

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0347
Responsible Officer:	Kye Miles
Land to be developed (Address):	<p>Lot B DP 954998, 1154 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 1 DP 313699, 1156 Pittwater Road COLLAROY NSW 2097</p> <p>Lot C DP 954998, 1156 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 1 DP 1016094, 1158 Pittwater Road COLLAROY NSW 2097</p> <p>Lot C DP 302895, 1160 Pittwater Road COLLAROY NSW 2097</p> <p>Lot B DP 302895, 1162 Pittwater Road COLLAROY NSW 2097</p> <p>Lot A DP 302895, 1164 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 1 DP 970200, 1168 Pittwater Road COLLAROY NSW 2097</p> <p>Lot 71 DP 1011242, 1166 A Pittwater Road COLLAROY NSW 2097</p> <p>Lot 72 DP 1011242, 1166 B Pittwater Road COLLAROY NSW 2097</p> <p>Lot CP SP 2949, 1150 Pittwater Road COLLAROY NSW 2097</p>
Proposed Development:	Modification of Development Consent DA2018/1289 for Construction of coastal protection works (sea wall)
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes, under State Environmental Planning Policy (Resilience and Hazards) 2021
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	<p>Charles Kirk Hoatson</p> <p>Joanne Maree Hoatson</p> <p>Kylie Suzanne Lambert</p> <p>Verlie Pamela Hall</p> <p>Selena Conna</p> <p>The Owners of Strata Plan 2949</p> <p>Kevin John Conna</p> <p>Tod Stephen McGrouther</p> <p>John Bronco Martin (Estate of the Late)</p> <p>Joan Marie Martin</p>

	Douglas John McGrath Neil James Esmond Gibson Joan Susanne Gibson Bruce Frederick William Clement Margot Clare Clement Dianne Dickson
Applicant:	Horton Coastal Engineering Pty Ltd

Application Lodged:	30/06/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	Not Notified
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

Modification of Development Consent DA2018/1289 for Construction of coastal protection works (sea wall). Specifically, the modification seeks to reduce the approved seawall maintenance setback to 4.5 metres (1.0 metre reduction). This setback is measured from the most landward edge of the seawall at the stairs, to facilitate potential future maintenance of the works. No changes are proposed to the location or size of the approved seawall.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 6.5 Coastline hazards

SITE DESCRIPTION

<p>Property Description:</p>	<p>Lot B DP 954998 , 1154 Pittwater Road COLLAROY NSW 2097 Lot 1 DP 313699 , 1156 Pittwater Road COLLAROY NSW 2097 Lot C DP 954998 , 1156 Pittwater Road COLLAROY NSW 2097 Lot 1 DP 1016094 , 1158 Pittwater Road COLLAROY NSW 2097 Lot C DP 302895 , 1160 Pittwater Road COLLAROY NSW 2097 Lot B DP 302895 , 1162 Pittwater Road COLLAROY NSW 2097 Lot A DP 302895 , 1164 Pittwater Road COLLAROY NSW 2097 Lot 1 DP 970200 , 1168 Pittwater Road COLLAROY NSW 2097 Lot 71 DP 1011242 , 1166 A Pittwater Road COLLAROY NSW 2097 Lot 72 DP 1011242 , 1166 B Pittwater Road COLLAROY NSW 2097 Lot CP SP 2949 , 1150 Pittwater Road COLLAROY NSW 2097</p>
<p>Detailed Site Description:</p>	<p>The subject site consists of Nos. 1150, 1154, 1156, 1158, 1160, 1162, 1164, 1166A, 1166B and 1168 Pittwater Road. They have a combined area of approximately 6,950.48sqm and are generally flat (sloping down at the eastern end, towards the beach).</p> <p>The site comprises an entire street block containing 10 properties (11 lots) located on the eastern side of Pittwater Road. The site is surrounded by Collaroy Beach to the east, a Council road reserve to the north (Wetherill Street), a Council road reserve to the south (Stuart Street) and Pittwater Road to the west.</p> <p>Each of the residential lots, apart from No. 1150 Pittwater Road, contain a dwelling house and other ancillary structures. No. 1150 Pittwater Road contains a four storey residential flat building. All of the ten residential lots lost land and structures in some form to the ocean during the large storms in June 2016.</p> <p>No. 1150 Pittwater Road obtains driveway access from Stuart Street, No. 1168 Pittwater Road obtains driveway access from Wetherill Street, all other properties have</p>

vehicular access from Pittwater Road.

The proposed development takes place across all 10 residential properties (11 lots), and will link to future coastal protection works along the eastern boundaries of the adjoining road reserves (Stuart and Wetherill Streets).

Map:



SITE HISTORY

PLM2017/0029

A prelodgement meeting was held on 3 April 2017 to discuss the construction of coastal protection works.

Relevant comments provided in the minutes included:

"Council is supportive of the proposal in concept. Fully detailed plans and reports will need to be submitted for assessment."

"This application may attract a large amount of public interest. As such, please ensure that all plans and supporting documentation include sufficient detail so that any member of the public can clearly understand the design and characteristics of the proposal (particularly as it relates to being designed as a predominantly sand covered structure)."

