



25 November 2024

The General Manager
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam,

**Submission in regards to DA2024/1376 Development Application ("the DA") at
7 Cooleena Road, Elanora Heights**

"Subdivision of one lot into two including demolition works, new driveway and carport."

Corona Projects has been engaged by the property owners of 30 Taitara Crescent, North Narrabeen to undertake an assessment of DA2024/1376 and provide a submission to Council on their behalf. 30 Taitara Crescent is located to the immediate south of the development site at 7 Cooleena Road (**"The Site"**). This assessment is based on a review of the development application plans and documents available for inspection on Northern Beaches Council's website and a site inspection.



Figure 1: Site Locality Map (NSW Spatial Viewer, 2024)



Figure 2: Development site entry as viewed from street (Google Maps, 2024)

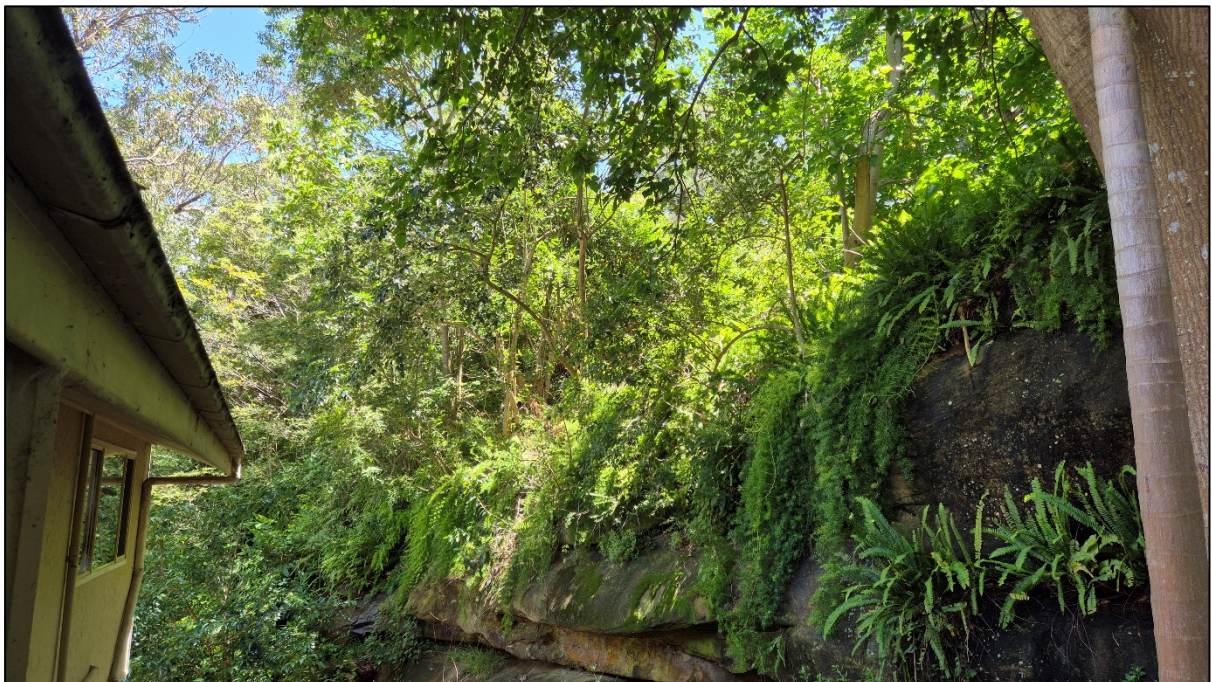


Figure 3: Rear of 7 Cooleena Road as viewed from the rear of 30 Taitara Crescent (Corona Projects, 2024)



1. Introduction

The subdivision proposal at 7 Cooleena Road raises considerable concerns regarding:

- Stormwater management issues;
- Tree removal and fragmentation of wildlife corridor;
- Landslide and geotechnical risk;
- Future dwelling lacks residential amenity;
- Overlooking private areas of neighbouring properties; and

Consequently, the proposal will result in irreversible adverse environmental impact and significantly deteriorate the residential amenity of 30 Taitara Crescent and other surrounding properties. The subject site is not considered suitable to accommodate the subdivision and the future dwelling house facilitated by the current proposal. We contend that the proposal is an overdevelopment of the site and approval of such application will not be in the public interest.

