



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL EXTRAORDINARY MEETING

held in Council Chambers on

MONDAY 25 SEPTEMBER 2023

Minutes of an Extraordinary Meeting of the Northern Beaches Local Planning Panel

held on Monday 25 September 2023

The public meeting commenced at 10.30am and concluded at 11.26am.

The deliberations and determinations commenced immediately following the public meeting and concluded at 1.33pm.

ATTENDANCE:

Panel Members

Peter Biscoe KC	Chair
Brian Kirk	Town Planner
Graham Brown	Town Planner
Peter Cotton	Community Representative

The Panel have visited all sites personally, or electronically, and have had regard to the assessment report, all accompanying documentation, submissions from the public and any supplementary reports in determining all applications.

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

In accordance with Section 4.9 of the NSW Government Code of Conduct for Local Government Planning Panels, all members have signed a declaration of interest in relation to each item on the agenda. No conflicts of interest were disclosed.

2.0 MINUTES OF PREVIOUS MEEITNG

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 20 SEPTEMBER 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 20 September 2023, were adopted by the Chairperson and have been posted on the Council's website.

3.0 PUBLIC MEETING ITEMS

3.1 DA2021/1612 - 1196 PITTWATER ROAD, NARRABEEN - CONSTRUCTION OF COASTAL PROTECTION WORKS

PROCEEDINGS IN BRIEF

The proposal is for construction of coastal protection works.

At the public meeting which followed the Panel was addressed by six objectors and the applicant.

The Panel received seven late submissions on 21 September 2023.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/1612 for construction of coastal protection works on land at Lot 1 DP 7417, 1 Clarke Street, Narrabeen, Lot C DP 312655, 1194 Pittwater Road, Narrabeen, Lot CP SP 2808, 1192 Pittwater Road, Narrabeen, Lot CP SP 971, 1204 Pittwater Road, Narrabeen, Lot B DP 312655, 1196 Pittwater Road, Narrabeen subject to the conditions set out in the Council Assessment Report, subject to the following:

1. The amendment of conditions 11, 14, 18, 42, 61 and 70 to read as follows:

11. Confirmation of Overtopping Discharge

Physical modelling is to be undertaken by a suitably qualified coastal engineer prior to the issue of a construction certificate and a report provided to the Council for approval. The scope of the physical modelling shall be submitted to Council for approval prior to commencement of modelling.

The physical modelling shall be undertaken to inform, to the satisfaction of Council:

- (a) The content of the Safety Management Plan, which is to be submitted to Council for approval prior to the issue of the Occupation Certificate, including in relation to trigger levels for plan activation, exclusion distances from the seawall crest and the risk to landward property;
- (b) The drainage design associated with wave overtopping and whether drainage will occur by absorption or returned back over the seawall;
- (c) The wave return; and
- (d) The design of the balustrade.

Consideration in the report shall also be given to the matters listed below, having regard to the results of the physical modelling and other relevant constraints governing the crest level and alignment of the works:

- (a) Whether the seawall level could be lowered below 7.0 m AHD for all or part of the works; and
- (b) Whether the seawall alignment could be moved further landward, and, if so, to what extent.

The recommendations contained within the report, as approved by Council, must be incorporated into the final plans submitted for the construction certificate.

Details demonstrating compliance to be provided to the Certifier prior to issue of Construction Certificate.

Reason: To ensure public safety during incidences of wave overtopping, adequate drainage,

and full account of physical modelling results.

14. Interaction with adjoining coastal protection works

The proposed works must comply with the following:

- be structurally independent from any adjoining works, not in any way relying on any existing or future coastal protection works on adjoining land for structural stability or integrity during a storm event.
- Not adversely impact on the performance of any existing coastal protection works or on the ability to construct future coastal protection works on adjoining land.
- all landward returns shall extend far enough to allow for construction of rock revetments on adjacent land, without creating an unreasonable burden to Council or unacceptable construction risk to adjacent private land.

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 and the existing protection on the adjoining properties.

All works required to ensure stability of the works are to be completed at the cost of the owner(s) this includes any temporary or permanent works on adjoining land that may be required. No assumptions should be made on the timing of future adjoining coastal protection works.

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 enable the works to be constructed without impacting adjoining coastal protection works or the ability for adjoining works to be upgraded in future.

18. Access for construction and maintenance works

The works are to be designed and constructed in accordance with the approved plans and specifications of this consent, such that the adopted maintenance setback of 4.5m from the seawall and 1m setback from the landward end of the stairs can be achieved

Details demonstrating compliance with this requirement are to be prepared by a suitably qualified coastal engineer and submitted to the Certifier for approval prior to issue of the Construction Certificate. This includes maintenance of minimum requirements.

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

42. Temporary bund construction

Any temporary bund constructed on the beach to provide protection from coastal processes may only be constructed from sand or suitable existing rocks, or any other material as agreed in writing by Council, in accordance with the temporary bund design or rocks imported to site as part of the final coastal protection works. No other construction materials or imported material is to be used in construction of the bund.

Reason: To prevent pollution of the beach.

61. Maintenance Obligations and Public Safety

The owners of 1 Clarke Street Narrabeen (Lot 1 Sec 18 DP 7417) and 1192 (Lot CP SP 2808), 1194 (Lot C DP 312655), 1196 (Lot B DP 312655), 1204 (Lot CP SP 971) Pittwater Road, Narrabeen must provide an irrevocable bank guarantee (or other suitable legally binding obligation) to Council prior to the issue of any occupation certificate in the amount of \$1000 per lineal metre of work (based on the length of the seaward property boundary) to undertake 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 (beyond what would have occurred had the existing protection works still been in place), or maintenance of the works.

The funding obligations referred to above are to be borne entirely by the landowners of the properties listed in this condition. The percentage share of each landowner, of the total funding, is to be determined by the landowners.

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 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.

If the coastal protection works are removed, the bank guarantee is to be released to the landowners at that time.

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.

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.

70. Maximum seawall height

The crest level of the seawall (excluding balustrades) must not exceed 7.0m AHD.

Reason: To minimise the visual impact and ensure the works remain in accordance with the approved plans.

REASONS FOR DETERMINATION:

The Panel agrees generally with the Council Assessment Report and the review report prepared by Greg Britton of Royal HaskoningDHV dated 27 July 2023. As regards the preconditions to the grant of the development consent in section 27 of the Coastal Management Act 2016 and clauses 2.9 to 2.13 and 4.6 of the SEPP (Resilience and Hazards) 2021, the Panel is satisfied as to the matters specified in section 27 and in clause 2.12 and (even though not applicable) clause 2.9 and has considered the matters specified in clauses 2.10, 2.11, 2.13 and 4.6. As regards the preconditions in the Warringah Local Environmental Plan 2011, the Panel is satisfied as to the matters specified in clauses 6.4 and 6.5 and has considered the matters specified in clause 6.2.

Vote: 4/0

This is the final page of the Minutes comprising 6 pages
numbered 1 to 6 of the Extraordinary Northern Beaches Local Planning Panel meeting
held on Monday 25 September 2023.