From:	adam cummings
Sent:	2/06/2022 8:38:21 AM
To:	Council Northernbeaches Mailbox
Subject:	REVISED submission DA2022/0448
Attachments:	submission june 2022.docx;

Hi,
Please attention this email to Dean Pattalis or the Development application submissions team.
Please see attached word document for our ** REVISED ** submission on the following application DA2022/0448
LOT G DP 408223 7 cooleena road, ELANORA HEIGHTS NSW 2101
Subdivision of one lot into two and partial demolition of existing dwelling
Please contact me on this email or [redacted] for any further information.
Regards,
Adam Cummings
5 cooleena rd
Elanora Heights
Sent from Mail for Windows

To:

Northern Beaches Council

Att: Dean Pattalis or Development application team

Date: 1st June 2022

Attached letter for : Submission form for DA No: DA2022/0448

Attached Letter: 7 pages

From:

Adam Cummings

5 Cooleena rd, Elanora Heights NSW 2101. Ph: 0413465063

We note that development applications were previously refused (N0177/16 and N0533/17) for the subdivision and demolition of the existing garage previously. The reasons given for refusal are still valid in relation to this current DA andare shown in the image below. These will be discussed further in this submission.

1.0 BIODIVERSITY

The site is zoned E4, Environmental Living, and that requires a thorough investigation of the impact of a proposed development on the special circumstances of the local environment. 7 Cooleena Road is mappedas a biodiversity area in the PLEP 2014 and is a category 2 Flora and Fauna and wildlife corridor as outlinedin the PDCP. The previous application (N0177/16) was refused as it failed to achieve the objectives of theE4 zone and Biodiversity in the PLEP. This application once again fails to adequately address the Biodiversity issues in any detail. The DA does not provide an Ecological Site Assessment, Biodiversity Impact Assessment or Ecological Sustainability Plan (or a combination of all of them) which we believe is necessary in this instance. Clause B4.6, part d, of the DCP states that:

(d) Development that disturbs more than 500m² of vegetation and/or the subdivision of land. *The following are the minimum requirements where trees are proposed for removal/modification an Arborist Report is also required. Information required for development types (c) and (d) is the same, however the survey intensity required for developments in category (d) is greater minimum requirements given below.*

- *ESA*
- *BIA. Survey intensity required increases with area being disturbed.*
- *ESP*
- *or combined report covering all issues.*

Given that the arborist report provided shows that 3 trees are considered to be considered for removal and TPZ needed for remaining trees the DA needs to be accompanied by a detailed ecological study.

The Statement of Environmental Effects (SoEE) states in relation to Biodiversity and the wildlife corridorthat:

> *"The condition of the existing vegetation was assessed by a qualified arborist, the report providewith this application for Councils consideration." Page 15*

> *"The condition of the existing vegetation was assessed by a qualified arborist, the report providewith this application for Councils consideration." Page 20*

These statements are false and misleading as the arborist report states that:

> *"Only large trees have been examined during the course of this investigation." Page 2*

It is then fair to say that no detailed assessment by a qualified person regarding the Biodiversity of thesite has been undertaken and the justifications provided in the SoEE, in relation to the developments Biodiversity impacts are baseless.

Furthermore, as with the previous DA application (N0177/16), it does not meet the objectives of clause
7.6 of the PLEP which state:

> *(a) protecting native fauna and flora, and*
> *(b) protecting the ecological processes necessary for their continued existence, and*
> *(c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposal will significantly disturb the local environment with the construction of the new dwellingrequiring significant cuts into the steeply sloping hills and the removal of trees. The proposed development does little to protect the local fauna and flora and their habitats.

2.0 GEOTECHNICAL HAZARDS

The proposed development does not satisfy the objectives of clause 7.7, Geotechnical Hazards, of the PLEPwhich 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.*

Access to the proposed new dwelling at the rear of the site will be via a steeply sloping driveway which isnot ideal and reflective of the unsuitability of the site for development. The construction of the dwelling will require significant cut into the slope which is unreasonable given the environmental sensitivity of theland and is contrary to objective (a). The proposed dwelling has not been designed to match thegeotechnical conditions of the land and should be stepped down the site minimising the amount of cut needed. It is a result of poor design quality.

The site also experiences significant stormwater runoff which my client has witnessed which can result insignificant sediment runoff, erosion and be detrimental to the sensitive local environment.

3.0 SUBDIVISION

Although the proposed subdivision can meet the minimum lot size development standard it does not meetall 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 configurationof existing lots in the locality,*
> *(b) to provide for subdivision where all resulting lots are capable of providing for the constructionof 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 safefrom hazards, does not unreasonably impact on the natural environment, does not adverselyaffect 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 excessof 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. Also, the site has a slope in excess of the 16.7 degrees with theslope steepening to 25-30 degrees at some points and as such does satisfy the DCP control.