2. Stormwater Management

The first concern relates to the inadequate management of stormwater created by the subdivision and the construction of future dwelling facilitated by this application. Currently, the site slopes from the front towards the rear by at least 12 metres (to the edge of building platform). The proposal relies on a 1.2m wide drainage easement located on the western side of the site, through 9 and 11 Cooleena Road.

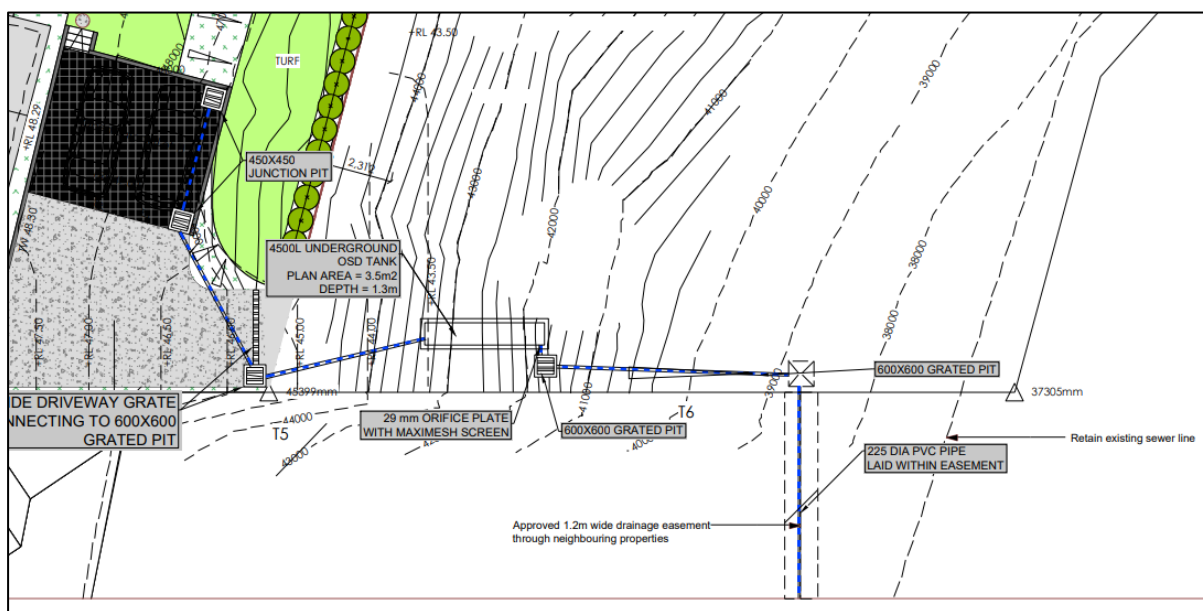


Figure 4: Proposed connection to existing easement. Extract from stormwater plan (LODESSA, 2024)



The concern is that any stormwater drainage system proposed on the subject site will not be adequate to manage the capacity of stormwater entering and leaving the site. The property owners note that the easement relied upon is defective and in need of repair. Details of the diameter and condition of the existing easement pipe have not been submitted with this application. Stormwater overflow poses significant risks to downstream properties, including damage to life and property, before reaching its final discharge point.

The excess runoff will result in prolonged saturation of moisture in building subfloor, causing damp, mould and health issues, and may result in significant loss of assets and expensive building repair after heavy storm. The increase in impervious surface area after the subdivision and the construction of dwelling (facilitated by this DA) will further increase the quantity of unwarranted stormwater runoff, see figure 5 below.

The proposed stormwater management documentation lacks clarity and requires thorough assessment combined with field work. A peg out survey and surveillance report need to be prepared by a suitably qualified plumber or engineer to examine the status of stormwater easement, to understand the discharge point of this easement, and to prepare a list of upgrade works. These documents shall be provided to Council and the neighbours for further comment.

