

Section 4.55 Statement of Modification

72 Cooyong Road, Terrey Hills

Introduction

On behalf of Mrs Juliet Miller, I seek Council consent pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act 1979 to amend the plans of Development Application number DA2024/388 relating to demolition works and construction of a new swimming pool, cabana and associated works at 72 Cooyong Road, Terrey Hills.

Information

The following information is submitted in support of this application:

- Landscape Plans prepared by SerenesCAPES Landscape Designs, Revision F, dated 15/05/2025.
- BASIX Certificate dated 20/05/2025
- Original Bushfire Risk Assessment and letter of support.
- Original Geotechnical Assessment and letter of support.
- Original Wastewater Management Plan and letter of support.

Project status

A Construction Certificate (CFT-708824) has been sought and was granted on 26 March 2025. Work has commenced on site including demolition, excavation and structural construction.

Proposed modification

- It is proposed to amend the approved plans prepared by SerenesCAPES Landscape Designs, Revision D, dated 15/05/2024 and as described below:
- Amend the approved plans as outlined below:
 - Install additional tiling to the northern corner of the pool concourse.
 - Remove the stairs from the northern corner of the pool concourse and grade site soil to provide access to the turf from this point.
 - Remove the toilet and cooking facilities from the cabana.
 - Remove the stack-sliding doors from the north-eastern and south-eastern faces of the cabana to form a semi-open shade structure.
 - Remove the operable louver roof attached to the shade structure.
 - Reconfigure the swimming pool fence alignment.
 - Reconfigure the internal layout of the swimming pool including step configuration bottom profile and the inclusion of an in-built pool cover.
 - Remove the planter boxes from the south-eastern end of the swimming pool.
 - Construct sandstone log retaining walls to facilitate site grading at the south-eastern end of the swimming pool.
 - Change the materiality of the south-western and south-eastern vertical elements of the swimming pool from sandstone to rendered and painted.
 - Construct a sub-floor storage area under the south-eastern swimming pool concourse with access from the south-western side of the swimming pool.

Comment

The update of *Consent Condition A1 - Development in Accordance with Plans/Documentation* is required to ensure the continuity of the approved scheme through to construction.

The update of the original BASIX Certificate is required to remove 2 glass stack-sliding doors.

Development standards & design guidelines

The statutory and strategic planning controls that guide this proposal are:

- Warringah Local Environmental Plan 2011 (WLEP)
- Warringah Development Control Plan 2011 (WDCP)
- Northern Beaches Bushfire Prone Land Map 2020 (NBBPLM)

The relevant sections of each are addressed on the following pages.

Warringah Local Environmental Plan 2011 controls

The planning maps contained in WLEP show the site is zoned as RU4 – primary Production Small Lots. The site is found on the Land Slip Risk Map and is zoned as Land Slip Risk Area B – Flanking slopes 5 to 25 degrees. The site also appears on the Northern Beaches Bushfire Prone Land Map as Vegetation Category 1 and Vegetation Buffer.

Part 5 Miscellaneous provisions

5.11 Bushfire hazard reduction

The subject site appears on the Northern Beaches Bushfire Prone Land Map 2020. The lower portion of the site, beneath the existing rock outcrop is shown site is shown Vegetation Category 1 and the portion of the site containing the proposed works is shown as Buffer planting.

A Bushfire Risk Assessment has been prepared by Bushfire Planning Services Pty Ltd and accompanied the original Development Application. A supporting letter stating they have reviewed the amended proposal and advise the recommendations of the original report remain unchanged accompanies this Section 4.55 Modification.

Part 6 Additional local provisions

6.2 Earthworks

Earthworks have been proposed as part of this Section 4.55 Modification in the form of excavation for the storage area and site grading. It is felt that there will be no 'disruption of, or detrimental effect on, drainage patterns and soil stability in the locality of the development as a result of the excavation'. The soil to be excavated will be disposed of at an establishment licenced to do so. Any imported fill soil is to meet the relevant standards. There will be no adverse effect of the development on the existing and likely amenity of adjoining properties

6.4 Development on sloping land

The subject site is zoned as Land Slip Risk Area B – Flanking slopes 5 to 25 degrees. A Geotechnical Assessment prepared by AscentGEO Geotechnical Consulting accompanied the original Development Application. It is felt that the proposed works associated with this Section 4.55 Modification were either addressed in the original report (storage area) or are not dissimilar from the original scheme.

