

STATEMENT OF MODIFICATION

950 Barrenjoey Road Palm Beach NSW 2108

January 2023

This S4.55 modification application seeks to modify or remove condition 18(i) within DA Mod2022/0112 which states:

The ground covers proposed atop of the garage are to extend under the elevated front deck above.

It is requested to modify or remove this condition given:

- (A) It appears this condition has erroneously been included from the original DA where a deck was proposed to extend forward of the building line however in subsequent approved modifications this elevated deck was removed and now the balcony is within the building footprint. Refer most recent modification where the balcony sits above the lower level bedrooms and does not extend forward of the building line. There is no longer an elevated front deck that ground cover could sit under which makes this condition redundant.
- (B) the property is in a BAL40 bushfire zone and cannot have planter boxes in close proximity to the house, as stated by the bushfire consultant, and therefore planter boxes have been removed as per the bushfire consultant's request. The planter boxes were removed from the architectural drawings, and approved, in the previous S4.55 modification. There are no planter boxes in the currently approved scheme to allow planting nor is it permissible for reasons of bushfire hazard.

To comply with the bushfire consultant's report and requirement to comply with bushfire regulations, it has been deemed that we cannot plant groundcover under the dwelling and there is no elevated front deck to plant under as this condition would require and the condition is therefore not applicable in the current wording.

To support the request, and to address Council's letter dated 22 December 2022 where the previously submitted S4.55 was returned, please find included with this submission:

- Statement of Modification, current document.

- Bushfire Addendum which outlines the bushfire consultant's letters and documentation stating that planting under the house is not permissible and would present a bushfire hazard.
- Bushfire Report, this report was provided with the original DA. It is resubmitted with this modification however should be read in conjunction with the attached bushfire documentation.
- Landscape plans + letter prepared by SDT Landscapes, updated to reflect the currently approved architecturals where there is no planter box under the house.

Given there is no elevated front deck and that a previously proposed planter box under the house was removed in the most recent S4.55, as per the bushfire consultant's requirement and approved by council, it is considered that condition 18(i) is no longer applicable and erroneously remains included in the conditions.