
From: William Fleming
Sent: 21/11/2024 4:59:59 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Submission re: 7 Coolenna Road, Elanora - DA2024/1376
Attachments: 5 Cooleena Road, ELANORA HEIGHTS (v2).pdf;

Please find a submission with regard to the DA2024/1376 - 7 Cooleena Road, Elanora.

Kind regards,
Will

William Fleming

BBF Planners - Director



21 November 2024

The General Manager
Northern Beaches Council
PO Box 882
Mona Vale NSW 1660

Attention: Dean Pattalis

Dear Sir,

**DEVELOPMENT APPLICATION REFERENCE DA2024/1376
SUBDIVISION OF ONE LOT INTO TWO INCLUDING DEMOLITION WORKS, NEW DRIVEWAY
7 COOLEENA ROAD, ELANORA HEIGHTS**

1.0 INTRODUCTION

We have been engaged by Mr. Adam Cummings, the owner 5 Cooleena Road to review Development Application (DA) (DA2024/1376). We note that 2 previous applications have been refused for the subdivision and concerns raised with the previous application are considered still valid. These will be discussed further in this submission.

My client wishes to object to the proposed development on the following grounds:

2.0 C4 ZONING/BIODIVERSITY/LANDSCAPE AREA/PRIVATE OPEN SPACE

The site is zoned C4 Environmental Living, within a biodiversity area and includes a 60% landscape area control. It is considered that to facilitate a compliant dwelling on lot 2 it would have significant impacts on the land due to the level of cut and fill required. This is antisympathetic to the objectives of the zone and desired future character of the Elanora Locality.

The application purports to claim that lot 2 can comply with the 60% control for soft landscaping and does not comply with the private open space requirements. The proposal identifies the area shown below as private open space for lot 2:

