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**Sent:** 22/11/2020 6:36:24 PM  
**Subject:** Objection to amendment request for DA 2018 / 1892 re property 7 Pavilion Street , Queenscliff NSW 2096  
**Attachments:** 7 pavilion queenscliff DA.pdf;

Dear Council ,

Please see attached my objection to the proposed amendment to the above DA , [2018 / 1892 for 7 Pavilion Street , Queenscliff](#) . I'd be happy to discuss any aspects of my submission with the Council at your convenience .

Best regards ,

Shahen Mekertichian

Unit 6 , 5 Pavilion Street  
Queenscliff , NSW , 2096



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Shahen Mekertichian  
Unit 6 , 5 Pavilion Street  
Queenscliff NSW 2096

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23 November 2020

Dear Sir/Madam,

I refer to DA 2018/1892 and the request for amendments to the DA from Nolan Consultants on behalf of the owner of 7 Pavilion Street, Megan O'Leary. In her application, the owner seeks to amend the approved plans to incorporate "a 1.94m high framed glazed panel to form part of the swimming pool fence". The reason used by the owner to justify the proposed amendment is ".....to provide a higher pool fence to improve safety to the occupants". Any proper inspection by Council will quickly reveal that this stated reason is a nonsense and only there to fool the Council and its appointed private certifier.

I am also aware that a number of affected neighbours have discussed the proposed "wall" with the husband of the owner during an onsite meeting on 10 September 2020. During this meeting, the husband still referred to the wall as a cabana, above which a roof would be mounted. He stated during that meeting that they did not require a DA approval for the cabana. In subsequent communications, he referred to the cabana wall as 'temporary wall', 'window wall' and 'framed glazed panel'. Well, what is it really? Again all seem to be terms to continue to pull the wool over the Council's eyes and disguise the owner's obvious intentions of using this amendment process to by-pass the Council scrutiny of breaching the DA and the set down guidelines.

Whatever the structure is intended to be or is intended to mysteriously become in the future, I strongly object to the amendment as it impacts on the views (and the value) of the surrounding dwellings and units and does not practically improve the safety of the occupants as purported by the applicant.

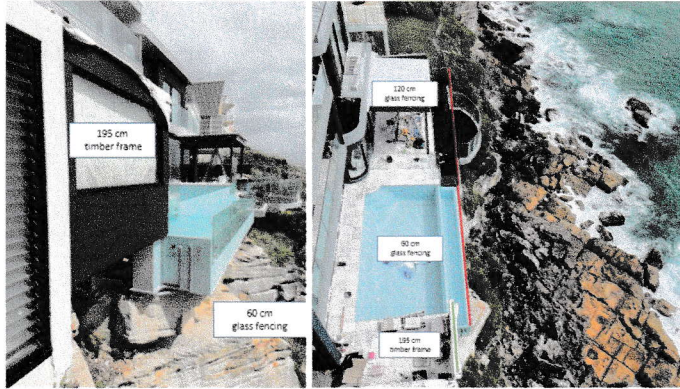
With respect to the safety concerns raised, I fail to see how constructing a 2 meter high window frame along about only 10% of their property's cliff edge, when the remaining 90% of the cliff edge of the property has only a low 1.20m and a further extremely low 0.60m glass fencing (the latter along the wet edge of the pool). Is the Council actually aware of this fact, or sighted the current glass structures which have been constructed there already? If the Council would just visit the property, the intentions of the owner and the hypocrisy of this amendment request will be glaringly apparent.

The only way to address the owners so called safety concerns, if they are genuinely concerned about safety, is to propose to construct a 1.95 meter glass fence along the FULL cliff edge of their property. However, instead the owner has installed the lowest possible glass fencing along the wet edge of the pool, so that along the wet edge her views are not impacted by glass fencing. She does not appear to have any safety concerns whatsoever when it impacts her views, yet raises safety concerns when it is about an improvement that significantly and detrimentally impacts her neighbours' views but not her own.

Below, please find under 1. photos demonstrating that the proposed amendment does not address the 'safety concerns' raised by the owner and under 2. photos showing the significant impact of proposed amendment have on the water views of the surrounding units and dwellings.

**1. Photos regarding 'safety concerns'**

Below please find a photo demonstrating how difficult it is to believe the genuine nature of the safety concerns raised by the owner.



