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**From:** Lee Bennett  
**Sent:** 15/06/2022 4:33:17 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** Attn: Dean Pattalis - DA2022/0448  
**Attachments:** Submission to DA 2022-0448, 7 Cooleena Road Elanora Heights.  
BENNETT. 6.06.2022.pdf;

Good afternoon Dean,

Please find attached our submission regarding DA2022/0448 at 7 Cooleena Road Elanora Heights.

Any queries please contact me direct on [REDACTED]

Kind regards

Lee Bennett

Lee Bennett

30 Tatiara Crescent, North Narrabeen, NSW 2101



Northern Beaches Council

Attn.: Dean Pattalis

PO Box 882, Mona Vale, NSW 1660

RE: DA 2022/0448

Dear Dean,

I write in response to the development application at 7 Cooleena Road Elanora Heights.

The applications for the development of this property to subdivide from one lot into two lots, and partial demolition of existing dwelling at 7 Cooleena Road have previously been rejected or withdrawn for a long list of the same reasons. The property is located on a very steep escarpment with my house located directly below. This site is at the upper end of Hazard Zone 1 which has a likelihood of failure "Almost Certain".

Significant landslips have occurred recently in the area. Only a few doors up from my house in Tatiara Crescent large rocks have succumbed to the instability in the ground and slid dangerously downhill onto the street. Nareen Parade, a street leading up to my house, suffered enormous landslips which spilt downhill and across the street which evidently closed off vehicle access for several days. Another large landslip 20m to 30m wide occurred facing out towards Pittwater Road at the end of Nareen Parade. All these landslips are on the same hillside in the same area of the proposed site. I have witnessed the damage these landslips have caused and have seen council employees attend these sites with machinery aiding where possible, trying to stabilise and clean up the destruction. *Please see attached pictures for reference and evidence 1.1*. These are just some of the larger known landslips, but I am uncertain if council are aware of further instability in the area of concern.

*If it is needed and permissible, I would be happy to work with surrounding residents to source further photographic evidence to provide council.*

The geotechnical report submitted by AW Geotechnical Pty Ltd stated in reference **8.3.1**: With respect to the steep area at the rear, please note:

- Some of the trees are already growing at about 30° to the horizontal which indicates **active instability**.
- According to the council zoning system, we place this site at the upper end of Hazard Zone 1, which has a likelihood of "**Almost Certain**".

**This report identifies the proposed property with active instability.**

The AW Geotechnical report from 2016 is 6 years antiquated when considering soil permeability. When referring to the '**conclusions and recommendations**' section → **9.5.1**: Soil Permeability Test was conducted on the 9<sup>th</sup> February 2016. This report has not taken into consideration the events of the last 6 years and particularly the last 6 months. This also includes the recent instability and movement in the landscape, nor has it considered the failing stormwater easement system it wishes

to redirect further water flow to. The recent weather events and the effects of climate change does not bring any hope that conditions have favoured this site any further than the previous application. The proposal to develop and add an additional dwelling to the property near my home, makes me extremely fearful for our family's safety, the property itself and the environment.

The Ianni family threatened all neighbours to the Supreme Court and as seen in the stormwater documentation submitted, have gained access going through multiple properties to an easement leading into Eungai Place. This easement has already been reported to council multiple times by residents of Eungai Place for serious safety concerns. The water from the easement is breaching dangerously because it cannot cope with the current volume of stormwater it receives. The easement is causing damage to surrounding properties, floods the streets below and threatens the residents' safety. The Ianni family wishes to gain access to this exact easement through two other properties above Eungai Place and Tatiara Crescent and redirect the water flow from the proposed site. The detrimental effect of such an increase of water flow coming from an additional large impermeable surface area, will not only place extreme pressure to an already overloaded system but also pose threat to life, property and the environment.

The Ianni family previously subdivided the property at 5/5a Cooleena Road located next door to the proposed site, for this to be successful, unfortunately an easement was constructed through my property. The easement was so poorly constructed by the developers - Ianni family, the new occupiers of 5a Cooleena Road inherited a number of issues which led to them conducting repairs. The current visible issues are that; the easement pipes and pits are not fitted correctly, the pits and pipes are not correctly fastened to piers, ground or rock and the connections were not joined or sealed correctly.

Consequently, the large volume of water flowing through the easement pipes have caused the pipes on our property to shift, which has evidently led to further breakages in the pipes themselves. The substandard easement due to the subdivision at 5a Cooleena Road by the Ianni family, continue to cause damage to the environment to this day. *Please see attached pictures for reference and evidence 2.1.*

According to the current documentation available through the council website, our understanding is that the Ianni family are already operating the existing dwelling at 7 Cooleena Road as '2 separate' dwellings. After a submission to operate a lower ground floor second dwelling in the existing building was approved by council in 2016. I also note that this submission was made after the Ianni family were fined significantly by council for already operating the lower ground floor as a second dwelling without approval.