DA2018/1289

Application for the construction of coastal protection works. The wall consisted of a vertical element and a rock toe. This is known as a hybrid design (i.e. combination of a rock revetment and a verticle wall). The NBLPP granted a DCC approval on 10 May 2019.

MOD2020/0439

Modification application 4.55 (1) for DA2018/1289. The application sought to modify/delete condition(s) Nos. 4 (a), 6, 7, 9, 13, 14, 15, 16, 17, 18, 26, 30, 33, 40, 42, 43. Approval was granted under delegation on 07 October 2020.

MOD2020/0626

Modification application 4.55 (1a) for DA2018/1289. The application sought to modify Condition 4 (a) - *General Requirements*, to amend the approved construction hours. This application was approved on 22 December 2020.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2018/1289, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • No physical changes are proposed to the approved seawall. • The modification seeks to reduce the approved maintenance setback. • Details have been provided from the seawall structural engineer confirming that the setback is acceptable from a structural engineering perspective.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2018/1289 for the following reasons:</p> <ul style="list-style-type: none"> • Compliance with the approved built form is retained.

Section 4.55(1A) - Other Modifications	Comments
and before that consent as originally granted was modified (if at all), and	<ul style="list-style-type: none"> The works are considered to be of minimal environmental impact.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application was not notified.

REFERRALS

Internal Referral Body	Comments
NECC (Coast and Catchments)	<p>The proposed modification has been assessed in consideration of the previous development application as well as information provided with the modification application and is supported without condition.</p> <p>As noted in the Statement of Modification Report, details have been provided from the seawall structural engineer confirming that the setback is acceptable from a structural engineering perspective. In particular, they the seawall (including wave return) and area landward can support the loads associated with typical maintenance equipment, and that the fencing attached to the top of the seawall may be removed at any time for temporary maintenance access without structural detriment to the seawall.</p> <p>It should be noted that setbacks for buildings as outlined in the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach still apply to properties that are the subject of this modification.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - b) coastal environmental values and natural coastal processes,
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - f) Aboriginal cultural heritage, practices and places,
 - g) the use of the surf zone.

Comment:

The modification seeks to reduce the approved seawall maintenance setback to 4.5 metres (1.0 metre reduction). This setback is measured from the most landward edge of the seawall at the stairs, to facilitate potential future maintenance of the works. No changes are proposed to the location or size of the approved seawall. The modification has been assessed by Council's internal coastal experts, who raised no objection subject to conditions.

- 2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

Based on the above factors, Council is satisfied that the proposal is designed, sited and will be managed to avoid an adverse impact upon the matters referred to in subsection (1).

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- 1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - iv) the visual amenity and scenic qualities of the coast, including coastal

headlands,
Aboriginal cultural heritage, practices and places,
cultural and built environment heritage, and

- b) is satisfied that:
 - i) the development is designed, sited and will be managed to avoid an
 - ii) adverse impact referred to in paragraph (a), or
 - iii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment:

The modification has been assessed by Council's internal coastal experts, who raised no objections.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The modification works have been assessed by Council's internal coastal experts who have confirmed that the proposed development is not likely to cause increased risk of coastal hazards.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment:

The Coastal Zone Management Plan (CZMP) for Collaroy-Narrabeen Beach and Fishermans Beach applies to the subject site and was gazetted in the Government Gazette of the State of New South Wales on 19 July 2013. Design specifications within this plan recommend a maintenance setback of 5 metres to 6 metres.

The modification seeks to reduce the approved maintenance setback to 4.5 metres (1.0 metre reduction). Details have been provided from the seawall structural engineer confirming that the setback is acceptable from a structural engineering perspective. In addition, the modification has been assessed by Council's internal coastal experts, who raised no objections.

Therefore, the modified coastal protection works are consistent with the relevant provisions of the certified coastal management program.

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

SEPP (Planning Systems) 2021

Schedule 6, part 8A of State Environmental Planning Policy (Planning Systems) 2021 provides that the following development is regionally significant development to which the regional planning panel (which in this case is the Sydney North Planning Panel) is the consent authority for the following:

Schedule 6

8A Certain coastal protection works

(1) *The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean—*

(a) *development for the purpose of coastal protection works carried out by a person other than a public authority, other than coastal protection works identified in the relevant certified coastal management program,*

(b) *development for the purpose of coastal protection works carried out by or on behalf of a public authority (other than development that may be carried out without development consent under clause 19(2)(a) of State Environmental Planning Policy (Coastal Management) 2018).*

(2) *Words and expressions used in this section have (in relation to coastal protection works) the same meaning as they have in State Environmental Planning Policy (Coastal Management) 2018.*

Comment

Notwithstanding the provisions of Clause 8A of Schedule 6 of the SEPP, it is noted that with regard to the requirements of 8(1)(a) above, the works are proposed by a person other than a public authority and are coastal protection works which are otherwise identified and allowed for within the Council's certified coastal management program. As such, the proposed development as to be modified, is not regionally significant development to which the Sydney North Planning Panel would be the consent authority.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

No amendments to the size or location of the approved seawall are proposed under this modification and therefore, there are no changes to any development standards.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.3 Development near zone boundaries	Yes
6.1 Acid sulfate soils	Yes
6.5 Coastline hazards	Yes

Detailed Assessment

6.5 Coastline hazards

Under this clause, 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

Comment: The modified development has been assessed by Council's Coastal Engineers. The Engineers have raised no objections to approval. Therefore, Council is satisfied that the development will not significantly adversely affect coastal hazards.