Discrepancy is also identified in the proposed stormwater arrangement. Item 9.5.2 of submitted geotechnical report prepared by AW Geotechnical Pty Ltd (dated 11 Oct 2017, Rev B) recommends to *“discharge stormwater via a spreader, and not a concentrated discharge, in order to not adversely affect to the geotechnical stability of the steep slope at the rear, or any public/ private assets downslope”*. However, we note the proposal drains stormwater through an easement with proposed underground OSD and raingarden for quality increase. It is unsure how the proposed stormwater arrangement aligns with the recommendation in geotechnical report; therefore, we respectfully ask Council’s Engineering Team to conduct a comprehensive review to ensure stormwater can be adequately managed and discharged to a suitable location.



Figure 5: Stormwater run-off adjacent to subject site after heavy rain (Lee Bennett)

3. Tree removal and fragmentation of wildlife corridor

The site is located on land with biodiversity significance. Council's GIS system shows the site is mapped with Biodiversity layer, which is subject to Clause 7.6 of Pittwater LEP.

With reference to the submitted Arborist Report prepared by Advanced Treescape Consulting (dated 21 Aug 2024), Tree 4 (pepper tree) and 7 (red cedar) are proposed for removal. The proposed tree removal is not supported as it will create irreversible adverse impact to the local ecosystem and will disturb the established vegetation corridor located along the rear of residential properties nearby.

Figure 7 below shows rear of the site belongs to a local wildlife corridor which is connected to various local reserves (Kundibah Reserve and Bowling Green of Narrabeen RSL) via the unformed portion of Kundibah Road. The removal of two mature trees is likely to have significant irreversible impact to the local wildlife, restricting the movement between habitats and food sources.

In addition, the removal of trees for more impervious surface area will reduce the stormwater infiltration rate and increase the amount of stormwater run-off, which will exacerbate the stormwater management issue raised in Item 2 above,

It is further noted that additional trees may be impacted by the development. Tree 1 (street tree) is located within close proximity of the proposed driveway. Tree 5 and 6 (located on neighbouring property) will likely be impacted by the construction due to their proximity to driveway and future dwelling footprint. The submitted arborist report did not give regard in the possible removal of these trees. No detail in regards to replacement planting (tree species, pot size, planting specification etc) is provided.

As such, the proposed tree removal is not consistent with the requirement under Clause 7.6(3) of Pittwater LEP, as it has the potential to fragment local wildlife corridor and result in adverse impact on the condition of the fauna and flora on the subject site.

The proposal fails to meet the desired future character of Elanora Heights, as described under A4.5 of PDCP:

*"A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land ... **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.**"*

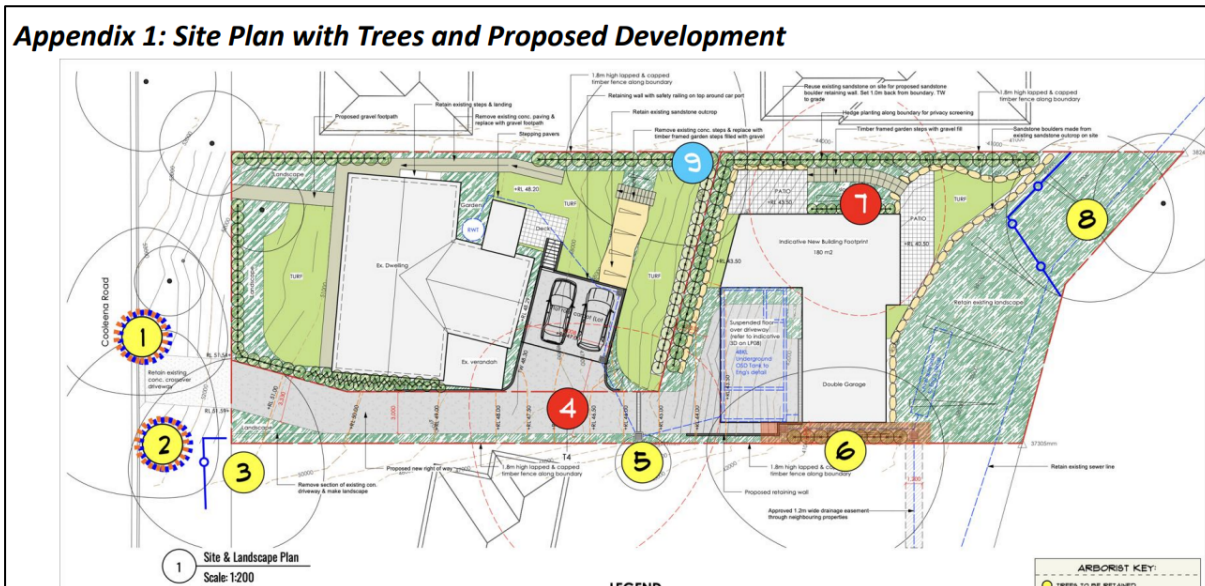


Figure 6: Proposed tree removal plan overlaid on plan showing future dwelling footprint.



