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To: DA Submission Mailbox
Subject: Online Submission

05/06/2022

MR Igor Molitor
- 1 Eungai PL
North Narrabeen NSW 2101
[REDACTED]

RE: DA2022/0448 - 7 Cooleena Road ELANORA HEIGHTS NSW 2101

5 June 2022
Northern Beaches Council
Attn.: Dean Pattalis
PO Box 882, Mona Vale, NSW 1660

RE: DA 2022/0448

Dear Dean,

We've carefully studied the supplied documentation as well as the documents available on the Northern Beaches Council website related to the Development Application for Subdivision of one lot into two lots, and partial demolition of existing dwelling at 7 Cooleena, Road Elanora Heights, NSW 2101. As you are probably aware there was number of applications rejected or withdrawn for the site and all for same reasons. Iani family through their lawyers threatened all affected neighbours with court and as we can see on the submitted stormwater documentation, they managed to gain easement access through the neighbouring properties. However, this only brings resolution to one of many reasons why the previous applications were not successful, all other reasons remain. There is a simple reason - the property at 7 Cooleena Road, Elanora Heights is not suitable for "battle-axe" subdivision that the owner-developer keeps pushing for. It would result in substandard back property. Evidence for this is also rather alibistic Geotechnical Report produced by a consultant AW Geotechnical from Queensland in which a potentially structurally successful development in the lower part of the proposed subdivision is conditioned by far too many requirements. It also results in very limited indicative building envelope as shown on the drawing A1 Site plan that brings a risk of "pushing the envelope" yet again with next Development Application.

The land at the southern end of the property shows signs of active instability - with some trees growing at 30° to the horizontal. This site is at the upper end of Hazard Zone 1 which has a likelihood of failure "Almost Certain". Climate change and recent weather events do not bring any hope, that these conditions change for ones more forthcoming to developer's desires for financial gain.

The previous application 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.

We understand that due to council amalgamation and creation of new Northern Beaches Council the developer owning the land may see an opportunity to challenge the decision of the Pittwater Council. 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, we expect that the application DA 2022/0448 will be rejected.

Kind Regards

Igor Molitor