



Office of
Environment
& Heritage

Code of Practice under the Coastal Protection Act 1979

Consultation Draft

Comments are invited on this consultation draft. Where concerns are raised, suggestions on how to address these concerns would be valued.

Please send your submissions on this consultation draft by email to:

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Submissions must be received by 5 pm, Friday 19 April 2013.

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Note for consultation draft

This is a draft document that has no legal effect – all temporary coastal protection works must meet the requirements of the current (January 2013) version of the Code of Practice, available at www.environment.nsw.gov.au/coasts/coastalmgtdocs.htm

Explanatory notes

Note: These explanatory notes do not form part of the Code of Practice and are provided for guidance only.

The primary purpose of this document is to detail requirements related to the following sections of the *Coastal Protection Act 1979*:

- placement of material that forms part of temporary coastal protection works under the provisions of section 55P(2)(f)
- maintenance of temporary coastal protection works under the provisions of section 55R(1)(d)
- removal of temporary coastal protection works on public land under the provisions of section 55VC(1)(b)
- removal of certain material and structures unlawfully placed on beaches under the provisions of section 55ZA(3)(b)
- restoration of land, including public land, under certain circumstances under the provisions of section 55ZC(5)(b).

These requirements are to be read in conjunction the *Coastal Protection Act 1979* and the Coastal Protection Regulation 2011, which are available at www.legislation.nsw.gov.au.

This version of the Code of Practice, when finalised, will replace the current version published by the Office of Environment and Heritage in January 2013.

The *Work Health and Safety Act 2011* applies to all of the activities under this Code, including the placement, maintenance and removal of temporary coastal protection works. This Code does not specify applicable safety requirements under this Act. The *Work Health and Safety Act 2011* is available at www.legislation.nsw.gov.au.

Definitions

The following is a list of definitions for terms used in this Code of Practice.

Beach, temporary coastal protection works, public authority and public land: have the same meaning as in the *Coastal Protection Act 1979*

Escarpment: the vertical or near-vertical drop in the profile of a beach caused by tidal or storm erosion

Sandbag: a fabric bag that can be filled with sand which meets the requirements under the *Coastal Protection Act 1979*, including the Coastal Protection Regulation 2011 and this Code

The Act: the *Coastal Protection Act 1979*

Works: temporary coastal protection works

1 Placement of works

These requirements relate to section 55P(2)(f) of the *Coastal Protection Act 1979*.

1.1 Permitted locations for placement of works

Material for works may only be placed at a location specified in the schedule. Any associated vehicular access to a beach at this location must be by the access points nominated in the schedule.

1.2 Requirements for placement of works

1.2.1 Placement and maintenance of sandbag works

Works comprising the placement of sandbags must meet the following requirements:

- (a) the height of the works must not exceed 2.2 metres from the base (or toe) of the escarpment
- (b) the works must be placed against the seaward side of the escarpment and be within 4 metres of the escarpment
- (c) the slope of all faces of the works must not exceed 34 degrees from the horizontal plane
- (d) no voids on any exposed faces of the works, or between the works and the escarpment, of a size that may present a public safety risk.

1.2.2 Placement and maintenance of sand works

Works comprising the placement of sand must meet the following requirements:

- (a) the sand must be placed against the escarpment on the seaward side
- (b) the slope of the face of the works must not exceed 34 degrees from the horizontal plane.

1.3 Material requirements

1.3.1 Sand requirements

The sand used in the works is to comply with the following requirements:

- (i) The sand must not contain a proportion of heavy metals or other toxic contaminants that exceeds the criteria set out in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*. This requirement does not apply to quarried sand or sand from a source approved in writing by a public authority.
- (ii) The colour and texture of the sand is to be similar to that of existing dunes within the vicinity of the works.

1.3.2 Sandbag and geotextile fabric requirements

- (i) Sandbags used in the works are to be manufactured from geotextiles and have a volume of 0.75 cubic metres when filled.

- (ii) Geotextiles used for these sandbags are to be non-woven, staple fibre and needle-punched. The geotextiles are to have a minimum tensile strength of 21 kN/m (tested to Australian Standard 3706.2) and a minimum California bearing ratio burst strength of 5400 N (tested to Australian Standard 3706.4).

1.4 Additional construction requirements

- (i) Excavation of the escarpment for the placement of works is not permitted. When placing works comprising sandbags, limited excavation of the beach (other than the escarpment) may be undertaken to enable the bottom layer of sandbags to be placed approximately horizontally. Any excavated sand is to be placed elsewhere on the beach.
- (ii) All sandbags used in the works are to be sewn closed before placement.

2 Maintenance of works

These requirements relate to section 55R(1)(d) of the *Coastal Protection Act 1979*.