(b) will not result in significant detrimental increases in coastal risks to other development or properties, and

Comment: Conditions to ensure appropriate integration with adjoining private land were included within the original application. As such, the proposal will not result in significant detrimental increases in coastal risks to other development or properties.

(c) will not significantly alter coastal hazards to the detriment of the environment, and

Comment: The modified development has been assessed by Council's Coastal Engineers. The Engineers have raised no objections to approval. Therefore, Council is satisfied that the development will not significantly alter coastal hazards to the detriment of the environment.

(d) incorporates appropriate measures to manage risk to life from coastal risks, and

Comment: The modified development has been assessed by Council's Coastal Engineers. The Engineers have confirmed that the works, are consistent with the Collaroy-Narrabeen Beach Coastal Protection Works Specifications. Therefore, Council is satisfied that the development incorporates appropriate measures to manage risk to life from coastal risks.

(e) avoids or minimises exposure to coastal hazards, and

Comment: The coastal protection works will minimise exposure to coastal hazards through the appropriate location and integration of the works with adjoining protection works. The wall is designed to only come into effect during large coastal storms.

(f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.

Comment: Actions required to retrofit works have been identified. These actions were conditioned as part of a maintenance plan within the original application. Therefore, Council is satisfied that the development makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.

(4) 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.

Comment: The modified development has been assessed by Council's Coastal Engineers. The

Engineers have raised no objections to approval. Therefore, Council is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk.

Warringah Development Control Plan

Built Form Controls

The proposal only relates to the future maintenance setback and no physical works are proposed under this modification and therefore, there are no changes to the approved built form.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E9 Coastline Hazard	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result

in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0347 for Modification of Development Consent DA2018/1289 for Construction of coastal protection works (sea wall) on land at Lot B DP 954998, 1154 Pittwater Road, COLLAROY, Lot 1 DP 313699, 1156 Pittwater Road, COLLAROY, Lot C DP 954998, 1156 Pittwater Road, COLLAROY, Lot 1 DP 1016094, 1158 Pittwater Road, COLLAROY, Lot C DP 302895, 1160 Pittwater Road, COLLAROY, Lot B DP 302895, 1162 Pittwater Road, COLLAROY, Lot A DP 302895, 1164 Pittwater Road, COLLAROY, Lot 1 DP 970200, 1168 Pittwater Road, COLLAROY, Lot 71 DP 1011242, 1166 A Pittwater Road, COLLAROY, Lot 72 DP 1011242, 1166 B Pittwater Road, COLLAROY, Lot CP SP 2949, 1150 Pittwater Road, COLLAROY, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-345493 - Mod2023/0347	The date of this notice of determination	Modification of Development Consent DA2018/1289 for Construction of coastal protection works (sea wall). <ul style="list-style-type: none"> • Add Condition No.2A (Modification of Consent - Approved Plans and supporting documentation).
PAN-49535 - Mod2020/0626	22 December 2020	Modification of Development Consent DA2018/1289 for Construction of coastal protection works (sea wall). <ul style="list-style-type: none"> • Modify Condition No. 4 (a) (General Requirements).

		<ul style="list-style-type: none"> • Add Condition No. 30 (Noise Mitigation and Complaints Register).
PAN-32703 - Mod2020/0439	07 October 2020	<p>Modification of Development Consent DA2018/1289 for Construction of coastal protection works (sea wall).</p> <ul style="list-style-type: none"> • Modify Condition No. 4 (a) (General Requirements). • Modify Condition No. 6 (Security Bond). • Modify Condition No. 7 (Construction Management Plan). • Modify Condition No. 9 (Design Drawings). • Modify Condition No. 13 (Maintenance Management Plan for Coastal Protection Works). • Modify Condition No. 14 (Maintenance Obligations and Public Safety). • Modify Condition No. 15 (Easements for construction, support and maintenance). • Delete Condition No. 16 (Construction Traffic Management Plan). • Modify Condition No. 17 (Waste Management Plan). • Modify Condition No. 18 (Public Liability Insurance - Works on Public Land). • Delete Condition No. 26 (Site fencing requirements). • Modify Condition No. 30 (Removal of unsuitable material). • Modify Condition No. 33 (Implementation of Construction Management Plan). • Modify Condition No. 40 (Ongoing maintenance of the Coastal Protection Works and public safety). • Modify Condition No. 42 (Removal of debris). • Modify Condition No. 43 (Time limited consent).

Modified conditions

A. Add Condition No.2A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
S05	4	Coastal Protection Works Plan	James Taylor & Associates	29 March 2023

In the event of any inconsistency between the approved plans, reports and documentation, the

approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Kye Miles, Planner

The application is determined on 18/09/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments