply on a one-off basis only, to a development application for proposed work on a council owned building or asset where the total estimated value of the work is less than \$500,000 (indexed). A positive cost/benefit to the Pittwater community must also be demonstrated and included in support of the DA.
- 3.9 This Policy does not preclude any other relevant requirements of the NSW Planning System, the provisions of a certified coastal zone management plan or an adopted plan of management for the subject land or the specific arrangements of a property lease or licence over the subject land.
- 3.10 To the extent that this Policy is inconsistent with any statute, policy or guideline of the NSW Government, the statute, policy or guideline shall prevail.

4.0 Application of this Policy

- 4.1 This Policy applies to all buildings and related infrastructure owned by Pittwater Council and located in the coastal zone of the Pittwater local government area as defined in the *NSW Coastal Protection Act 1979*.

Note: This Policy must be read in conjunction with the relevant Plan of Management for the community land and/or Crown land being considered for development.

Council Meeting

**10.0 Adoption of Community, Recreation and Economic
Development Committee Recommendations - Nil**

**11.0 Adoption of Natural Environment Committee
Recommendations**

12.0 Councillor Questions