Figure 7: Aerial photo of the site and the wider locality (NSW Spatial Viewer)

4. Instability of ground and landslip risk

The Pittwater LEP identifies most of the site as land with geotechnical hazard “H1”, which indicates the possibility of landslip event as “possible, likely, to almost certain”. Review of the site survey shows the fall of land varies between 9 to 30 degrees.

The anticipated increase in stormwater runoff as detailed in Point 2 above will increase the risk of landslides following periods of heavy rain. See figures 8 and 9 below, depicting examples of landslides in Nareen Avenue. The loss of vegetation cover and pervious surface through the construction of the driveway and future dwelling will worsen the already unstable ground surface, thus increasing the landslip risk in the future. Concern is raised that the ground instability of the immediate locality renders any future dwelling unsuitable for the rear of 7 Cooleena Road.



Figure 8 & 9: Landslides along Nareen Parade (Lee Bennett)

The submitted geotechnical report does not outline recommendations to reduce the risk of geotechnical hazard during construction works. It is uncertain how the proposed construction can mitigate or reduce the risk of landslip of adjoining properties during the lifespan of this development.

We therefore request Council to conduct a comprehensive review of the geotechnical report and assess the proposal against Clause 7.7 of PLEP, and impose conditions where applicable to ensure no unwarranted ground movement will be triggered by the proposal.

