

---

**Sent:** 3/03/2019 12:28:31 PM  
**Subject:** Objection re Mod 2019/0029 for DA367/2010

Attention: Development Assessment  
Planner: Renee Ezzy

Dear Sir/Madam

re **Mod2019/0029 – DA367/2010**  
**46 Victoria Parade, Manly**

We are the owners of unit 4 at 43 Ashburner street (SP 12935). Our property, a 'character' 2-storey Manly building, backs onto the development at 46 Victoria parade at its North East corner. The now-demolished building at 46 Victoria parade co-existed happily with its neighbours and the Manly 'feel'.

The DAs that have been lodged for the new development have attracted objections such that the LEC intervened (2011) declaring the development over-sized. New modifications were refused by the NBPP as recently as December 2018. The fact that the developer is still attempting to make modifications, so many years down the track makes a mockery of all rulings to date and exploits the neighbours' patience, time and effort. What happened to the 'reasonable' 2014 approval?

The main areas of concern for our property at 43 Ashburner street are that the proposed building encroaches further onto the southern setback. The rear balconies are now enclosed which accentuates this. The roofline is mainly flat and has a lift overflow above allowable height. The bulk of the building is not only more apparent but also impacts on the morning sunlight, north east breezes and general air circulation at the property. This affects all units as well as the common property gardens, currently an oasis and the building's only drying area. The common property pathways are likely to become affected by mould and fungus.

We trust that you take our concerns on board.

Thanking you in anticipation.

M&A Vimal du Monteil  
12 Signal street  
Emereald beach NSW 2456

- The new drawings from 2019 modification highlight only two changes yet seem to carry forward changes proposed in the 2018 modification. The Northern Beaches Planning Panel refused this application in December 2018. Several changes from last year have been included but not highlighted in the current 2019 modification:
  - Change of floor level heights
  - Reduction of 'open' balcony on Level 4 for solar access to neighbours
  - Enclosure of rear balconies for extra bedroom and living space on Levels 1 and 2.

(In 2011 LEC granted these balconies on a condition that they remain open so as to have no further impact on adjoining neighbours)

- Addition of louvres across these enclosed balconies Levels 1 and 2 protruding into southern setback
- Addition of windows, and changes to window heights on East & West
- Addition of louvres to windows along Western elevation protruding into setback and along Eastern protruding into Dungowan Lane
- Several changes in Basement including steps up to Victoria Parade with no illustration of the proposed exit at Ground Level
- Two new Fire Egress Walls required as per Safety Report of 2018.

### **How are neighbours able to assess these changes if they are not highlighted?**

- It is an oversized building and this has been recognised by the Land and Environment Courts as well as MIAP, and now the NBPP, yet every variation has further sought to increase the bulk and scale of the building. The 2019 application continues this trend with the mostly flat roof, reduction of setbacks and enclosed balconies, addition of visitor bike racks opposite adjoining neighbours entrance Lobby.
- There are minimal set backs on the Eastern, Southern and Western boundaries. The lack of set back as well as the oversize of the building have significant impact on the amenity of neighbours with the extra shadow created by height and bulk, as well as loss of sunlight, and potential for slippery pathways and fungus growth.
- Properties to the south in Ashburner Street and neighbours in 42 Victoria Parade will be affected by loss of morning sunlight as well as reflected afternoon light from the Sebel. Neighbours facing west across Dungowan Lane will lose afternoon sunlight and also some properties in the Sebel will have loss of view, whilst others will have no setback on the Eastern Elevation.

### **Each modification seems to increase the building for the benefit of the applicant with further impact on the amenity of neighbours. Where will it end?**

The 2014 approval provided an outcome that was basically acceptable to the LEC and MIAP. Now the Developers seek to have a increased floor levels, mostly flat roof, no setback on the Eastern elevation bordering Dungowan Lane, extra windows on east and west elevations, and enclosed rear balconies.

There is no justification for an increase in the height of the levels of each floor in the Modification, as a height of 2.95 metres was approved. The developer keeps asking for changes for their benefit only. Why can't we stop having changes and get on with building the building as per the 2014 approval?