
Sent: 25/08/2020 1:01:45 PM
Subject: 82-82 Bower Street, Manly - DA2020/0211
Attachments: Lavender Objection, 82-84 Bower Street 25 August, 2020.docx;

Dear Adam,

Please find attached our objection to the Notice of Proposed Development, Re-notification DA 2020/0211.

Kindest regards

Tess Lavender

Tess Lavender
+61 411 628 262

25 August 2020

Development Assessment
NBLPP
Northern Beaches Council

Dear Panel Members,

Re: DA 2020/0211

We object to the latest revisions to the above Development Application.

After the NBLPP meeting on 29 July 2020, the panel deferred the decision regarding this DA, specifically so that our privacy issues could be addressed.

Our privacy concerns **have not** been addressed by this latest amendment.

Our privacy concerns remain as detailed in our original submission back in 2017. We submitted an objection also in March this year and this will be the third, official submission. Throughout this time, we have employed Town Planners and Property Lawyers in an attempt to have our concerns heard and addressed.

The specific concerns regarding this latest scheme are:

1. The overlooking issues resulting from the windows on the ground floor level western façade
2. The overlooking issues from the ground level deck
3. The additional openings on the ground level western facade
4. The proximity of the overwhelming and oversized structure

As detailed in all our previous submissions, this development will create considerable privacy issues and allow overlooking - **north** onto our pool deck and outdoor living area and also **south/west** into our house and onto our pool deck area. It represents serious privacy threats in our main living and lounge areas, kitchen, bedroom, bathroom and upstairs living room. This development with all its breaches of the LEP guidelines and its blatant flouting of the system should, at the very least, be held accountable to the basic rights of direct neighbours to maintain their amenity. Specifically, all decks should be effectively screened (as they are proposed to be on the eastern façade) and there should not be new openings allowing overlooking onto (and into) living spaces and the pool deck.

The community spoke overwhelmingly against this development in March this year with 20 objections (11 of these from Bower Street residents). The issues were all around the overbearing size of the building and the fact that what was approved as alterations and additions has actually become a new building. The report written by the NBC Planning Department recommended that the DA be rejected on the basis that the demolition was so extensive that any DA for alterations and additions should not be considered, as it is now a new building.

Irrespective of the legal issues surrounding this development; the breach of consent and subsequent Stop Work Order, the fact remains that somewhere along the line something has gone terribly wrong.

The original DA should never have been approved, given the significant overlooking and privacy impacts. This DA should not be approved either, unless real and genuine steps are made to address the impacts on us. If approved without properly addressing our privacy issues as an absolute minimum, the system has simply failed.

In the original DA, we cited that the lightweight nature of the original property was incapable of carrying the new proposed structure; that this was a new build disguised as a renovation. We were not heard by Council. The DA was approved. In response, we registered a formal document with Council, stating that we would watch the progress and would assertively respond should the development breach the approval. As expected, most walls and floors were removed and the full extent of the 'alterations and additions' sham is now clear for us all—and the whole neighbourhood—to see.

If in the outset, the neighbours / developers had listened to our privacy requests, we would not be in the situation that we are currently in.

If Council had accurately recognised that the development was a 'new build', then the 'new build' process would have addressed neighbour privacy as well as giving the neighbours / developers their new homes.

The 'token' change to the plan, displayed on the Council website, in no way addresses the real issues at hand: that the renovation is a pretence; and that the current levels of demolition and new building structures prove the pretence of the renovation—and that a new building is inevitable.

As neighbours who—on an ongoing basis—will have to live with direct and invasive privacy issues—for a lifetime—we request that far more is done—now—to address the concerns that we have repeatedly raised since 2017.

Kindest regards

Tess and Will Lavender
86 Bower Street, Manly