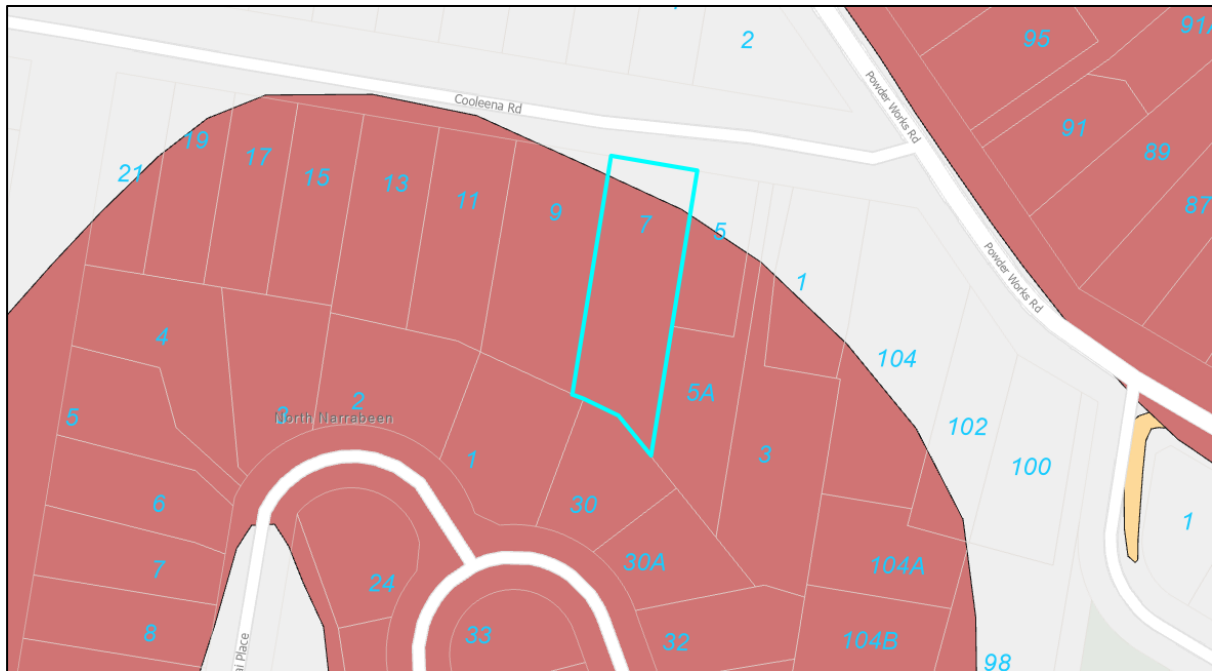


Figure 10: Geotechnical Hazard Map - Pittwater LEP 2024

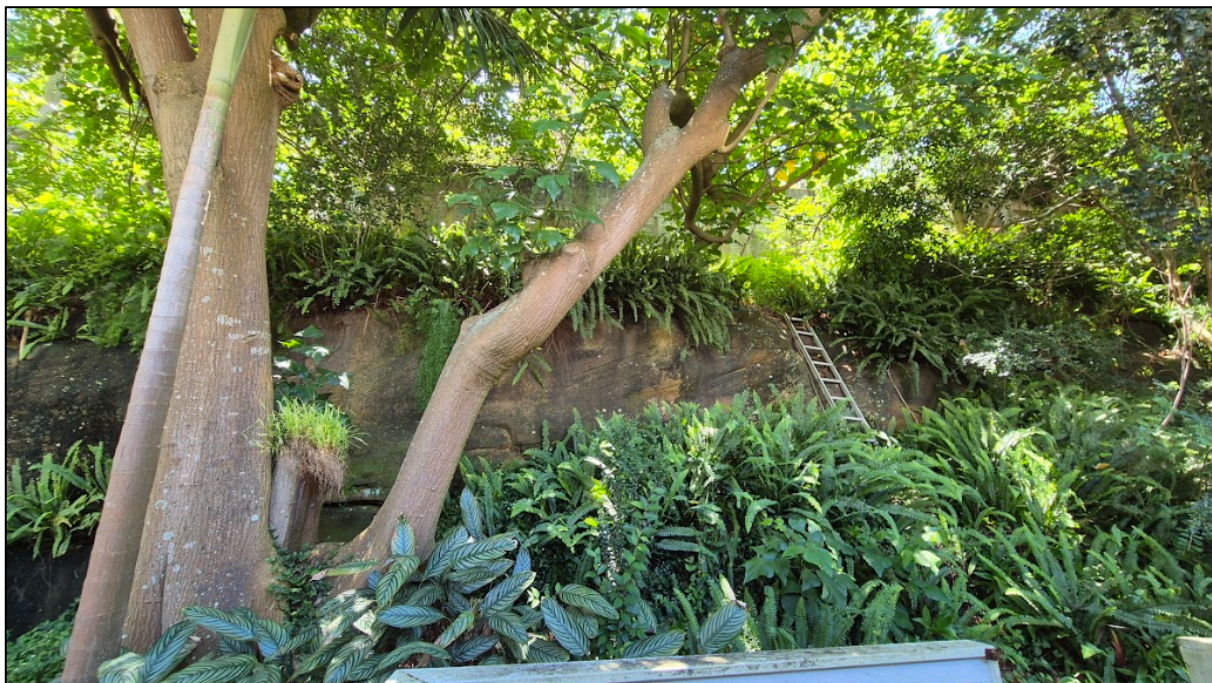


Figure 9: The rear rock outcrop of 30 Taitara Crescent (Corona Projects, 2024)

5. Lack of residential amenity of future dwelling

The site is not considered suitable to accommodate the subject subdivision as it does not comply with various PDCP controls relating to lot requirements. B2.2 - Subdivision of PDCP prescribes the minimum area of building for all new allotment to be 175m². The proposal seeks to comply with the control by providing at least 180m² of building floor area. This however is not considered acceptable as the area of building shall be measured at ground level, as noted in Council's Notice of Determination for the refused DA2022/0448 at 7 Cooleena Road.

We also contend there are insufficient information to demonstrate compliance with the topography requirement under B2.2. The submitted architectural plan nominates the level of the south western and south eastern corner as RL37.32 and RL38.25 respectively. However, the submitted survey does not appear to have surveyed the existing ground level of area towards the south of rock outcrop, mostly due to the difficulty in gaining access. As a result of the steep nature of the site, the actual RL of these corners are likely to be lower than the nominated level. Therefore, the western boundary of Lot 2 is highly unlikely to meet the slope requirement and Lot 2 will not be considered suitable to be a separate allotment.

