

## **Northern Beaches Coastal Erosion Policy**

### **1 Purpose**

This policy guides Northern Beaches Council's approach to the protection of public and private property from coastal hazards identified in the certified Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach dated (December 2016) (the CZMP). It constitutes the Coastal Erosion Policy referred to in the CZMP. As other Coastal Zone Management Plans on the Northern Beaches are certified, this policy will be reviewed and may be revised.

### **2 Principles**

Consistent with the CZMP the principles that guide the management of coastal erosion in this area include:

- a) The maintenance of public beach amenity and surf quality in the future as the highest priority.
- b) Property owners are primarily responsible for carrying out new development on beachfront and near beachfront land adjacent to Collaroy-Narrabeen Beach and Fishermans Beach provided that the risk of damage from coastal processes can be demonstrated to be acceptably low.
- c) The preservation of the public beachfront, beachfront assets and near beachfront assets where the risk of damage from coastal processes can be demonstrated to be acceptably low.
- d) Property owners (including government) are responsible for protecting their property from the impacts of coastal processes, and are responsible for ensuring their property does not adversely impact on adjoining properties or coastal processes.

### **3 Management Framework**

- a) Council will work collaboratively with the NSW Government to ensure that the objectives and outcomes of the NSW Coastal Management Program as it relates to Collaroy-Narrabeen and Fishermans Beaches are met.
- b) In achieving this, it is important to note the management of coastal erosion is governed by a combination of State and Council instruments. It is essential that any proposed development is accompanied by sufficient supporting information (this includes interim and permanent works) to demonstrate that the requirements of these instruments have been met.
- c) In setting its own policies and guidelines in relation to coastal erosion management, Council shall prioritise the following outcomes:
  - i. Maintenance of existing levels of use and enjoyment of the beach and public land/assets;
  - ii. Maintenance of coastal processes in the Collaroy-Narrabeen embayment;
  - iii. New or renewed protection works shall avoid impacts on adjacent properties.

### **4 Designing and siting protection works**

- a) Private protection works should be built on private property unless it can be demonstrated that this is not appropriate due to site constraints, adverse impact on adjoining private and public properties, or adverse impact on the long-term amenity of the beach and surf zone.

- b) Landowner's consent from the Department of Primary Industries (Lands) (the Department) will be required for any private protection works that extend onto or under Crown Land. The Department has indicated that private protection works on or under Crown Land will only be granted Landowners consent by the Department where:
- i. Crown Land is being retained and managed in the public interest;
  - ii. Detailed designs for any planned structures have been provided and assessed as being compatible with the designated Crown reserve purpose;
  - iii. Works result in a better outcome in terms of public safety, environmental outcomes, beach access and recreational amenity;
  - iv. Satisfactory arrangements are in place for maintenance over the life of any constructed assets; and
  - v. Evidence can be provided that all other reasonable opportunities to contain protection works on private land have been explored and exhausted.
- c) All protection works shall be designed and constructed:
- i. To ensure the long-term coastal processes of the Collaroy-Narrabeen Beach embayment are maintained;
  - ii. 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;
  - iii. Such that the works are only visible temporarily during and after significant erosion events;
  - iv. To be contiguous, similar and integrated with adjoining protection works constructed in the embayment;
  - v. To a consistent design standard that provides an appropriate level of protection from coastal erosion for affected properties;
  - vi. To ensure public access is not adversely impacted by any new protection works;
  - vii. To ensure access for ongoing maintenance of the works; and
  - viii. In accordance with the minimum criteria outlined in the *Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications*.

Each of the above requirements is to be taken into account at the time a development application proposing works in the coastal zone that is identified in the CZMP is lodged.

## 5 Alignment of protection works

Consistent with the approach taken in the certified CZMP, this policy will apply to Collaroy-Narrabeen Beach and Fishermans Beach in the following ways.

Location	Description	Preferred alignment
Area 1	Collaroy-Narrabeen North of Devitt Street	Protection works are not considered to be desirable or suitable in this area.

