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**Sent:** 5/07/2018 9:45:52 AM  
**Subject:** OBJECTION Mod2018/0294 - (DA0367/2010)

Re Modification No: Mod2018/0294 – (DA0367/2010)  
SP 10040 46 Victoria Parade MANLY

Dear Sir

I live in Unit 9 on Level 2 of 42/44 Victoria Parade Manly and at the rear of the building.

My home is more affected than any other apartment in the building by these proposed changes. I strongly oppose them on two grounds:

1. They have a devastating impact on my light
2. Where once there was supposed to be balconies in the proposed development, now it is proposed there will be a wall directly outside my main living area.

These changes are completely unacceptable as the Court has already ruled on the DA. The matter has already come before the Court, the compromise with the developers has been struck. It has been agreed. Let's stick with that please.

Already, the proposed development exceeds by a huge measure the Council's laws on the size of developments vis-a-vis the size of the land on which they are building. We have been entirely reasonable in our compromise to date but if the new proposal proceeds, we will take the matter back to Court.

More specifically, my living space and small balcony looks east across the space at the rear of the old building at 46 Victoria Parade to Dungowan Lane. The development has a dramatic impact on this outlook and sunlight.

Because the small size of the block on oversized nature of the building and its proximity to the western boundary (refer Manly Council guidelines) the LEC recognised that daylight be provided, and that only open balconies at the rear of the property apply. All the approvals over the history of this development have maintained these conditions.

I note there is a significant error in the drawings used to support the development. In particular I draw your attention to the shadow drawings. The council has provided us with a copy of the drawings to support the existing approval done by design cubicle 28 May 14 (DC) and those for the S96 changes as provided by urbane ARCHITECTURE re ARC001 22 June (UA). In the existing approval the benefit of the approved roofline and the open area on level 4 provides us sunlight at 11 am. This can be clearly seen in the shadow drawings of the approved plans (DC) as the shadow is up to the top of our balcony (L1) with sunlight in our apartment for the 2 plus metres above this level to the floor of level 2. In the UA drawings by urbane the shadow has been arbitrarily moved to the railing of level 2. (L2) They have simply increased the shadow in error by over 3 metres and ignored our sunlight. (I have attached a photograph dated 23 June 2011 at 10.21 (7429) to show the sunlight in our apartment very close to the time and date required).

The proposed development then goes on to increase the shadow up to over half way up level

4.(L4) The changes take away the sunlight from 3 levels of apartments.

I implore you to respect and maintain the approved floor levels and LEC conditions and allow 3 levels of apartments to maintain their sunlight.

In all the shadow drawings they show shadow from the existing building over our entry at all times except 9am. If you look at the 11 am shadow diagram the entrance way is the bottom of the dark black line off centre towards the back of the building. Attached is a date stamped photograph of the entrance way on 17 July 2014 at 9.43 (8750 Lobby with former building in place) which clearly show blazing sunshine in the entrance way which, for me, raises the question as to the integrity of the shadow diagrams.

To conclude and summarise the changes which :

1. New roof design, higher flatter and possibly larger, no longer a light well
- 2.. Lack of light to eastern side, especially the back
3. Higher floor levels and therefore balconies - more interference with the view. eg our balcony RL is 14.05, approved in may was 14.33, now it is 14.68 or 0.63 m above our level. At unit 20 it is 17.73 against 16.27 (1.46m) - taller than my 1st misus
4. Lack of measurements showing exact extent of new structure - hard to tell if any dimensions have changed size.
5. These units were purchased based on the approved plan - greed and poor design should not be a reason to further encroach on the amenity of neighbours.

We vigorously oppose the proposals. Please honour our concerns by rejecting them and sticking with the original proposal already decided by the Court.