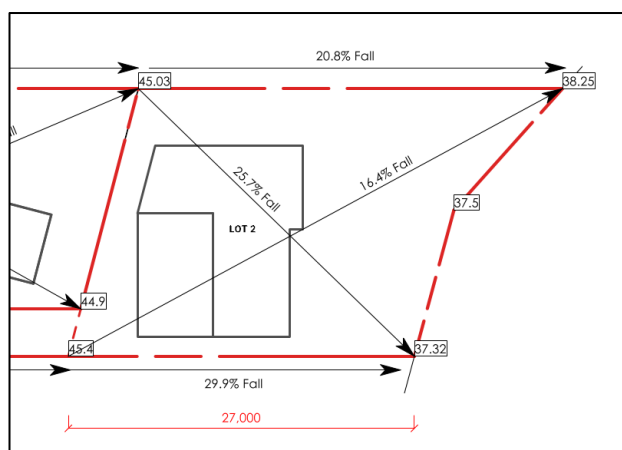


Figure 12: Nominated RL on architectural plans.

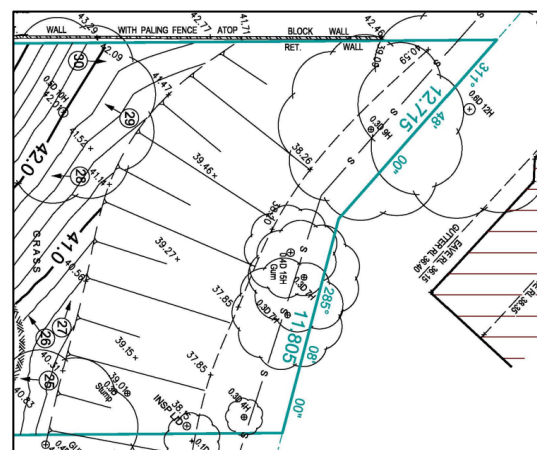


Figure 13: Survey not showing sufficient spot level.

The steep topography of the site also raises concerns with the residential amenity of future dwelling. The submitted survey and subdivision plan shows a rock outcrop located towards the rear of the site, which occupies more than 30% of the lot area of Lot 2 (excluding access handle). This has significantly reduced the size of future building footprint and severely restricts the extent of useable land for private recreation purposes. It is not clear how 80m² of private open space complying with the topography requirement can be achieved onsite.

Furthermore, due to the north-south orientation of the site, the future dwelling is unlikely to receive sufficient and compliant direct solar access on winter solstice. Therefore, the proposal is unable to meet the objectives of C4.7 Subdivision – Amenity and Design of PDCP, as it fails to ensure the proposed allotment can achieve “a level of amenity commensurate with the locality and the desired character of the area”.



6. Overlooking private open space of neighbouring properties

When assessing application for subdivision, Council shall consider the feasibility of future dwelling by assessing the proposed building envelope plan and its impact to surrounding properties.

The future dwelling (facilitated by this subdivision) will result in additional direct sightlines to neighbouring dwellings within 9m of the site. Due to the removal of trees, no landscaping or screening device will be present to reduce the extent of overlooking. This overlooking will breach the privacy of existing and future residents, creating low levels of residential amenity for all parties and a negative planning outcome. The proposal is unable to achieve the objectives of C1.5 Visual Privacy of Pittwater DCP, which requires development to *create a sense of territory and safety for residents*.

7. Against the Public Interest, and LEP and DCP Non-compliances

The Pittwater Local Environmental Plan (PLEP) and Pittwater Development Control Plan (PDCP) are the applicable planning policies. As part of the planning policy process, changes to the LEP and DCP are placed on public exhibition prior to finalisation and gazettal, in order to ensure that the documents reflect the local communities' sentiments. Therefore, any non-compliance with the LEP and DCP can be considered to be **directly against the public interest**.

As such, the proposal under DA2024/1376 in its current form is not in the public interest, and cannot reasonably be supported as the "public interest" is a key consideration that consent authorities such as Council must consider under Clause 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

DA2024/1376 exhibits major non-compliance with the objectives and controls of the PLEP and PDCP as per the below compliance table. The proposal cannot be supported in its current form as it does not no sufficient environmental planning grounds are identified to support the variation.

