



21 October, 2021

The General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Dear Sir/Madam,

Section 4.55(1A) – 8 Holloway Place, Curl Curl NSW

This letter has been prepared in order to provide information and a planning assessment in relation to an application under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, to modify an existing development consent for “*Alterations and additions to a dwelling house*” at 8 Holloway Place, Curl Curl.

Development Application DA 2020/0018 was granted consent by Northern Beaches Council by Notice dated 24 April 2020.

It is proposed that the existing consent be modified to as follows:

16.Landscape Completion

The landscaped green wall as indicated in Drawing No. DA13 is to be planted. Evidence demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

And replaced with a revised Condition No.16 which reads:

16.Landscape Completion

The green wall as indicated in Drawing No. DA13 shall be an artificial green wall. Evidence demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

And

17. Landscape Maintenance

Any existing landscaping including trees required to be retained together with any additional landscaping (inclusive of the green wall along the southern elevation of the home office) required by this consent is to be maintained for the life of the development. A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

And replaced with a revised Condition No.17 which reads:

17. Landscape Maintenance

Any existing landscaping including trees required to be retained together with any additional landscaping (~~inclusive of the green wall along the southern elevation of the home office~~) required by this consent is to be maintained for the life of the development. A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

Reasons

The conditions are proposed to be amended as landscape green walls are heavy resulting in engineering issues, and the orientation of the wall meant successful long-term planting would be difficult.

The owner and builder have sourced life like artificial green walls which are light weight and do not require maintenance. This resulted in simplified engineering and removal of the need for ongoing maintenance. The product from evergreen walls (<https://www.evergreenwalls.com.au/>) achieves the objectives of these conditions presenting a positive and green view to the neighbouring site and softening the overall bulk of the building, without the risk of plants failing to thrive.



Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 (as amended) (the Act) provides that a consent authority may modify the consent if:

- (a) *If is satisfied that the proposed modification is of minimal environmental impact, and*
- (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 and before that consent as originally granted was modified (if at all), and*
- (c) *It has notified the application in accordance with:*
 - (i) *The regulations, of 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*
- (d) *If 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.*

The proposed modifications will have minimal environmental impact. The development to which the consent, as modified, applies is substantially the same development, as the development granted consent in Development Consent DA2020/0018, notwithstanding the proposed modifications.

S96(3) of the Act requires Council to consider those matters referred to in Section 4.15(1) of the Act that are of relevance to the development the subject of the application. It is not believed that the minor modifications proposed will alter the favourable assessment provided to the original Development Consent. In particular, the site and surrounding built and natural environments will remain the same and the amenity for the local residents will be maintained.

The revisions will have a positive impact on the amenity for the occupants of the site and neighbours, without being to the detriment of the environment. The development will remain appropriately compliant with all Council controls.

If there are any problems with the application, please do not hesitate to contact me on 0413 341 584.

Yours faithfully,

Sarah McNeilly

Watermark Planning