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**2. Photos showing the impact on the views of surrounding units and dwellings**

Below please find a photo demonstrating the significant impact the proposed amendment has on the water views of the surrounding units and dwellings.



I further note that there are a large number of areas where the development does not comply with the DA, in addition to the cabana / window wall. I list a few of these items below.

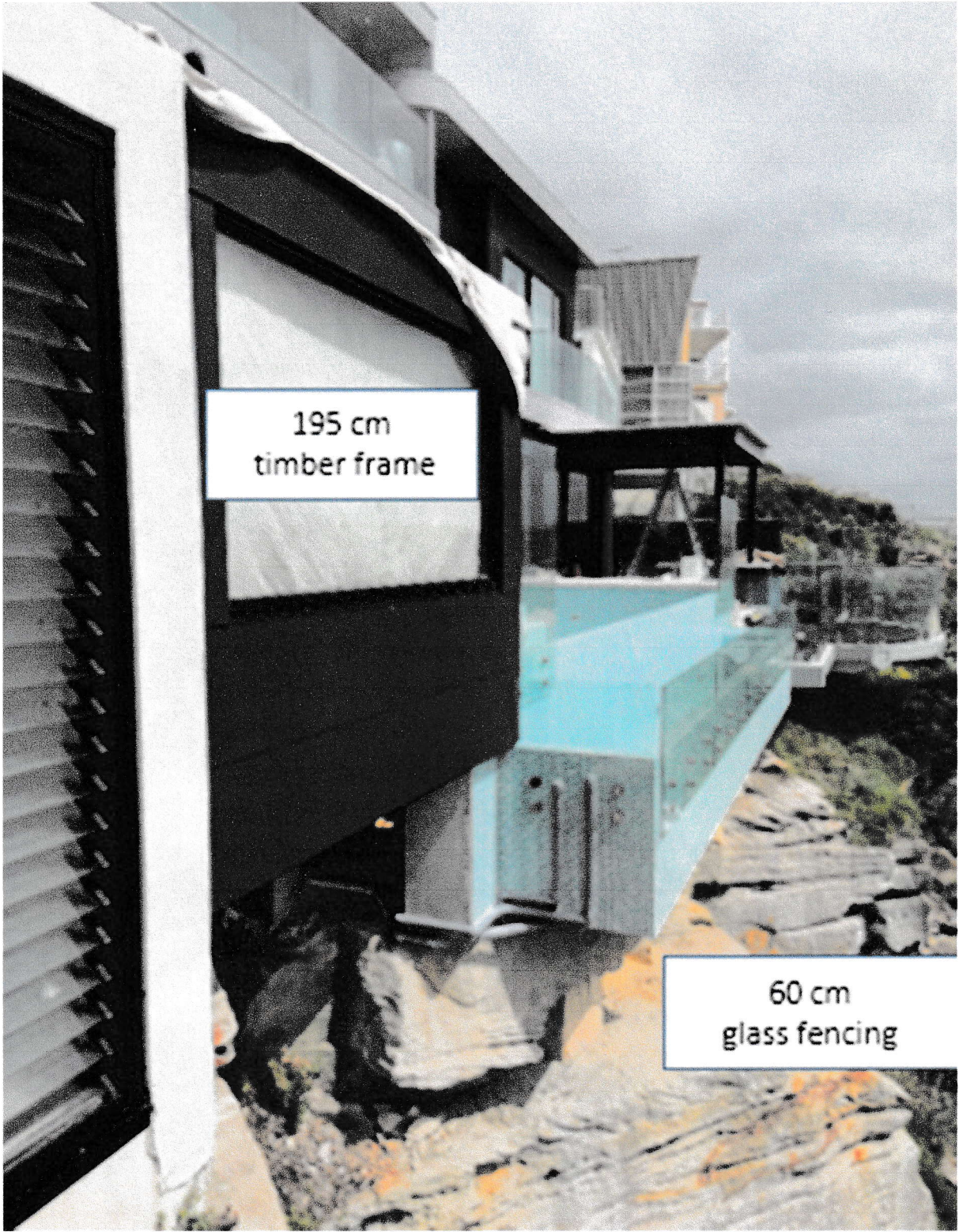
1. Proposed development encroaches on the property of Number 5 along the full boundary line. A concrete slab has been poured and several services have been installed over the boundary line;
2. The balconies on the west cliff side of the property seem to be constructed too far out. Based on the DA drawings, I would expect these balconies not to extend over the main wall, though they clearly do;
3. The property appears to be constructed significantly over the southern boundary line, making the narrow pedestrian path even narrower; and
4. Along the wet edge of the pool, glass fencing has been installed that seems to be 120 cm lower than proposed in the DA (the DA proposed 120 cm glass fencing along the full cliff edge of the pool).

