

26 October 2021



Yadev Holdings Pty Ltd
Level 1 597 Darling Street
ROZELLE NSW 2039

Dear Sir/Madam

Application Number: Mod2021/0092
Address: Lot 6 DP 659074 , 1184 - 1186 Pittwater Road, NARRABEEN NSW 2101
Proposed Development: Modification of Development Consent DA2008/1216 granted for Major alterations and additions to an existing heritage building residential flat building to create 5 residential units with basement carparking and strata subdivision

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Rodney Piggott
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2021/0092
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Yadev Holdings Pty Ltd
Land to be developed (Address):	Lot 6 DP 659074 , 1184 - 1186 Pittwater Road NARRABEEN NSW 2101
Proposed Development:	Modification of Development Consent DA2008/1216 granted for Major alterations and additions to an existing heritage building residential flat building to create 5 residential units with basement carparking and strata subdivision

DETERMINATION - APPROVED

Made on (Date)	20/10/2021
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1D - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA01 - RevQ: Site plan	01 September 2021	Bonus + Associates
DA02 - RevT: Basement plan	01 September 2021	Bonus + Associates
DA03 - RevU: Ground floor plan	01 September 2021	Bonus + Associates
DA04 - RevM: First floor plan	01 September 2021	Bonus + Associates
DA05 - RevL: Attic floor plan	01 September 2021	Bonus + Associates
DA06 - RevO: Elevations	01 September 2021	Bonus + Associates
DA07 - RevT: Sections	01 September 2021	Bonus + Associates
DA08 - RevP: Sections	01 September 2021	Bonus + Associates

Engineering Plans		
Drawing No.	Dated	Prepared By
CM2 - D: Sections	25 August 2021	Woolacotts

CM1 - F: Plan	25 August 2021	Woolacotts
SW1 - F: Stormwater Management Plan	09 April 2021	Woolacotts
SW3 - C: Basement Stormwater Drainage Plan	09 April 2021	Woolacotts

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Construction Management Program - Rev F	25 August 2021	Woolacotts
Stormwater Management Report - Rev D	09 April 2021	Woolacotts
Geotechnical Investigation and Acid Sulphate Soil Assessment Report	17 May 2021	Geotechnique
Coastal Assessment report	20 April 2021	Royal HaskoningDHV

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
2429.GD.01: Landscape plan	25 August 2021	Greenland Design
2429.GD.02: Landscape details and specifications	25 August 2021	Greenland Design
2429.GD.02: Landscape details and specifications	25 August 2021	Greenland Design

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Modify Condition 2. Approved Stormwater Plan, to read as follows:

The stormwater drainage works are to be generally in accordance with the drainage plan submitted by Woolacotts, drawing number 18-183 SW1 Rev F dated 09.04.2021.

This to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for stormwater disposal arising from the development.

C. Modify Condition 3. Approved Landscaping Plan, to read as follows:

Landscaping works on the site are to be undertaken generally in accordance with the Landscape Plan Drawing No. 2429.GD.01-02 prepared by Greenland Design dated 25 August 2021.

Reason: To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development.

D. Add Condition 28A. Shoring of Councils Road Reserve or Adjoining Property (Temporary road anchors), to read as follows:

Should the proposal require shoring to support an adjoining property or Council land, the Applicant shall provide the adjoining properties with engineering drawings, detailing the proposed shoring works for their consideration and approval.

An application to Council for approval under Section 138 of the Roads Act 1993 is required if temporary ground anchors are to be used within Council's road reserve. The form can be found on Council's website using the following link.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/temporary-ground-anchors-road-reserve/4018-temp-ground-anchors-application-jun19.pdf>

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

Owner's approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

E. Add Condition 28B. Adherence to Natural Environment Consent Conditions, to read as follows:

All biodiversity-related conditions of consent under previous development applications are to be adhered to, including DA2008/1216, unless amended by these biodiversity-related conditions of consent.

Reason: To protect biodiversity values.

F. Add Condition 28C. Access for construction and maintenance of works, to read as follows:

The works are to be designed and constructed in accordance with the access requirements outlined in the Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications 2016. Details demonstrating compliance with this requirement are to be prepared by a suitably qualified coastal engineer and submitted to the certifying authority for approval prior to issue of the Construction Certificate.

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

G. Add Condition 28D. Crest Level, to read as follows:

Suitable drawings and design certification to confirm the crest level of the coastal protection works coincides with the adjacent ground level must be provided. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To maintain existing ground levels.

H. Add Condition 28E. Permanent lateral restraint to coastal protection works - to read as follows:

Suitable drawings and design certification to demonstrate that adequate permanent lateral restraint will be provided by the basement floor and roof, taking into account an appropriate design scour level must be provided. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure structural stability of the works.

I. Add Condition 28F. Northern Beaches Council Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications, to read as follows:

Confirmation that the design of the works complies with the Northern Beaches Council Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications must be provided. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure compliance with the Northern Beaches Council Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications.

J. Modify Condition 56. Protection of Trees, to read as follows:

All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on Landscape Plan Drawing No. LA01C prepared by Taylor Brammer dated 23.06.2008 are to be protected.

