

# WILLOWTREE PLANNING



22 May 2025

REF: WTJ25-185  
Contact: Michaela Lyons

Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099

**Attn: Tom Prosser, Principal Planner**

**RE: SECTION 4.55(1) MODIFICATION APPLICATION TO MODIFY DETERMINATION NO. DA2024/0492 TO RECTIFY INCONSISTENCIES IN CONDITION 17**

**SITE AT: 49 BLACKBUTTS ROAD AND 21A WARILI ROAD, FRENCHS FOREST (LOT 1, DP835636 & LOT 1, DP524083)**

Dear Tom,

This letter has been prepared by Willowtree Planning Pty Ltd on behalf of Sekisui House Services (NSW) Pty Limited (the Applicant) in relation to Determination No. **DA2024/0492** issued by Northern Beaches Council (Council) on 11 April 2025, which granted consent for the following scope of development at 49 Blackbutts Road and 21 Warili Road, Frenchs Forest (the Site):

*Neighbourhood title subdivision comprising of 13 lots and new road access*

This application is submitted to Council pursuant to Section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and supported by the following information:

- **Appendix 1** – Notice of Determination **DA2024/0492**
- **Appendix 2** – Council e-mail correspondence

The proposal seeks to rectify a wording error contained within Condition 17 of the Notice of Determination for DA2024/0492. Condition 17 is reproduced below with proposed deletions in **bold red**.

## **17 Tree Removal Within the Property**

*This consent approves the removal of existing prescribed trees on the subject site as listed below:*

- a) T7, **T67**, T71, T72, T74 (*Corymbia maculata*), T10 (*Corymbia gummifera*), T60 (*Magnolia soulangeana*), T64, T81, T120 (*Callistemon viminalis*), T75 (*Livistona australis*), T77 (*Banksia integrifolia*), T79 (*Backhousia citriodora*), T82 (*Yucca*), and T121 (*Acacia decurrens*), b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.
- b) A qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

*Reason: To enable authorised development works.*

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**SECTION 4.55(1) APPLICATION**

DA2024/0492 at 49 Blackbutts Road and 21A Warili Road, Frenchs Forest

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The exact modification sought under this Section 4.55(1) Modification Application is to rectify the drafting error noted within Condition 17 of the Notice of Determination of DA2024/0492.

The proposed modification does not result in any changes to the development as originally proposed, instead seeking to correctly identify a tree approved removal within the Site. Accordingly, it is considered that the proposed modification is worthy of support.

Council correspondence provided on 1 May 2025 as attached at **Appendix 2** acknowledged this error in the Notice of Determination. All other matters considered under DA2024/0492 remain unaltered.

We appreciate the minor nature of this proposal and request that Council expedite the issue of the modified Notice of Determination.

We trust this information is sufficient for your purposes, however should you wish to discuss the contents of this letter in further detail, please contact the undersigned.

Yours sincerely,



Asher Richardson  
Senior Associate  
Willowtree Planning (NSW) Pty Ltd

