

26<sup>th</sup> August 2020

To Northern Beaches Council,

Re: DA2019/2102, referral to DDP Address: 9 Lolita Ave, Forestville

We have read and understood the Development Application Assessment Report for DA2019/1202 that we received notification from Council on the 19/08/2020 via email.

We are owners of the adjoining property at 7 Lolita Ave, Forestville.

We acknowledge that Council has considered our concerns raised in our submission regarding this DA2019/1202 in January 2020.

In addition to those submissions and arising from the assessment report we have the following concerns.

1. There is inconsistency of whether this will be a multi-dwelling property or a single dwelling property.

“On Page 2 of the Assessment report on the Ground Floor it states ‘Convert Rumpus to a secondary dwelling’. This indicates it will be a dual dwelling. This is contrary to the NSW RFS regulations for development in flame zone areas, outlined on Page 7 of the assessment report.

2. Exceeding the Building Height restriction by 28% is not conducive to promoting social and economic welfare of the Lolita Avenue community, given that over 5 surrounding residences have opposed this contravention. This does not meet the objectives of the EPA Act 1.3 stated on page 17.
3. On page 44, General 4(b) it refers to potential asbestos.

It was brought to our attention by a long-standing neighbour in the street that when the current unapproved tennis court was built, the majority of the fill used was not clean fill and has a probability of containing asbestos. We trust this will be managed carefully before the tennis court is demolished and rebuilt.

4. The assessment report from Council states that they are allowing the unauthorised half-sized tennis court to remain at the 0.7m off-set from our side boundary, and are not enforcing the legislated 1.5m boundary off-set. The proximity of the tennis court to our side boundary affects both our enjoyment and privacy whilst using our grassed and landscaped area.

If the Council will not enforce this legislated off-set then we ask that at least Council add as a condition of consent that a solid 1.8m high fence be placed along our adjoining boundary to provide some noise barrier/ privacy, with the addition of a 1.2m high black chain wire fencing to prevent balls entering our property.

5. We recognise that the retaining wall/pool fence on the boundary between our properties, that is badly cracked and leaning into our property, will be inspected and has been referred to the Compliance department. However, with regards to the proposed development, the additional weight of the additional 3.6 metres of extended rumpus/second dwelling is now of more concern to the structural integrity of this retaining wall. We request that the repair of the retaining wall be included as a condition of the development.

Warwick Brown and Michelle Cabena