Reason: Protection of existing environmental infrastructure and community assets.

K. Add Condition 58A. Safety requirements under storm conditions, to read as follows:

Works are not to be placed during storm conditions unless the owner/s obtains a written opinion from a suitably qualified coastal engineer that the placement of the works under these conditions does not present a significant safety risk to any person or will result in damage to the beach. This opinion is to be kept by the landowner until the works are completed. If adverse weather conditions are forecast, the works site is to be made safe (where practical) to avoid the dispersal of equipment and debris onto the beach and into the surf zone.

Reason: To ensure the safety of workers and the public during construction.

L. Add Condition 58B. Sand, to read as follows:

No sand excavated from the beach seaward of the subject properties to construct the works is to be placed landward of the protection works before, during or after construction. All such sand shall be placed seaward of the works. The sand shall be screened to remove unsuitable material as required.

Reason: To avoid damage to the beach.

M. Add Condition 58C. Removal of unsuitable material, to read as follows:

Unusable materials found within the area of excavation and not utilised in the construction of the works will be required to be removed. Confirmation of this requirement is to be provided to Council by the engineer supervising the works.

Reason: To ensure that all unsuitable material is removed from the beach.

N. Add Condition 58D. Site Supervision, to read as follows:

A suitably qualified coastal engineer is to be employed to review and check the work of the construction contractor for the duration of the approved works.

Reason: To ensure appropriate construction of the coastal protection works.

O. Add Condition 70A. Surveys During Works and Post Completion Survey, to read as follows:

A declaration by a registered surveyor is required as evidence that all construction has been effected in accordance with the Development Consent, approved plans and specifications in the Consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to approval of an occupation certificate. Survey plans and a declaration are to be provided to Council on issue of the Occupation Certificate.

Reason: To ensure accurate location of coastal protection works.

P. Add Condition 70B. Maintenance Management Plan for Coastal Protection Works, to read as follows:

A Maintenance Management Plan (MMP) is to be prepared for the maintenance of the coastal protection works for their intended design life. The MMP is to be prepared by a suitably qualified coastal engineer and is to be approved by Council in writing prior to issue of the construction certificate. The MMP must be complied with at all times.

The MMP may be modified from time to time by the agreement of all landowners at the time and with the approval of Council. These modifications to the MMP must also be made (if necessary) each time the design life is extended in accordance with condition 36. This is to ensure the MMP continues to be suitable in perpetuity.

Reason: To ensure a plan is in place for the on-going maintenance of the works prior to the start of construction and at each extension of the design life.

Q. Add Condition 70C. Maintenance Obligations and Public Safety - to read as follows:

The owners of 1184, Pittwater Road, Narrabeen must provide an irrevocable bank guarantee (or other suitable legally binding obligation) to Council prior to the issue of any construction certificate in the amount of \$1000 per lineal metre of work (based on the length of the seaward property boundary) to undertake maintenance of the coastal protection works in the event that they are damaged as a result of coastal storm, including to undertake any works required to remove any threat to public safety arising from the coastal protection works including the removal of debris, that has become dislodged from the coastal protection works approved under this consent, from the public beach and adjacent public land, and to implement the Maintenance Management Plan (MMP).

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 replenished if drawn upon and increased to allow for Consumer Price Index (CPI) every 10 years from the date of establishment.

The bank guarantee (or other suitable legally binding obligation) is to be in the favour of Council. The funds may be accessed by the owners, for the undertaking of works referred to in this condition and in the approved MMP, with the written consent of Council.

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

Reason: To satisfy the requirements of Section 27 of the Coastal Management Act 2016 and to ensure that the coastal protection works will not pose any significant threat to public safety.

R. Add Condition 70D. Restoration of sand, to read as follows:

Sand, shaped to a natural profile, is to be restored seaward of the works, once construction is completed. Sand from the public beach may be used for this purpose. Details are to be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate. These details are to be provided to Council on issue of the Occupation.

Reason: To limit the impact of the works on the visual quality of the beach.

S. Add Condition 70E. Certification of works, to read as follows:

The constructed coastal protection works are to be certified by a suitably qualified coastal engineer as being constructed in accordance with the approved design and performance criteria. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to approval of an occupation certificate. This certification is to be provided to Council on issue of the Occupation Certificate.

Reason: To ensure appropriate design and construction of coastal protection works.

T. Add Condition 73A. Ongoing maintenance of the Coastal Protection Works and public safety, to read as follows:

The coastal protection works must be maintained in accordance with the Development Consent, conditions, approved plans and specifications as outlined in this consent. The maintenance must be to a standard that does not compromise the protection or integrity of the adjoining land. Appropriate arrangements to allow sufficient access to the works in the event that maintenance is required are to be maintained in accordance with the Maintenance Management Plan of the Coastal Protection Works.

Any debris on the beach resulting from damage or failure of the coastal protection works must be rectified by the owner or owners of the works that are the source of the damage, as part of maintaining the works as per condition No. 70C of this consent. If required, the financial arrangements established in condition No. 70C of this consent may be utilised in accordance with any written consent that may be issued by Council.