Control - PLEP	Comment
Land Zone C4 Environmental Living objectives: <ul style="list-style-type: none">To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.To ensure that residential development does not have an adverse effect on those values.	Unsatisfactory – The proposal is unable to meet these objectives, in particular it fails to provide for a low-impact residential development in areas with special ecological value.



<ul style="list-style-type: none">• To provide for residential development of a low density and scale integrated with the landform and landscape.• To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.	The proposed tree removal will have significant irreversible impact to the local wildlife community and not considered acceptable.
<p>CI 7.6 Biodiversity:</p> <p>The consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>Unsatisfactory –</p> <p>The proposal does not meet these objectives, due to the loss of natural environment. The proposed tree removal will fragment the established wildlife corridor and will have irreversible adverse impacts to the local ecosystem. No appropriate measure has been nominated to avoid, minimise or mitigate the impacts of the proposal.</p>
<p>CI 7.7 Geotechnical hazards:</p> <p>The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—</p> <p>(a) matches the underlying geotechnical conditions of the land, and</p> <p>(b) is restricted on unsuitable land, and</p> <p>(c) does not endanger life or property.</p>	<p>Unsatisfactory –</p> <p>The subject site is not suitable for the proposed subdivision due to the steep nature of the site and the presence of rock outcrop which covers more than 30% of Lot 2.</p> <p>Whilst construction of driveway and future dwelling may be possible subject to detailed architectural and engineering design, the proposed raised platform of dwelling gives rise to other amenity issues such as the loss of privacy and inadequate private open space. The additional impervious surface proposed by this subdivision may also result in more frequent landslip hazard, which is not a favourable outcome anticipated by local community.</p>
<p>CI 7.10 Essential services:</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are</p>	<p>Unsatisfactory –</p> <p>The proposed stormwater management system is not considered adequate and will result in significant run off to neighbouring properties. The lack of essential</p>



available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	stormwater infrastructure on the subject site renders the proposed subdivision unsuitable.
Control - PDCP	Comment
A4.5 Elanora Heights Locality	Unsatisfactory – The proposal is unable to meet the desired future character of Elanora Heights locality, as the proposal is unable to preserve the existing vegetation and wildlife corridor on the subject site and fails to provide a low impact residential development.
B2.2 Subdivision The minimum area for building shall be 175m ² . 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).	Non-Compliance – The proposal involves significant variation with the building envelope control. The control requires minimum area for building to be 175m ² . The Applicant proposes to comply with this control by providing 180m ² of building floor area. We contend this approach to be inappropriate as the area for building shall be measured on ground level only. Therefore, the size of proposed building envelope only measures 120m ² , which falls short of the requirement by 55m ² (-31.4%).
B4 Controls relating to the natural environment	Unsatisfactory – The proposal does not meet these objectives, due to the tree removal and loss of wildlife corridor. The removal of significant trees on the subject site is against the landscaped character of the locality and cannot be supported.
B5 Water management	Non-Compliance – Properties within close proximity of the site have existing issues with the defective stormwater system. The proposal will exacerbate this issue by increasing the impervious surface and subsequently overloading the drainage system.



C4.7 Subdivision – Amenity and Design

Unsatisfactory –

The proposal is unable to ensure the future dwelling can achieve a certain level of amenity that is compliant with the requirements under C4.7.

8. Conclusion

We have strong concerns about the proposed development and believe it cannot be supported in its current form. The development will have significant adverse impacts on the residential amenity of 30 Taitara Crescent and other surrounding properties, and bring irreversible environmental impacts that is against the desired future character of Ellanora Heights. The proposal is therefore considered as overdevelopment of the site and approval of such application is not in the public interest.

A development of this scale cannot be supported on this site. Any future development on the site should ensure compatibility with the local area and address the issues raised in this submission.

Should Council receive any additional information in the future, we kindly ask Council to notify the DA again so the property owners can provide their comments.

The owners of 30 Taitara Crescent intends to invite Council officer to conduct a site inspection on their property to best understand the perspective of the discussed concerns. Please contact Mr Lee Bennett (0419 204 981) to arrange a visit.

Kind regards,

Mathew Fortunato

Bachelor of Architecture and Environments (USYD)

Town Planner