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26 February 2021

General Manager  
Northern Beaches Council  
Civic Centre  
725 Pittwater Rd  
Dee Why NSW 2099

Attention: Ryan Cole  
Team Leader Development Assessments

RE: **STATEMENT OF MODIFICATION  
ALTERATIONS & ADDITIONS to  
1184-1186 PITTWATER ROAD NARRABEEN (03 14)  
DA 2008/1216**

Dear Sir

On behalf of the applicant Yadev Holdings Pty Ltd (Yadev), and pursuant to the provisions of S4.55 of the EP&A Act we wish to apply for modification of the above development consent.

This development application was approved 15 September 2009. The consent has been modified on three occasions previously. A Construction Certificate, CC 448/14, was issued 10 September 2014 and an Interim Occupation Certificate, IOC 564/16, for the completed Stage 1 works was issued 20 October 2016.

This application to modify the consent includes the following:

**Replacement of existing seawall**

A Construction Certificate for Stage 1 works was issued 10 September 2014. Following the severe storm event which occurred in June 2016, the landowners constructed the seawall and other coastal protection works permissible under a previous S96 modification of the consent and subject to the Construction Certificate. The works, now completed, form Stage 1 of the approved works.

Following recent storm events, the Stage 1 seawall works have been affected by coastal erosion and have subsequently failed. This has resulted in settlement of the north east corner of the seawall, rotation of the seawall seawards and subsidence of the garden area east of the existing buildings on site. The seawall requires significant repairs and partial reconstruction. Yadev have two options available to remedy this failure of the seawall:

**Option 1**

Dismantle the existing seawall and rebuild it to a more substantial profile that constructed in 2016.

**Option 2**

Dismantle the existing seawall and replace it with a reinforced concrete contiguous pile seawall of an identical height, profile and construction methodology to that presently under construction to adjoining properties south of the site.

Subject to Council approval, Yadev have elected to proceed with Option 2, as this will provide an increased level of protection from coastal hazards and prevent end scouring that may otherwise occur at the junction the existing stone revetment seawall and the new contiguous pile seawalls currently under construction to the south of the subject site.

The method proposed to construct the replacement seawall is to relocate the approved contiguous pile eastern wall of the basement level carpark seawards to align the eastern wall of the basement with the contiguous pile walls of adjoining properties to the south.

While this will increase the area of the basement level car park, this additional area is proposed for use as basement level storage areas. Accordingly, this modification of the existing approval will result in no addition gross floor area as WLEP 2011 provides that gross floor area excludes any basement level storage, vehicular access, loading areas, garbage and services, plant rooms and car parking to meet the requirements of the consent authority (including access to that parking).

Under the provisions of the current planning instrument, Warringah Local Environmental Plan 2011, and specifically Clause 6.5 Coastline Hazards, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) " will not significantly adversely affect coastal hazards, and
- (b) will not result in significant detrimental increases in coastal risks to other development or properties, and
- (c) will not significantly alter coastal hazards to the detriment of the environment, and
- (d) incorporates appropriate measures to manage risk to life from coastal risks, and
- (e) avoids or minimises exposure to coastal hazards, and
- (f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks."

Following completion of the existing seawall replacement works, the subject property benefits from a seawall providing protection from coastal hazards in the manner required by WLEP 2011 Clause 6.5 (3)(a) to (f) inclusive.

Accordingly, Council as the consent authority can now consent to these additional works under the provisions of WLEP 2011 Clause 6.5 (4) which states:

*"Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk."*

Should you require any further information to assist you in your assessment of this application please contact Geoff Bonus of this office.

Regards



Geoff Bonus  
Architect 4034  
CC Robert Wiggins via email