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Subject: Online Submission

28/08/2021

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RE: DA2021/1310 - 22 Rathowen Parade KILLARNEY HEIGHTS NSW 2087

Thank-you for asking us to submit our comments about DA2021/1310. Our property adjoins the proposed development at 22 Rathowen Pde, Killarney Heights.

We have several concerns which we list below. We have commenced discussions with our neighbour about these.

Item 1: Unnecessary dominance in bulk and height

Further to the Statement of Environmental Effect section 5.4 the proposed development is visually dominant by virtue of its height and bulk, impacting the privacy to neighbouring 5 Kilkenny windows (to a Walk in Robe, 2 x bathrooms, and the Study) and seen from the proposed Kitchen and Balcony .

The proposed development does not respond to the topography of the site, leaving an entire floor of void space below the proposed building. Almost the entire floor level could be dropped significantly lower than currently proposed. This would give privacy to both the 22 Rathowen Parade Granny Flat and to the windows of the habitable rooms and the bathrooms of 5 Kilkenny Ave.

Item 2: Lack of response to topography

Section 5.4 also requires that the project respond to the topography of the site. This does not appear to be the case as the natural ground at the building footprint falls by over 2.5 metres while the floor of the proposed development is level at the upper limit of the maximum allowable height. This means that rather than following and responding to the topography of the site, the proposed development is almost entirely sitting a full storey height above the natural ground level. This lack of appropriate response to the topography of the site (and the significant natural fall in the land) leads to the direct impact on the visual privacy and amenity of 5 Kilkenny Ave as described in Item 3 below.

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Item 3: Loss of amenity and privacy

The proposed design locates the kitchen and balcony of the granny flat such that they overlook 2 bathrooms of 5 Kilkenny Ave.

The balcony and, to a lesser extent, the dining room of the proposed development will significantly overlook 3 private rooms of the property at 5 Kilkenny Ave.

From what can be ascertained from the lodged plans, the edge of the proposed balcony is at its closest point is only 2.6m from these windows that provide light and ventilation to 2 bathrooms and a change-room. A drawing can be supplied which shows the location of these windows in relation to the balcony. Whilst the windows in question are frosted, they are operable and are frequently open for ventilation purposes (as is advisable for rooms with shower facilities). If the proposed development proceeds as currently documented, it will require the occupants of 5 Kilkenny Ave to leave their bathroom windows permanently closed. This would compromise their ability to ventilate these rooms and manage condensation buildup, thereby leading to loss of amenity as well as potential for mould growth and subsequent health implications. If the louvres are opened as required for ventilation, then there would be significant privacy issues as the proposed balcony is very close to and directly overlooks these windows.

Item 4: High level Stormwater pipe is dangerous and risks health and amenity

The proposed design requires an above ground stormwater pipe for approximately 30 metres, it is located adjacent to the 5 Kilkenny Ave boundary. This high level stormwater pipe exits the top of the rainwater tank at 110.16 in order to meet the street level at 109.12. An exposed above ground stormwater pipe is likely to be affected by any items, (eg: a tree branch falling...) and the health and amenity of 5 Killkenny Ave would be affected in such a circumstance by the rupture of the pipe causing excess stormwater to discharge onto the adjacent lower property at 5 Kilkenny Ave.

Item 5: Concern about future enclosure and use of the under-floor area

The location of the internal stair-well in this property raises concern that this area may be in future be enclosed and used to provide a habitable lower floor. This would result in a property which exceeds the development area allowed.

Item 6: Statement of environmental effects

The quality of this report overall is very poor and in part seems to be referencing another development. On page 8 it refers to the choice of building materials but describes these as being chosen because it is based on "The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials." This is clearly not the case. The choice of materials should be based on the locality which the development is occurring ie Killarney Heights and the materials chosen should reflect this area rather than another part of Sydney.