Location	Description	Preferred alignment
Area 2	Collaroy-Narrabeen South of Devitt Street	Protection works that are in accordance with the Minimum criteria outlined in the Collaroy-Narrabeen Protection Works Design Specifications considered to be desirable and suitable in this area.  This is subject to Landowners consent being granted where required.
Area 3	Fishermans Beach	Protection works are not considered to be desirable or suitable in this area.

## 6 Approval process for protection works

- a) Development applications for new protection works or reconstruction of existing protection works (on any land) shall address the requirements of all relevant legislation, guidelines and policies.
- b) Consultation with the Department is encouraged prior to the lodgement of any development application which proposes the erection of private protection works on Crown Land. Council will not approve any development application which proposes the erection of private protection works on Crown Land unless the development application is supported by:
  - i) Written confirmation from the Department that the proposed coastal protection works meet the criteria set out in Section 4(b) above; and
  - ii) Landowners consent from the Department
- c) Development applications for new works or reconstruction of existing protection works shall be 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*. This includes but is not limited to the provision of:
  - i. Survey identifying the location of all relevant property boundaries with respect to the proposed works including the location of the eastern boundary having regard to any erosion and accretion processes;
  - ii. Certification that the works set out in the application are supported by appropriately experienced and qualified specialists in the field of coastal engineering;
  - iii. 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;
  - iv. 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);
  - v. 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;
  - vi. An assessment demonstrating that the development does not have a long-term impact on coastal processes in the Collaroy-Narrabeen embayment;

- vii. An assessment demonstrating that the development does not have a long-term impact on public access to or along the beach;
- viii. An assessment of the impact of climate change and sea level rise on the development and the adjoining beach environment; and
- ix. Demonstration that the works are consistent with the CZMP and this policy.

## 7 Impact assessment for protection works

- a) The impacts of protection works on coastal processes, public access and beach amenity are to be assessed in the preparation of any development application for protection works. Impacts are to be assessed against the existing circumstances and level of informal protection present at the time of the assessment of the development application.
- b) Where proposed protection works may result in a significant impact to coastal processes, public access and beach amenity actions such works will not be approved unless the applicant can demonstrate how these impacts can be acceptably mitigated and how the proposal is in accordance with the relevant coastal management legislation, policies and guidelines.
- c) Council, the NSW Government and the Federal Government will be responsible for undertaking sand nourishment that is required as a result of sea level rise or in response to extreme storm events where normal beach recovery processes will be impaired because of the extent of the damage.

## 8 Funding

- a) Protection works that benefit a private property shall be designed, constructed and maintained (including any mitigation measures) at the expense of the Principal Asset Owner.
- b) In exceptional circumstances and where protection works principally benefit private property and also provide a benefit to public assets, Government may make a contribution to the works subject to a positive benefit analysis for those assets. Council's contribution will be capped at a maximum of 10% of Council's estimate of the cost of the works contingent upon receiving at least a matching contribution from the State and/or Federal Government.

Any contribution by Council will be at its absolute discretion and shall not be relied upon by a private property owner in determining what action to take to protect their own property.

Owners whose properties adjoining Collaroy-Narrabeen Beach will be able to apply for financial assistance for the completion of coastal protection works if the works were commenced after public exhibition of the *Coastal Zone Management Plan for Collaroy-Narrabeen and Fishermans Beach* in July 2014.

- c) Council is generally responsible for the protection of its own assets.
- d) Council may also seek funding contributions from other levels of government where it is able to do so to facilitate the implementation of the CZMP.
- e) Council may seek funding from other public authorities that will benefit from permanent protection works to assist in the construction and maintenance of public infrastructure and utilities.

## 9 Emergency response

- a) Council will generally respond to coastal erosion emergencies in the manner set out in its *Coastal Erosion Emergency Action Sub-Plan for Warringah's Beaches* (2015).