4.0 PARKING

The proposal provides two off street car parking spaces for each dwelling. The new dwelling includes a double garage and a new hard standing area is proposed to service the existing dwelling with the removalof the existing garage being proposed. It is acknowledged that this satisfies the PDCP control B6.3 for eachdwelling but the SoEE fails to mention that there is an approved secondary dwelling (N0584/16) within theexisting dwelling. The proposal does not provide any off street parking space for the secondary dwelling which does not satisfy Council DCP control.

The assessment report for the secondary dwelling application stated that:

"Informal parking is available in the driveway in a tandem arrangement with parking available along Cooleena Road..."

The proposed driveway and parking structure provides no opportunities for a tandem arrangement as thenew driveway access will have to remain clear and as such on-street parking on Cooleena Road will be theonly option. This is unreasonable and changes the merit of the secondary dwelling parking arrangement the approval was based on.

Furthermore, myself and other residents of the street have legitimate concerns over the ability of Cooleena Road to support more on-street parking. On-street parking has become limited on the street andmade worse during peak periods in the afternoons and evenings with people returning home. Images of the on-street parking situation are provided below.

Figure 2- on street parking

4.0 LOSS OF VIEW and AMENITY

Subdivision leading to construction on the identified LOT would severely affect our view, quality of living and property value. We purchased our property as it currently has a great view of the valley and natural surroundings. This can be viewed from our main living areas including our large deck, living room and office. Any dwelling would remove a lot of the flora, old trees and natural surroundings which are very important to us and also what Elanora is renowned for, all these features offer a peaceful environment surrounded by nature. This development would not only remove a lot of the natural flora, valley views and habitats for the local wildlife, it would introduce more manmade structures, noise pollution and population density therefore severely impacting our lifestyle and quality of living at our house. We made our decision to purchase this property because of it's natural surroundings and as it had no applications to be developed, combined with being classed a Hazard Zone 1, we did not think construction would ever be permissible.

5.0 STORM WATER and WASTE WATER

Previous applications were withdrawn and denied due to the lack of access to the town storm water and sewerage network.

In this application within the "statement of environmental effects : section 3.1.4 " it states

" Council previously requested an easement to be created in order to support the potential stormwater created by an additional lot. A deed of settlement with neighbours at No's 9 and 11 cooleena rd has been prepared which outlines the proposed easement arrangement. (refer appendix D)

However the proposal in appendix d seems to be redacted and not able to be viewed on the council supplied online documents.

I know that the residents at 9 and 11 would never agree to an easement on their property, in fact Iris Bell who resides at number 9 has already made a submission against this development.

6.0 DWELLINGS

With the already approved 2 storey dwelling and 1 storey granny flat, if these plans are approved this will make 3 separate dwellings on this property, with the potential to house approx. 10-12 people on the one property with very limited parking.

This will also create much unwanted noise pollution and congestion.

I believe that the proposed plans will have a hugely negative impact on neighbouring properties quality of living and their property values.

CONCLUSION:

This development has already been refused by Pittwater council several times with many submissions against the proposals by neighbouring residents. I fail to see how this current proposal changes the situation.

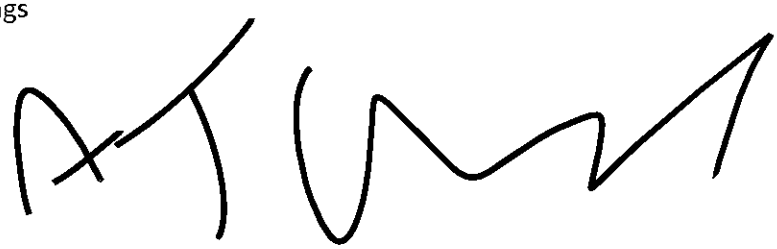
It should be even more apparent after all the rain, flooding and land slides from recent weather events that this block does not meet the criteria to be developed on.

I believe that Cooleena rd is already overpopulated and something needs to be improved with the congestion and busyness of our street in it's current state. The proposed development would not only add to the already frustrating situation, it would also deprive other residents of what they love about living in Elanora by removing more of it's beautiful natural surrounds and homes for many local wildlife.

Please consider the impact this proposal will have on us the existing neighbouring properties.

People in your position previously have deemed this proposal to not meet requirements and I am hoping that you will do the same.

Adam Cummings



Owner 5 Cooleena rd, Elanora Heights NSW 2101

[redacted]