
Sent: 1/09/2020 11:56:24 AM
Subject: Response to Assessment and Submissions to the DDP 26 August 2020 - 9 Lolita Ave Forestville NSW 2087
Attachments: ANNOTATED - Boundary ID No.7911 Lolita Ave DUAL VEHICLE ACCESS via FOX RD AND LOLITA AVE .pdf;

Dear Northern Beaches Council Members,

Re: Response to Council Assessment and neighbour submissions to the DDP dated 26 August 2020
Address: 9 Lolita Ave Forestville NSW 2087
DA 2019/1202

Please see attached Annotated Boundary ID for your ease of reference.

Please see below response to neighbours further submissions to the DDP 26 August 2020.

Kindly note, the half Tennis Court referred to has been on site for over 45 years. The rules at the time were different to those that are applied today and it is to remain as is. There will be no change to size or location as agreed with Council. There will be a minor resurface with the same concrete surface currently there.

Response to Assessment

We concur with Council Assessment of the site.

We refer to the Boundary ID survey attached and request the dual access to the site via FOX RD and LOLITA AVE be recorded accordingly as is omitted from the Assessment.

We will access the site via public road, FOX RD and not the National Park.

The site has dual road access.

Please refer to the Roads Act 1993 - Sect 6 (herewith for your ease of reference)

New South Wales Consolidated Acts

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ROADS ACT 1993 - SECT 6

Right of access to public road by owners of adjoining land
6 Right of access to public road by owners of adjoining land

(1) The owner of land adjoining a public road is entitled, as of right, to access (whether on foot, in a vehicle or otherwise) across the boundary between the land and the public road.

(2) The right conferred by this section does not derogate from any right of access that is conferred by the common law, but those rights are subject to such restrictions as are imposed by or under this or any other Act or law.

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No.9 response to DPP Submissions

Response to 7 Lolita Ave

Page 1, point 1

There is a rumpus room in this area currently. It is referred to as such in the plans.

Page 1, point 2

There are 4 residents, 2 from one address. No.10 have recently moved away from Lolita Ave so there are only 3 submissions within this DA.

Page 1, point 3

No.9 are only resurfacing what is already there with the same updated surface. The tennis court is fully within the boundary of No.9 and the size and location will not be changed.

Page 1, point 4

Due to the constraints of the site it cannot be off set as addressed accordingly within Council Assessment.

Page2, point 5

The wall has been inspected and is NOT retaining anything as is only one brick wide.

The pool is held in by a concrete slab and the wall is aesthetic purpose only.

Importantly, the wall is built within No.7 boundary (**not** No.9) in accordance with the official Boundary ID Survey provided by Bee and Lethbridge - provided to Council (attached and annotated herewith for your ease of reference).

The pool has a certified glass pool fence.

Response to 11 Lolita Ave

The site had a wall in the referred area that No.11 recently removed to put up a cabana.

There is not enough space to put back another wall.

The wall referred to was built within No.11 boundary and not No.9 in accordance with the

official Boundary ID Survey provided by Bee and Lethbridge - provided to Council (attached and annotated herewith for your ease of reference).

No.9 will install Tennis fencing as per Council condition in the Assessment.

Response to 8 Lolita Ave

No.8 has simply reiterated the original submission to Council, already addressed.

Height has been addressed by Council in the Assessment Report.

No.9 redesigned and amended the entire first design to address all No.8 issues raised previously.

This amended design is in accordance with Council recommendations and the view at No.8 was assessed as **Negligible** in the report.

Council took the photographs referred to in the submission.

The height breach will be in a very small area of the build and is due to the sloping topography and constraints of the block.

Every measure has been taken to minimise the impact to the neighbours as addressed in the detailed Assessment Report by Council.

No.9 have worked closely with Council to produce these plans accordingly.

Should you have any questions, please do not hesitate to contact the writer at any time.

We await the DPP response highlighting the dual access as per the Boundary ID survey attached and Roads Act 1993 s.6 mentioned herewith.

Yours sincerely

L & M Boyd

NATIONAL PARK

20. 9

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$$\begin{array}{r} \frac{20}{2} = 10 \\ \frac{20}{2} = 10 \\ \frac{20}{2} = 10 \end{array}$$

DUAL ACCESS VIA VEHICLE + FOOT + RENOVATION TRUCKS
VIA YIREMBA PLACE TO FOX RD @ PLUS LALITA AVE @

T Bee & Leithbridge

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PLAN SHOWING BOUNDARIES, RELATIVE HEIGHTS & PHYSICAL FEATURES OVER LOT IN D.P. 39563 & LOT IN D.P. 124945 KNOWN AS THE 1014TH AVENUE FORESTVILLE

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