Warringah Development Control Plan 2011 controls

The planning maps contained in WDCP show the site on the Waterways and Riparian Lands Map, the Wildlife Corridors Map and the Native Vegetation Map.

Part C Siting factors

C7 Excavation and landfill

As noted above in 6.2 Earthworks, earthworks are associated with this Section 4.55 Modification. It is felt that there will be no 'disruption of, or detrimental effect on, drainage patterns and soil stability in the locality of the development as a result of the excavation for the proposed swimming pool and storage area. The soil to be excavated will be reused in the proposed works or redistributed on site with any excess to be disposed of at an establishment licenced to do so. Any imported fill soil is to meet the relevant standards. There will be no adverse effect of the development on the existing and likely amenity of adjoining properties.

Part D Design

D1 Landscaped open space and bushland setting

72 Cooyong Road, Terrey Hills is required to have 30% of the total site area as Landscaped Open Space and Bushland Setting. The Landscaped Area calculations are illustrated on Sheet L-01 Site Plan, Site Analysis & Sedimentation Control Plan as prepared by SerenesCAPES Landscape Designs and are outlined again below:

| | |
|---------------------------------|----------------------------------|
| Site Area: | 19,273.20m ² |
| Required Landscaped Open Space: | 5,781.96m ² (30%) |
| Approved Landscaped Open Space: | 5,153.22m ² (78.62%) |
| Proposed Landscaped Open Space: | 15,155.36m ² (78.63%) |

As seen above, the proposed works associated with this Development Application meet the control with positive compliance.

D9 Building bulk

The objectives of the building bulk control include minimising the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

It is felt that the removal of the operable roof structure will have a positive impact on building bulk. The removal of the stepped planter boxes on the south-eastern side of the structure will be offset by the regraded turf area and stepped sandstone log retaining wall ensuring that the bulk of the proposed development is minimised.

Additionally, it is felt that the extensive screening provided by the existing tree canopy and hedge planting within the street setbacks of the property combined with the generous side and rear setbacks will ensure the bulk of the proposed development is minimised.

D10 Building Colours and Materials

The amended material palette chosen for the swimming pool retaining and shade structure reflects the existing materiality of the existing dwelling and is in keeping with surrounding development in the area. It is felt that the materials remain sympathetic to the natural and built environment and meet the control with positive compliance.

E10 Land slip risk

As noted above in 6.4 Development on Sloping Land, the subject site is zoned as Land Slip Risk Area B – Flanking slopes 5 to 25 degrees. A Geotechnical Assessment prepared by AscentGEO Geotechnical Consulting accompanied the original Development Application. A supporting letter stating they have reviewed the amended proposal and advise the recommendations of the original report remain unchanged accompanies this Section 4.55 Modification.

D21 Provision and location of utility services

An On-Site Wastewater Report prepared by Broadcrest Consulting Pty Ltd accompanied the original Development Application. A supporting letter stating they have reviewed the amended proposal and advise the recommendations of the original report remain unchanged accompanies this Section 4.55 Modification.

Conclusion

It is felt that the modifications to Development Application number DA2024/388 sought with this Section 4.55 (2) Modification will have no adverse impact on neighbouring properties and provide a superior outcome for the owners and their family. It is therefore felt that this modification should be deemed acceptable by Council.

Prepared by Ben Farrar (TLA Member) SerenesCAPES Landscape Designs.

22/05/2025

SECTION 4.55 MODIFICATION LETTER

72 Cooyong Road, Terrey Hills NSW

AscentGeo has reviewed the updated architectural plans for the Section 4.55 modifications to the approved development application (DA 2024/0388) for alterations and additions at the above site as prepared by Serenescapes, drawing numbers L-01 to L-14, issue F, dated 15 May 2025.

The changes to the design, as presented in the plans referenced above, do not require any material modifications to the recommendations presented in Table 3 of our original report (AG 24030, dated 13 February 2024), or our assessment that provided the recommendations are followed, the existing site conditions and proposed development are considered to constitute an “**Acceptable**” risk to life and a “**Low**” risk to property.

If you have any questions or require any clarification, please call us on **9913 3179**.

For and on behalf of **AscentGeo**,



Ben Morgan BScGeol MAIG RPGeo
Managing Director | Engineering Geologist