Reason: To satisfy the requirements of Section 27 of the Coastal Management Act 2016 and to ensure that the coastal protection works will not pose any significant threat to public safety.

U. Add Condition 73B. Post storm inspection, to read as follows:

After any storm event that exposes any part of the coastal protection works to damage, that impacts the support or performance of the works, the owners are to procure, at their cost, inspections by a suitably qualified coastal engineer of the coastal protection works. A detailed report is to be provided by this coastal engineer and any recommendations within the report are to be undertaken as soon as reasonably practicable after necessary approvals are obtained, if required.

Reason: To ensure the coastal protection works are maintained after a storm event.

V. Add Condition 73C. Removal of debris, to read as follows:

The owners must obtain all necessary approvals and then remove debris from any adjoining public land if part of the coastal protection works is dispersed onto that land, with such removal to be done as soon as reasonably practicable to the satisfaction of Council and, if necessary, the Crown, at no cost to

Council. If required the financial arrangements established as part of this consent may be utilised in accordance with any written consent that may be issued by Council.

Note: Debris will be taken to have been deposited from the coastal protection works seaward of 1184 - 1186 Pittwater Road, Narrabeen if found on public land within a line extending from either longitudinal boundary to the mean low water mark, and it is evident that the debris has originated from the approved works or from within the subject properties.

Reason: To ensure the safety of the public beach.

W. Add Condition 73D. Time limited consent, to read as follows:

The consent operates for 60 calendar years from the date of the issue of the occupation certificate and such other period as may be extended with the written approval of Council in accordance with the following.

A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the development, the owner/s shall procure, at no cost to Council, a Review Report, by a suitably qualified independent coastal engineer.

The report must review the performance of the coastal protection works using the evidence and coastal hazard predictions known at that time. The report must consider whether:

- (a) The coastal protection works are satisfactory in their current state and do not result in a threat to public safety, in which case the report can recommend an extension to the consent, or
- (b) Upgrades to the coastal protection works are recommended to ensure they will not result in a threat to public safety to extend the consent for a further period of time, or
- (c) Removal and replacement of the coastal protection works with an alternative design is recommended to ensure they do not result in a threat to public safety, or
- (d) Demolition and removal of the coastal protection works in the interest of public safety is recommended.

The Review Report shall be submitted to Council for approval not later than twelve (12) months prior to the date of 60 years after the issue of the occupation certificate in the first instance, or 12 months prior to the end of such other period identified in any written approval from Council, in accordance with this condition.

If the Review Report concludes that the coastal protection works is satisfactory in accordance with (a) above, and Council accepts the findings of the report, Council will, in writing, approve an extension of the term of the development consent for the period recommended in the Review Report, or such lesser time as Council considers appropriate.

If the Review Report recommends any upgrades or alterations to the coastal protection works in accordance with

- (b) above, those upgrades must be dealt with under the planning laws at that time.

If the Review Report recommends removal and replacement of the coastal protection works with an alternative design in accordance with (c) above, the replacement coastal protection works will be the subject of a further development application for consent to Council, if required by the planning laws at that time. For the avoidance of doubt, nothing shall oblige the owners to replace the coastal protection works if they instead choose to remove the works at the expense of the owners.

If the Review Report recommends demolition and removal of the coastal protection works in the interest of public safety, such removal will be undertaken by the owners at their own expense, and within such

reasonable time period required by Council.

Any written approval from the Council extending the period of operation of this consent is to be recorded on the s10.7 Planning Certificate for the land and Council's register of development consents.

A further Review Report will be provided to Council a minimum of twelve (12) months prior to the end of any extended period notified identified in writing by the Council in accordance with this condition, with the above process repeated for such extension.

In the event that,

- The Council does not accept the recommendations of the Review Report (including an amended or replacement Report) in writing, or
 - The Council fails to provide written notification of its acceptance of the recommendations within the Review Report within 12 months of lodgement of the Review Report, or
 - An application for the continued use, upgrade or replacement of the works is made,
- this consent will continue to operate until any application to modify this condition, or for the continued use or upgrade or replacement of the coastal protection works, or any proceedings seeking review of the refusal of Council to accept the recommendations, has been finally determined by Council or the Court.

Any application, proceedings or appeal, must be lodged within 6 months of Council's decision to not accept the findings of the Review Report or Council's failure to notify of its acceptance of the Review Report, whichever is the later.

Note: This continued operation or extension may need to be facilitated by a formal application to modify the consent having regard to the planning laws at the time.

Reason: The development application indicated the Coastal Protection works have a design life of 100 years; to satisfy the requirements of Section 27 of the Coastal Management Act 2016, and to provide a mechanism to review the works and extend the operation of the consent.

Important Information

This letter should therefore be read in conjunction with DA2008/1216 dated 16 September 2009, Mod2014/0068 dated 9 July 2014 and Mod2018/0604 dated 03 April 2019.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be submitted to Council within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Rodney Piggott, Manager Development Assessments

Date 20/10/2021