- b) Council may (in its absolute discretion) issue orders including under the *Local Government Act 1993* or the *Environmental Planning and Assessment Act 1979* when there is an imminent risk to life and/or property (public or private), or in the case of the failure of an owner or other party to take steps to make their property/asset safe.
- c) In some instances Council may (in its absolute discretion) take appropriate action to facilitate the clean-up of storm debris and the protection of public and/or private property. Where Council incurs costs associated with this action, the costs shall be recovered appropriately.
- d) As a general principle, material used for coastal erosion emergency works that has the potential to enter the beach (currently or in the future) must be of an equivalent material to the adjacent beach. Material that will not enter the beach currently or in the future (e.g. behind a terminal revetment) can be different to adjacent beach material, but as a minimum must be crushed into an aggregate that will enable safe future development of the subject land and not pose an impediment to future protection works and/or maintenance of such works.

## **10 Maintenance of beach amenity and access**

- a) Generally, following a storm event, the beach will recover naturally and will require little to no intervention.
- b) Following a significant erosion event that has the potential to have a short-medium term impact on public use of the beach, Council may undertake beach scraping or other appropriate remedial action to encourage faster beach recovery.
- c) Council will continue to accept suitable sand donations from nearby development sites as these become available to further assist public use of the beach.
- d) From time to time, the beach rotates its areas of erosion and accretion. During a Narrabeen Lagoon entrance clearance, sand will be taken from the entrance (area of accretion) and returned to the embayment and placed on the beach (preferably in an area of erosion).
- e) Where a storm event has damaged and displaced protection works or other built assets resulting in storm debris entering the beach, Council will work with the asset owner to remove the material from the beach (at the expense of the asset owner).
- f) Sea level rise may result in a progressive loss of beach width over coming decades. Council will work with the State Government and other coastal councils in NSW to facilitate the importation of sufficient quantities of sand to enable beach width and surf quality to be maintained.

## **11 Maintenance of protection works**

- a) It is the responsibility of the Principal Asset Owner to ensure the coastal protection works are maintained in a manner that ensures the ongoing level of design performance. This includes but is not limited to:
  - i. Undertaking a routine series of inspections;
  - ii. Undertaking condition inspections following a significant erosion event;
  - iii. Ensuring works are renewed in a timely manner such that the design level of protection is not threatened;
  - iv. 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;
  - v. Ensuring suitable access is retained to the works so that ongoing maintenance can be implemented by private and/or public owners; and

- vi. Ensuring compliance with all requirements of any development consent that permitted the erection or modification of the works.
- b) 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.

## 12 Authorisation

This policy was adopted by Council and is effective from xx December 2016.

## 13 Who is responsible for implementing this Policy?

Executive Manager, Natural Environment and Climate Change

## 14 Document owner

Deputy General Manager, Environment & Infrastructure

## 15 Legislation and references

- a) *Coastal Management Act 2016*
- b) *Coastal Protection Act 1979*
- c) *Crown Lands Act 1989*
- d) *Environmental Planning and Assessment Act 1979*
- e) *Local Government Act 1993*
- f) *State Environmental Planning Policy – Coastal Protection (SEPP 71)*
- g) *State Environmental Planning Policy – Infrastructure 2007*
- h) *Warringah Local Environmental Plan 2011*
- i) Coastal Zone Management Plan for Collaroy-Narrabeen and Fishermans Beach (2015)
- j) NSW Government Coastal Management Guidelines (various)

## 16 Definitions

*Beach scraping:* This is the mechanical movement of sand by machinery from one section of the beach to another to encourage the rapid accretion of sand from the surf zone onto the beach.

*Collaroy-Narrabeen Protection Works Design Specifications:* These are Council specifications that direct an applicant as to how issues relating to design and alignment of protection works are to be addressed.

*Crown Land:* Land to which the *Crown Lands Act (1989)* applies including any Crown land that is managed by Council in its capacity as reserve trust manager.

*Principal Asset Owner:* The principal and most proximal beneficiary of the works, notwithstanding that other asset owners in the area who are less proximal may obtain some benefit. This includes private property owners, utility asset owners, Council and the Crown.

*Sand nourishment :* The net addition of sand into the overall embayment from sources outside of this area (e.g. from donor building sites or offshore sand deposits).

## 17 Document History

Revision	Date	Change	TRIM Ref
1	xx/12/2016	First Northern Beaches Coastal Erosion Policy	2016/399692