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**Sent:** 26/11/2020 1:46:07 PM  
**Subject:** Objection to amendment request for 7 Pavilion Street , Queenscliff NSW 2096  
DA 2018/1892  
**Attachments:** 20201126 Letter to Council re Mod2020 0582 DA2018 1892.pdf;

Dear Nick,

Please see my objection letter attached to the proposed amendment to development -  
Mod2020/0582 DA2018/1892.

Please feel free to contact me if you would like to discuss further.

Regards,

Stephanie Degiorgio  
Owner - 1/5 Pavilion Street Queenscliff

Dear Nick Keeler,

We refer to DA 2018/1892 and the request for amendments to the DA in a letter from Nolan Consultants written on behalf of the owner of 7 Pavilion Street Ms 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".

### **1. Impact on view from our property**

It is clear that the intention of the structure isn't due to safety concerns and the owner James O'Leary (applicant's husband) has informed us during an onsite meeting on the 10<sup>th</sup> September 2020 that the structure is due to privacy reason and shade for his pool area. He referred to the wall as a cabana, above which a roof would be mounted. He stated to us during that meeting that they did not require a DA approval for the cabana. We questioned this during the meeting. In subsequent communications, he referred to the cabana wall as 'temporary wall', 'window wall' and 'framed glazed panel'.

Therefore, it is clear the real intent behind the proposal is to build a cabana and an attempt to bypass the process to get this constructed. You will see below photos of this area as of today (26<sup>th</sup> November) as further works have been completed to the wall and plants have been installed further obstructing our ocean views.

Whatever the structure is intended to be or is intended to become, we strongly object to the amendment as it impacts on the views from our property (and the value) as well as surrounding dwellings and units and does not materially improve the safety of the occupants.



**Image 1 – View impact from window 1**



**Image 2 – view impact from window 2**

## 2. Safety concerns raised

With respect to the safety concerns raised, we fail to see how constructing a 1.95m high window frame along app. 10% of the cliff edge, when the remaining 90% of the cliff edge of the property has a low (1.20m) and extremely low (0.60m!!) glass fencing (the latter along the wet edge of the pool). We believe the only way to address the owner's safety concerns, if they are genuinely concerned about safety, is to propose to construct a 1.95m 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 impacts her neighbour's views but not her own.

Please find below photos demonstrating that the proposed amendment does not address the 'safety concerns' raised by the owner.



**Image 3 and 4 - Demonstrating how difficult it is to believe the genuine nature of the safety concerns raised by the owner.**

We 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. We list some of these items below.

1. Proposed development encroaches on the property of Nr. 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, we 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).

We will notify the private certifier of these concerns in a separate letter.

Kind regards,

Stephanie Degiorgio, Chadd Lambert and Jesse Lambert

Owners 1/5 Pavilion Street Queenscliff 2096