Works comprising sandbags that have been damaged or displaced from their original position and no longer meet the requirements under the Act (note this includes requirements under the Coastal Protection Regulation 2011 and this Code) are to be relocated to comply with the applicable requirements or removed from the beach as soon as practicable. This includes sandbags located elsewhere on the beach which were originally placed as part of the works.

3 Removal of works and restoration of land

These requirements relate to sections 55VC(1)(b) and 55ZC(5)(b) of the *Coastal Protection Act 1979*.

3.1 Removal of sandbag works

Sandbags used in the works are to be opened and the sand distributed on the beach, resulting in a reasonably even beach terrain. Emptied sandbags are to be removed from the beach.

3.2 Restoration of land

- (i) In relation to the removal of works (whether in accordance with section 55VC of the Act or an order under section 55ZC), areas disturbed during the placement, maintenance and removal of the works are to be restored to a condition as close as is reasonable to the condition that existed before the works were placed. Sand that has fallen from the escarpment to the beach is to be distributed on the beach, resulting in a reasonably even beach terrain.
- (ii) In relation to the alteration or repair of temporary coastal protection works in accordance with an order under section 55ZC of the Act, if any area that was disturbed during the placement or maintenance of the works is no longer covered by or under the works, that area is to be restored to a condition as close as is reasonable to the condition that existed before that part of the works was placed.

- (iii) Restoration of damaged dunes is to be carried out in accordance with the document entitled *Coastal Dune Management: A manual of coastal dune management and rehabilitation techniques*, published by the NSW Department of Land and Water Conservation in 2001. Dune escarpments should be restored in accordance with this document to the extent to which this is reasonable for the particular escarpment.

4 Restoration of land after order to remove illegal material or structure

These requirements relate to section 55ZA(3)(b) of the *Coastal Protection Act 1979*.

- (i) Areas disturbed by the deposit of the material or the erection of the structure concerned are to be restored to a condition as close as is reasonable to the condition that existed before the material was deposited or structure was erected. Sand that has fallen from a dune escarpment to the beach is to be distributed on the beach, resulting in a reasonably even beach terrain.
- (ii) Restoration of damaged dunes is to be carried out in accordance with the document entitled *Coastal Dune Management: A manual of coastal dune management and rehabilitation techniques*, published by the NSW Department of Land and Water Conservation in 2001. The dune escarpment should be restored in accordance with this document to the extent to which this is reasonable for the particular escarpment.

Schedule – Authorised locations for placing works and associated beach access

Authorised locations for placing works (beach name, suburb/town name)	Authorised beach access
Basin Beach, Mona Vale	Beach access track from corner of Surfview Road and Basset Street (alternate access – adjacent to Mona Vale Surf Life Saving Club, Seabeach Avenue)
Belongil Beach, Byron Bay	Childe Street; Manfred Street; Don Street
Blue Bay Beach, Blue Bay	Blue Street
Bilgola Beach, Bilgola	From north end of Allen Avenue (alternate access – Bilgola Avenue at Allen Avenue)
North of outlet from Cakora Lagoon and east of Ocean Street, Brooms Head	Track from Ocean Street (south of bridge)
Callala Beach, Jervis Bay	Parkes Crescent
Campbells Beach, Sapphire Beach	Emerald Avenue
Collaroy Beach, Collaroy	Collaroy Beach carpark (opposite Jenkins Street), Frazer or Stuart Streets
Collingwood Beach, Vincentia	Berry Street
Fishermans Beach, South Collaroy	Anzac Avenue
Forresters Beach, Forresters Beach	Kalakua Avenue, opposite Henry's Road
Hargraves Beach, Noraville	Elizabeth Drive (north end)
Narrabeen Beach, Narrabeen	Wetherill or Mactier Streets, adjacent to Narrabeen or South Narrabeen Surf Life Saving Clubs, Birdwood Park carpark or Clarke Street
North Avoca Beach, North Avoca	View Street
North Entrance Beach, The Entrance (North)	Curtis Parade
Copacabana – McMasters Beach, McMasters Beach	Gerda Road
Mollymook Beach, Mollymook (between Donlan Road and Mollymook Creek)	Mitchell Parade
Cabbage Tree Harbour Beach, Norah Head	Bald Street boat ramp area
Old Bar Beach, Old Bar	Pacific Parade at Rose Street or adjacent to the Taree Old Bar Surf Club, Ungala Road
Patonga Beach, Patonga	Brisk Street
Pearl Beach, Pearl Beach	Coral Crescent; Pearl Parade; Gem Road
Toowoona Bay Beach, Toowoona Bay	Binburra Avenue
Wamberal Beach, Wamberal	Adjacent to Wamberal Surf Life Saving Club, Dover Road
Wooli Beach, Wooli	Wooli Road (South Terrace)