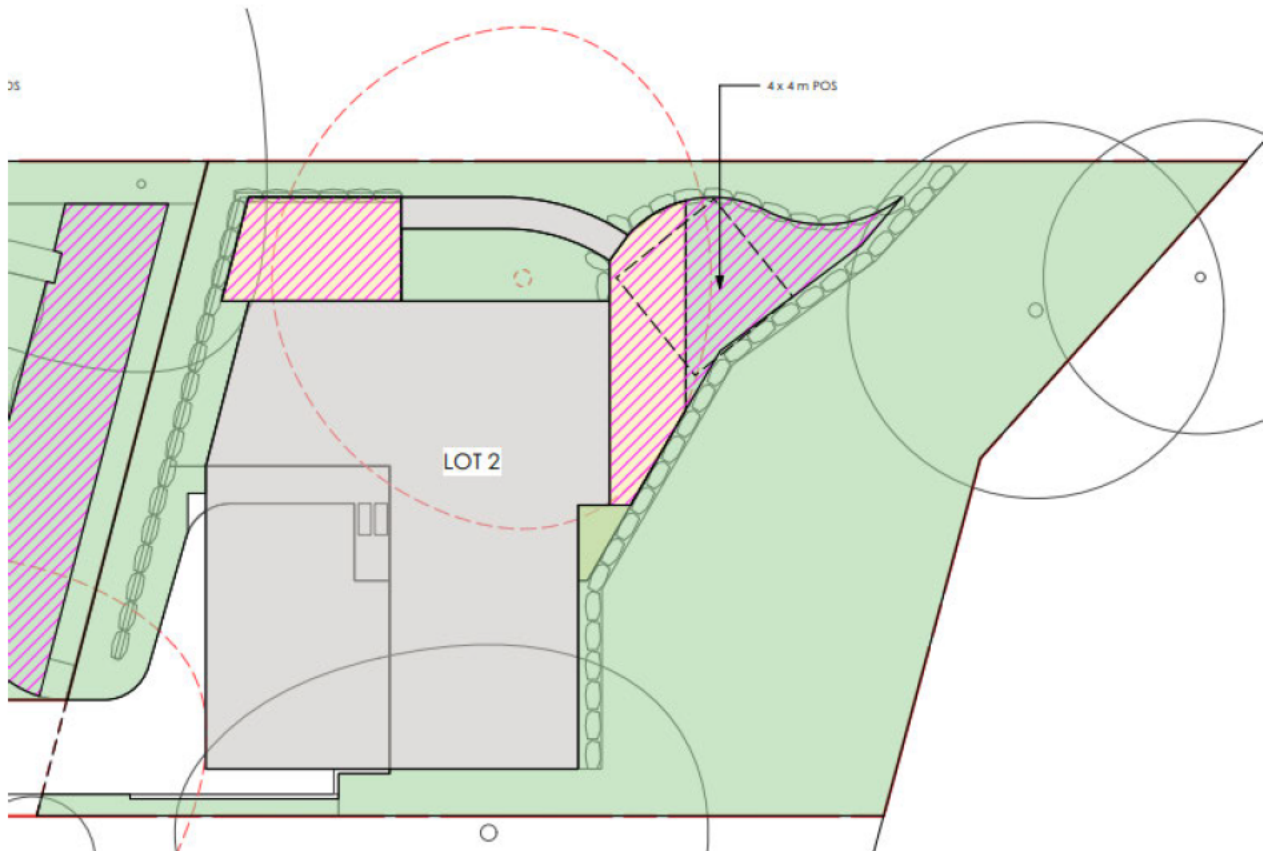


Image 2: Lot 2 area map showing the POS

The POS area is located at RL40.50. The garage level is proposed at RL43.50 which will be the ground floor level of the new dwelling. The dwelling will have no direct access to the only nominated compliant POS area of the site. This is clearly demonstrated in the 3D drawings and shown below:

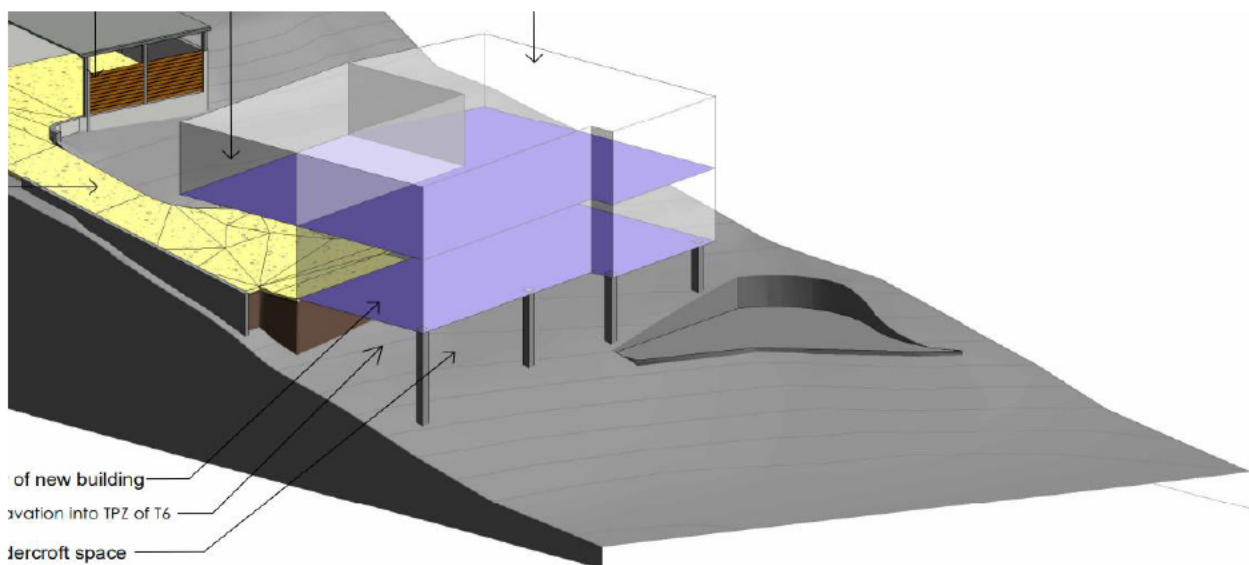


Image 2: 3D images show the private open space area and retaining walls not directly accessible from the dwelling

The SEE states that in relation to POS there is *“In reality a greater area is capable of being utilised for private open space functions.”*. If that is the case then please provide documentation to confirm that claim is true while complying the DCP control.

