

---

**Sent:** 28/01/2020 7:52:22 AM  
**Subject:** submission DA2019/1202  
**Attachments:** Submission 28.1.20 - pdf.pdf;

Please find attached a submission DA2019/1202.

---

Email sent using Optus Webmail

Dear Ms Ezzy,

As owners of 11 Lolita Avenue Forestville, we would like to make this submission to outline our concerns about the DA application submitted by the owners of 9 Lolita Avenue Forestville (DA2019/1202).

1. **Carport** - The new proposed carport appears to only be set back from the eastern boundary 450mm, when the building code states that this should be 900mm. As neighbours on this boundary, this directly affects the privacy in our front garden and courtyard area. We ask that the setback be applied.
2. **BBQ area** - The current covered BBQ area is shown in the existing roof plan (sheet A109). It is unclear if this is to remain or be removed. While it is not mentioned in the Statement of Environmental effect report it is present in the proposed roof plan (sheet A111). If it is to be retained we ask that it be made to be compliant with the building code with regards to the boundary offset. The current structure is unsightly from our side (see pictures below) and when in use the pitched roof, latticed back funnels smoke directly into our front courtyard.



3. **Windows** - Proposed new side windows W07/W08. We are opposed to the installation of these two windows as they directly overlook our side boundary/outdoor areas and would greatly impact our privacy along this boundary. If approved, we ask that they be fully frosted and non-opening to ensure privacy.
4. **Windows** - In the document 'Plans - external - amended December 2019', the drawing of the existing east elevation (sheet A114) is inaccurate. It does not show a large window that exists on the south western side of the building. (see pictures below). This window looks directly over our rear deck and upstairs bedroom balcony and affords us no privacy. We would be very happy if this window is to be removed, as is suggested in the proposed east elevation drawing (A115), but if it is to remain we would ask that it also be fully frosted and non-opening.



5. **Air conditioning units** - The proposed application states that there is to be no change to the existing air conditioning of the property. We have previously notified council of our concerns about the 2 existing air conditioning units along the western side of Number 9 Lolita (Pol2019/00217). At the time we initially contacted council we were notified that council was unable to intervene as the complaint was the subject of a mediation process. Unfortunately this mediation never eventuated. Our specific concerns are that one air conditioning unit (see pictures above and right) is mounted higher than 1.8 m above ground level, is an eyesore from our back entertaining deck and in very close proximity to our upstairs main bedroom. The second large ducted air conditioning unit is positioned on the same eastern wall at ground level and generates noise that can be easily heard from inside our house with the windows and doors closed. We are concerned that if the proposed development were to be approved, this air conditioner would be required to service a now 4 storey dwelling, and likely increase the already unacceptable noise we currently endure.





6. **Side stairs** - The application proposes that the existing back access stairs and landing are to be demolished and replaced in the existing location. We ask that when these are being replaced, they be offset from the side boundary by the required distance to allow the fencing to be placed on the boundary line. We have been advised by fencing contractors that the position of the existing stairs as they are, would require any boundary fencing to be offset into our property.
7. **Half size tennis court** - The application proposes that the existing half tennis court is to be resurfaced but remain the same size in the same location. We request that it be moved the required offset off the side boundary. The courts current location interferes with boundary fencing, requiring it to be offset into our property. There is no indication that any drainage will be added to the court. Currently during wet weather there is significant run-off into our property (please photo below).



8. **Excavation of rock for construction of lower ground floor** - We are very concerned about the significant amount of excavation proposed for the construction of the lower ground level. Our house is constructed on a suspended slab on piling that sits on the same rock shelf as 9 Lolita Avenue. While acknowledging the geotechnical report, we have real concerns that the amount of excavation required could jeopardise the foundations of our house. Should the excavation be approved we would request that independent seismic monitoring be undertaken to ensure vibration is kept to a safe level and that any damage to our property can be documented.
9. **Thatched fence at front to remain** - It is a concern to us that brushwood fencing is retained as our properties are zoned Flame Zone.
10. **Height of privacy screens** - We would ask that the privacy screens on the balcony be extended to 1.8 - 2m to ensure adequate privacy.



11. **Addition of parapet** - We are opposed to the addition of the parapet as we feel, what will effectively be a 4 storey house, is not in keeping with the surrounding streetscape. If approved we feel that this will set a precedent for our street and we are strongly opposed to this. The parapet's additional height (indicated to be about 1500mm above the current roof line) will further reduce our ability to create privacy in our back yard/swimming area from the property at Number 9. The increased height also increases the shadowing of the eastern aspect of our backyard at 12pm, which we feel is a significant loss for a south facing garden. At 3pm the shadow drawings also indicate there will be an impact upon our roof on which we have solar panels installed right up to the western edge. We believe the approval of the parapet and exceedance of the height regulations will cause an economic impact on us through the shadowing of our solar panels.



Many thanks for your consideration in this matter.

Regards,

Kristen and Michael McKerihan