NSW GOVERNMENT | NSW Coastal Panel

Mr John James
Ralph Lauren Pty Ltd
GPO Box 855
Brisbane QLD 4001

Our reference: DOC17/82308
Contact: Marc Daley, (02) 4927 3103

Dear Mr James,

The NSW Coastal Panel has accepted the lodgement of a development application (DA) lodged by Ralph Lauren Pty Ltd and received by the Coastal Panel on 19 January 2017 for works at Lot 2 Section 2 DP 1623 and Lots 1 and 2 SP65430, Nos. 1 and 1A Don Street, Byron Bay. The DA number is CP17-001.

The proposed works are described in the DA as "repair to existing rock wall". However, the status of the "existing rock wall" is unclear, and clarification is sought as to the original timeframe and circumstances of its placement, arrangements, authorisation and design parameters for the "existing rock wall".

An initial review of the documentation lodged with the DA has identified some issues that will require further information to enable the Panel to assess the application.

This letter sets out the additional information about the proposed development which the Panel considers necessary to its proper consideration of the application. The Panel requests that this information be provided within 21 days of the date of this letter. This request is made under clause 54 of the Environmental Planning and Assessment Regulation 2000. In accordance with clause 109 of the Regulation, any period between the date of this letter and the date on which the information is provided (or the Panel is notified that the information will not be provided) is not to be taken into consideration in calculating the duration of the assessment period available to the Panel. Copies of clauses 54 and 109 are attached to this letter for your information.

The Panel requests that the following information be provided:

1. Advise if it is intended to import new rock material for the works (or will the works solely comprise "re-stacking" of loose rock armour retrieved from the beach margins).

2. Details of any existing consents or approvals relevant to the existing works.

3. A detailed engineering design report for the structure including a description of the proposed design and materials to be used in the structure. The design report should detail how each of the relevant criteria have been selected including (where relevant):

    a. A detailed survey plan depicting the cadastre, proposed footprint of the structure, existing property boundaries (including the crown road reserve) and specifying all relevant dimensions of the proposed structure.

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
ABN 30 841 387 271
www.environment.nsw.gov.au

b. Sufficiently accurate cross sections of the proposed structure (including its proposed points of termination and/or method or tie if there are existing approved works on either side) and its location relative to the existing property boundaries (including the crown road reserve). Such cross sections to clearly specify all relevant dimensions (including crest, toe and existing beach levels)

c. Adopted engineering principles, codes or standards applied to the design of the structure;

d. Adopted design probability and risk used in the design;

e. Ocean water levels;

f. Wave heights;

g. Toe scour levels;

h. Crest levels;

i. The type of hydraulic stability assessment used to underpin the proposed design and parameters adopted; and

j. Any movement (or spread/migration) of the structure that could be anticipated over the proposed life of the works.

The engineering report should also detail how the proposed structure will tie in to existing structures to the north and south of the proposed development, and how the expected differences in engineering standards will be managed with respect to the considerations outlined in s55M of the *Coastal Protection Act* 1979.

4. A description of coastal processes and hazards (within the meaning of the *Coastal Protection Act* 1979), including sea level rise (being projected sea levels which have been peer-reviewed and widely accepted by scientific opinion) and other associated climate change impacts (as relevant) predicted to affect the beach in the vicinity of the proposed works.

5. A description of the:

    a. potential effect of such coastal processes and hazards on the proposed structure; and

    b. the likely impacts of the proposed structure on these coastal processes and hazards.

The description should:

    c. include details of the extent to which the proposed structure will be exposed from lowered beach conditions over the course of its proposed life and how this will affect public access and beach usage.

    d. provide estimates of the impacts of the proposed structure on the beach's sediment budget, including through storm erosion, underlying recession and projected sea level rise over the design life.

6. An assessment of wave overtopping of the proposed structure and how this will be managed to ensure the safety of humans and assets located landward of the structure and the structural integrity of the protection works themselves. This assessment should include all relevant calculations to estimate the wave overtopping rates.

7. An assessment of end effects to both the north and south of the structure, or if contiguous with another structure, the impact on that structure, including but not limited to any 'tie-in' arrangements. This assessment should include a diagram illustrating the potential end effects of the structure.

a. Such diagram to be prepared in accordance with the methodology in *McDougal et al 1987* or other reputable methods or modifications and is to include a specification of the (S), (r), (e) and (I_s) values used and how they were determined. If the shape of the end effects calculated does not conform to the shape in *McDougal et al 1987* or other reputable methods, an explanation of the variation is to be provided.

b. Such assessment to include consideration of the cumulative impact of the structure, having regard to its proposed connection or interaction with end effect impacts of other existing structure within the active beach margins around the embayment

8. Details of the proposed long term inspection, monitoring, management and maintenance regime both for the structure itself, as well as the monitoring and mitigation of impacts of the structure, over the life of the structure, on the adjoining beach and surrounding areas. Include details of who is proposed to be responsible to implement each regime element as well as proposed conditions offered to ensure implementation.

If you have any further questions regarding this development application or request for further information, please do not hesitate to contact Marc Daley. He can be contacted on (02) 4927 3103 or by email marc.daley@environment.nsw.gov.au.

Yours sincerely

MARC DALEY
Secretariat
NSW Coastal Panel

10 February 2017

Environmental Planning and Assessment Regulation 2000

54 Consent authority may request additional information
(cf clause 48 of EP&A Regulation 1994)

(1) A consent authority may request the applicant for development consent to provide it with such additional information about the proposed development as it considers necessary to its proper consideration of the application.

(2) The request:

(a) must be writing, and

(b) may specify a reasonable period within which the information must be provided to the consent authority.

(3) The information that a consent authority may request includes, but is not limited to, information relating to any relevant matter referred to in section 79C (1) (b)–(e) of the Act or in any relevant environmental planning instrument.

(4) However, the information that a consent authority may request does not include, in relation to building or subdivision work, the information that is required to be attached to an application for a construction certificate.

Note.
The aim of this provision is to ensure that the consent authority does not oblige the applicant to provide these construction details up-front where the applicant may prefer to test the waters first and delay applying for a construction certificate until, or if, development consent is granted.

(5) Instead of providing the information requested, the applicant to whom a request is made under this clause may notify the consent authority in writing that the information will not be provided.

(6) If the applicant for development consent has failed to provide any of the requested information by the end of:

(a) any period specified as referred to in subclause (2) (b), or

(b) such further period as the consent authority may allow, the applicant is taken to have notified the consent authority that the information will not be provided, and the application may be dealt with accordingly.

Environmental Planning and Assessment Regulation 2000

109 Days occurring while consent authority's request for additional information remains unanswered

(1) Any day that occurs between the date of a consent authority's request for additional information under clause 54 and:

(a) the date on which the information is provided to the consent authority, or

(b) the date on which the applicant notifies, or is taken to have notified, the consent authority in writing that the information will not be provided, whichever is the earlier, is not to be taken into consideration in calculating the number of days in any of the assessment periods.

(2) Subclause (1) applies only if the relevant request is made within 25 days after the date on which the development application was lodged with the consent authority.

Note.
The 25-day period may be extended by operation of clauses 107 and 108.