
Sent: 25/03/2020 7:30:50 AM
Subject: Online Submission

25/03/2020

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RE: DA2020/0211 - 82 - 84 Bower Street MANLY NSW 2095

Objection to DA2020/0211 82-84 Bower Street, Manly
Will and Tess Lavender, 86 Bower Street Manly NSW 2095
25 March 2020

This DA, for 'alterations and additions', cannot be assessed as a stand-alone DA. It has to be considered in conjunction with the Stop Work order that was issued for breaches to the development consent and also in conjunction with the original DA168/2017. Approval of this new DA, along with approval of the Building Information Certificate (simultaneously sought), would actually give the developers the green light to continue building a massive 'new structure' under the guise of 'alterations and additions'.

If this transpires, it would bring into question the validity of the entire planning and development process. It would also make a nonsense of the serious legal device that a Stop Work Order is meant to be. In summary, it would mean that the developers had cleverly manipulated the system to get away with; an initial DA deception, a serious breach of that development consent, the lifting of a Stop Work Order without resolving any of the issues and then, by submitting a new DA, approval to complete building the brand new structure while completely ignoring the guidelines for a 'new build' - which are in place for good reason.

The original development application should never have been approved as alterations and additions in the first instance. What we said in our submissions to the original development application would occur, has occurred and we received no material consideration of our submission by Council in the process.

When the original DA was being assessed, we submitted that the extent of proposed works amounted to an entirely new building. It is our belief (as stated by our neighbour when we first met him) that the intention all along has been to "knock the house down but keep one wall". And what has actually taken place here, is that the developers have demolished all but part of one party wall, some floor areas and a deck and now seek to make this go away by simply applying for a new DA to put back all those parts demolished outside of the consent.

The building is of significant bulk and scale. It is a massive structure, literally squeezing itself into the limited space and has considerable effect on our amenity in general and specifically, on our privacy. Even with the help of reputable Town Planners we were ignored throughout the DA process. In this DA the FSR guidelines are exceeded massively, the height restrictions are exceeded, the setbacks are minimal or non-existent, there are new openings adjacent to our main living area and pool (which cause serious privacy issues) and there are decks which are not screened. Any visit to site immediately brings to light the unfairness of this situation - the

serious overlooking issues and subsequent loss of privacy in nearly every living area of our house, our main deck and around our pool. Despite this, the development was approved without one single concession to us.

In fact, one can document the progression of this as the 'how to' in manipulating development consents to flaunt the system.

Specifically:

1. the application for 'alterations and additions' when so clearly the extent of work demonstrates that this is a new build.
2. the subsequent application and approval months into construction for the additional garage space, further inflating the FSR excesses.
3. the piecemeal demolition of the building-revealing a completely new double brick base structure, and gradual removal of components not approved
4. the significant steel structure put on top of the double brick base structure-which must have been measured and manufactured to fit on top/alongside 'new' walls which were supposedly not planned all along?
5. the application for a Building Information Certificate to make null and void a Stop Work Order for serious breaches of the original development consent when the issues have not been addressed, nor resolved.
6. a further application for a new DA to simply reinstate those elements demolished without permission, despite this being a considerable breach of the development consent and therefore the EP&A Act.

This new DA, for 'alterations and additions' needs to be seen for what it is - yet another piece in a manipulation to build a house that is too big for the block and is devoid of the necessary consideration to neighbours and the neighbourhood and the final move in a deft plan to beat the system.

Summary

If this is approved, the developers will have the green light to go ahead and complete the build of this 'new house' with absolutely no adherence to the planning guidelines for a new house. They will have made null and void the Stop Work Order and flouted the entire process. And we, as the direct neighbours, will have not been given the considerations normally attached to the building of an entirely new structure - nor indeed the basic rights to privacy any type of development dictates. The role of Council and the EP&A Act is to protect neighbours and neighbourhoods from this obvious manipulation.

We trust that Council will use every avenue you have to see that this flouting of the system is not allowed to continue. We hope that Council can see that approving this DA and the Building Information Certificate are just the latest moves in the long game being played. As adjoining neighbours, we have the right to request a reasonable FSR, adherence to height restrictions, setbacks, noise consideration and importantly the right to use our private spaces as the LEP guidelines set out, without overlooking. Overall, we would like the right to maintain our amenity. Council now has an opportunity to remedy the situation to ensure a fair outcome for all.