*Please refer to:*

[Development Application N0584/16](#)

*Secondary dwelling (Submitted: 16/12/2016)*

Our understanding to this now is the Ianni family's further proposed development will make this the third dwelling on the current property. Residents in Cooleena Road have already made submissions with issues and concerns over parking and the volume of traffic in Cooleena Road. The congestion caused by the additional parking of 3 dwellings in 7 Cooleena Road will place further strain to an already overcrowded narrow road.

Unfortunately for my family being on a steep block, our house does not have a front or back yard for our 5-year-old daughter to play in. Our daughters play area is inside our house on the top level at the rear of our home which faces the escarpment of 7 Cooleena Road. This area only receives a limited amount of sunlight and is immensely important for our daughter's health and wellbeing. Given the current height of the property developed at 5a Cooleena Road by the Ianni family, if any development was to be proceed for 7 Cooleena Road, it would block sunlight trying to reach down to our home. Therefore sadly, block any light reaching our daughters only play area and our living area also.

The previous application for 7 Cooleena Road was rejected for following reasons:

1. The proposed development is not consistent with, nor does it satisfy the objectives of, the Environmental Living zone under Pittwater Local Environment Plan 2014.
2. The proposed development does not satisfy the controls or objectives of Clause 7.6 (Biodiversity) of Pittwater Local Environment Plan 2014.
3. The proposed development does not satisfy the controls or objectives of Clause 7.7 (Geotechnical hazards) of Pittwater Local Environment Plan 2014.
4. The proposed development is not consistent with the desired character requirements of Part A4.5 (Elanora Heights Locality) of the Pittwater 21 Development Control plan.
5. The proposed development does not satisfy the outcomes and controls of Part 82.2 Subdivision (Low Density Residential Areas) of Pittwater 21 Development Control Plan.
6. The proposed development does not satisfy the outcomes and controls of Part 86.3 (Off-Street Vehicle Parking Requirements) of Pittwater 21 Development Control Plan.
7. The proposed development does not satisfy the outcomes and controls of Part C4.1 (Subdivision -Protection from Hazards) of Pittwater 21 Development Control Plan. 9. The proposed development does not satisfy the outcomes and controls of DCP (C4.7 Subdivision – Amenity and Design) of Pittwater 21 Development Control Plan.

Since the controls for the subject land did not change, the application in its current form does not comply with any of the previously mentioned non-compliances listed above.

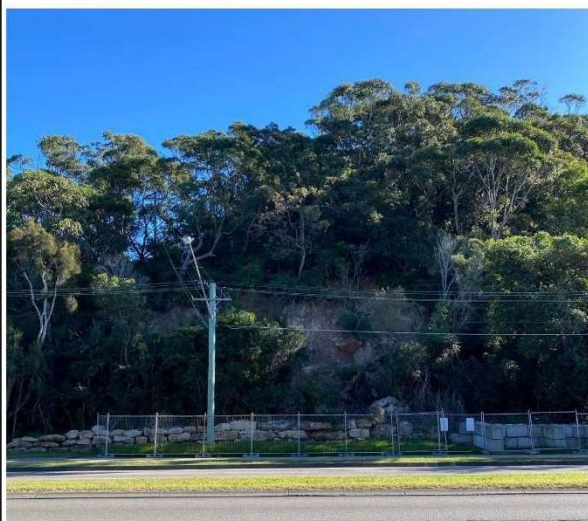
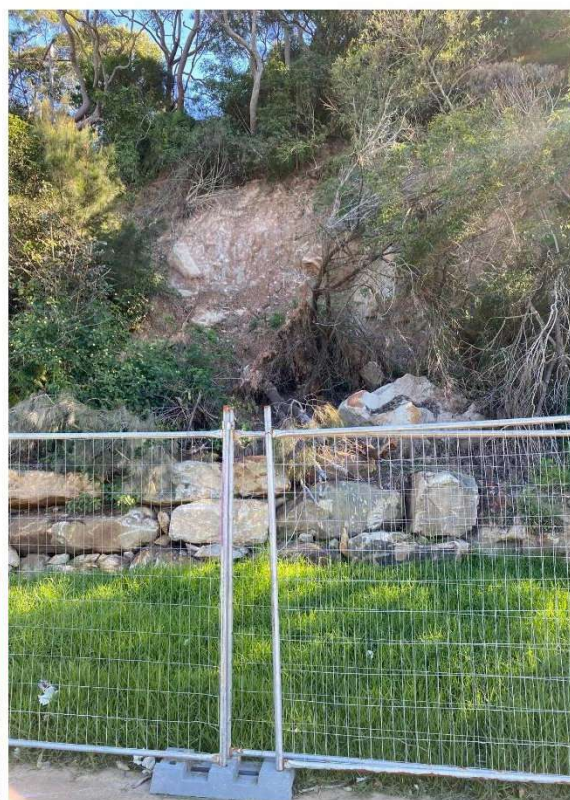
We cannot understand why the developer has applied again with all the same issues/concerns we have raised. We expect that the application DA 2022/0448 will be rejected.

*Photos and references are attached below*

Kind Regards

Lee Bennett

1.1



2.1