I will notify the private certifier of these concerns in a separate letter, but can't hold my breath as some of these issues should have already been picked up by the private certifier, who is really the eyes and ears of the Council. . In the interim I respectfully ask the Council to take a serious look at this DA , from inception , as it will find numerous examples of ambit of claims , illegal works , dubious adherence to the terms of the DA and continued objections and disputes with significant number of the neighbouring property owners during the construction of this dwelling. All these people's concerns cannot be dismissed – there is obviously "something rotten in the state of Denmark".

Kind regards,

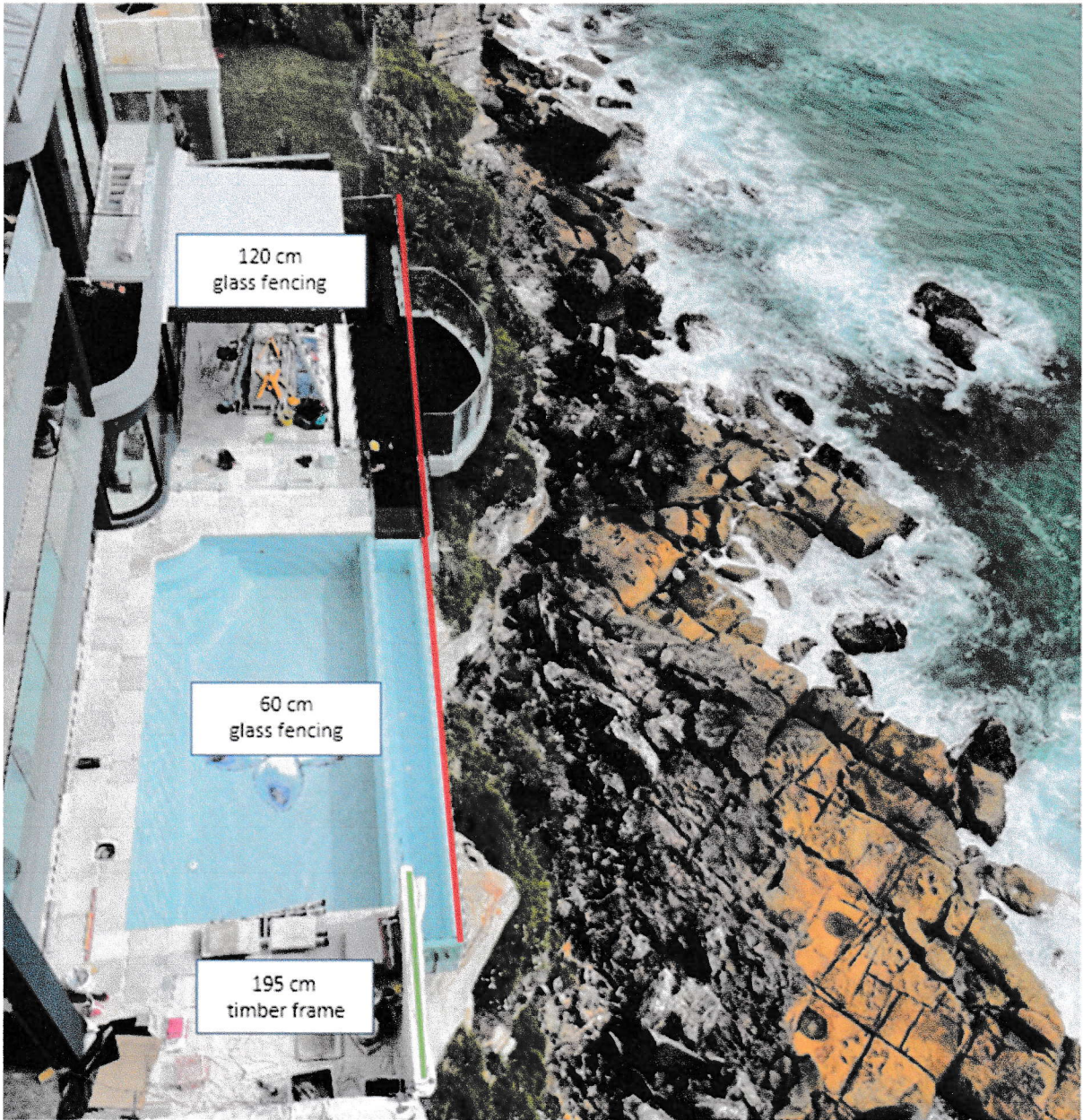
SHAHEN MEKERTCHIAN

0412 505 392



195 cm  
timber frame

60 cm  
glass fencing

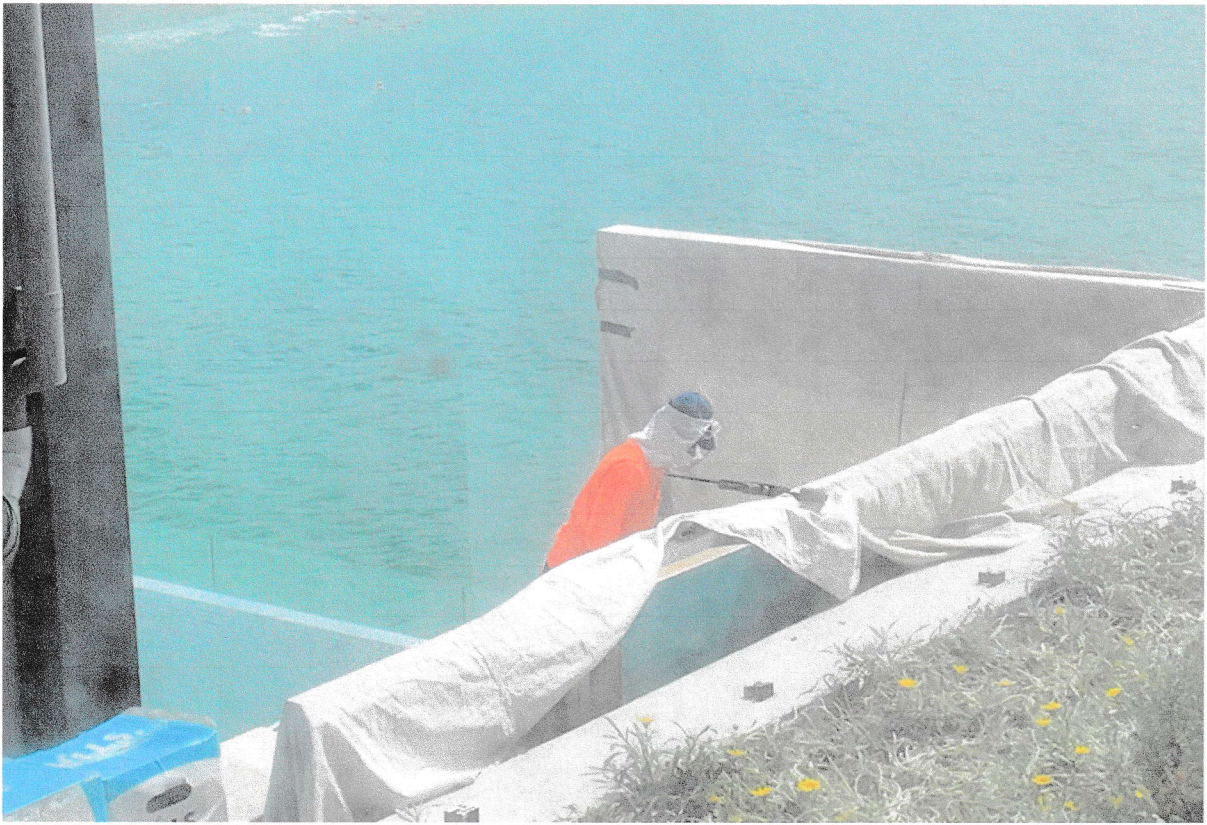


120 cm  
glass fencing

60 cm  
glass fencing

195 cm  
timber frame

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