In reality this is a misleading claim. The only viable POS would be via balconies and it is unclear which level would include the main living areas of the home. No floor plans are provided. The balconies would need to be provided within the indicative building footprint also. The dwelling is proposed to be elevated above ground level which will raise increased privacy impacts, especially if the main living area and balcony is provided at the first floor level. To have balconies included as POS they need to have a minimum width of 2.4m.

Furthermore, the shadow diagrams provided show that the nominated POS with compliant 4 x 4 dimensions will never be fully in direct sunlight in midwinter. This is contrary to the solar access control within clause C1.4 of the DCP which states that:

The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

The proposed POS is contrary to clause C1.7 which includes the controls:

Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.

Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).

It is considered that insufficient detail has been provided with regard to the dwelling. Floor plans should be provided with locations of any balconies to demonstrate compliance with the POS provisions.

3.0 GEOTECHNICAL HAZARDS

The proposed development does not satisfy the objectives of clause 7.7, Geotechnical Hazards, of the PLEP which state:

- (a) matches the underlying geotechnical conditions of the land, and*
- (b) is restricted on unsuitable land, and*
- (c) does not endanger life or property.*

The provided geotechnical report is dated 11th of October 2017 and does not relate to the current proposal. It does not address any of the driveway works either.

The driveway will require extensive cut into the slope. Fill will be required to achieve the POS nominated for lot 2. A cut and fill plan is required and included as part of the geotechnical assessment.

4.0 SUBDIVISION

Although the proposed subdivision can meet the minimum lot size development standard it does not meet all of the objectives pursuant to clause 4.1 of the PLEP, in particular clauses 1 (a), (b) and (c) which state:

- (a) to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,*
- (b) to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,*
- (c) to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,*

The site is not suitable for subdivision as it is located on a steeply sloping site and will impact negatively on the natural environment, contrary to objectives (b) and (c). This has been addressed in section 2.0 and 3.0 of this submission.

Clause B2.2, Subdivision- low density areas, of the PDCP states that:

Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.

A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).

As we have posited in this submission, we are of the opinion that the site is not suitable for subdivision and development as it raises potential geotechnical hazard risks and will unreasonably impact on the sensitive natural environment of the area.

The geotechnical report provided states that the western edge of the indicative building envelope has a slope measuring ~19°-~20°. Furthermore, the rear of the site increases to ~25°-~30° as indicated in the geotechnical report.

The applicants have provided a very rudimentary site gradient plan that claims that it is compliant with the 30% control which is contrary to what is provided in the geotechnical report. Notwithstanding, the indicative envelope area is undoubtably non-compliant with this control. Council's pre-lodgement meeting minutes make it clear that:

"Subdivision of a site with a slope greater than 16.7 degrees or 30% will not be supported." – Page 4 of the PLM minutes.

5.0 DESIRED FUTURE CHARACTER

The proposed development is inconsistent with the desired future character of the Elanora Heights Locality. The character of the Elanora Heights Locality incorporates the following:

- *primarily a low-density residential area*

- *minimise bulk and scale*
- *Existing and new native vegetation, including canopy trees, will be integrated with the development.*
- *Contemporary buildings will utilise facade modulation*
- *Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance.*
- *A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.*

As previously discussed, the increase in density of the area is unreasonable in this instance and impacts on the amenity of neighbouring residents. The proposed envelope on lot 2 indicates that it will be built on piers and be elevated from ground level creating a large undercroft area. Being elevated raises potential privacy concerns for adjoining dwellings, in particular with the anticipated balconies as the site does not afford much opportunity for POS at ground level. Creating a large undercroft area makes it very likely that it could be filled in at some stage and create a 3 storey dwelling.

Much greater detail is required for the lot 2 dwelling including floor plans and locations of balconies given the issues relating to the non-compliant POS currently nominated. A cut and fill plan is also required to highlight the impact on the land.

6.0 CONCLUSION

It is my Clients' submission that the proposal at 7 Cooleena Road is not suitable for the land due to it being in environmentally sensitive biodiversity area and located on a steeply sloping site. It does not comply with the controls for subdivision and is inconsistent with the Elanora Heights desired future character.

Please don't hesitate to contact me should you have any questions.

Yours sincerely

William Fleming
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 BS, MPLAN
 Director