
Sent: 28/02/2020 8:48:16 AM
Subject: Andrews Submission.pdf — Page 1
Attachments: Andrews Submission.pdf;

Sent from [Mail](#) for Windows 10

Attn: Megan Surtees

DA 2020/0135

Property address 13 Sydney Rd Warriewood NSW 2102

28/02/2020

Dear Northern Beaches Council please accept these documents as our formal submission regarding the application DA 2020/0135

With regard to this most recent application I cannot understand how a change of use DA could be issued as the building in question should not have been built in the first place and as such has no approval for any purpose.

I might also note that the document by Rapid plans titled **(Statement of Environmental Effects)**, Makes constant reference to the suggestion that this Building has only been renovated from existing and that the previous garage concrete slab was retained, this is not the case and an entirely new building with a larger footprint and new concrete slab was constructed in its place, as was stated in our submission **(Document One)** to Mr Streeters previous application **BC2019/0285** and confirmed by Mr Grant Harrington of PCA who was the Private Certifier of the works to the principle Dwelling **(Document Two)** attached. We also note that Mr Streeter as stated by Mr Grant Harrington in **(Document Two)** was well aware that the structure was not approved and in fact that it was crossed off the plans and that the Certificate also included the referencing to the facts that it was not approved. Council should have no trouble confirming this via submitted documents and Satellite images.

Further we rely again on **(Document One)** to present our concerns with regard to this proposal but will add here our response to this Largely Deceiving Statement of Environmental Effects as prepared by Rapid Planes.

Statement of Environmental Effects references will be represented as SOEE from here forward

SOEE 1 Introduction

In this statement the Author uses the term **existing structure** to try and minimise the extent of the impact of the build, note that this happens quite a lot throughout this document

SOEE 2.7 Existing off-street parking

This states that there is existing parking available for multiple cars in the existing Garage and on the concrete drive and that there is no necessity for street parking.

This statement is incorrect as the garage can hold only one car and the driveway also holds only one. The approval for a secondary dwelling at this address would require three off street parking spaces Refer to **(Document One)** we also note that at present and as has been the case for at least the last

twelve months the garage has been full and unused which has allowed only one car to be parked on the drive and Mr Streeters silver duel cab ute on the street outside his property,(this can easily be confirmed by other Neighbours). We also note that at present and against council direction (as told by Mr Ashley Roberts Building Control Officer of Northern Beaches Council) Mr Streeter is currently tenanting the building in question and that this tenant parks on the street as there is no off-street parking provision for him. We also note that Mr Streeter at the time of writing this has a box trailer also parked on the street which means a total of three on street parking spaces are being used by this property.

SOEE 2.8 Existing Landscaping

This statement makes the claim that there is landscaping along the front & side boundaries. We note that there is no landscaping along the front boundary. Refer to (Document One C1.1)

SOEE 3 The Proposal

This statement is in part untrue and also very misleading in how it is written. The claim is that the garage was converted into a granny flat prior to their purchasing the property, however although some works had been carried out on the garage there were no approvals for this to be used as a secondary dwelling and at the point of sale the real-estate agent Ray White Narrabeen made this very clear to all prospective buyers (this included the current owners) and even went as far as to only label it as a studio in the advertising material (Note Studio not Studio apartment).

It then proceeds to claim that the new owners have provided repairs, upgrades & **reconstructed** the granny flat (note the use of the word granny flat, this again implies an existing approval) **to be in keeping with current building regulations**. The very nature of this statement falls well outside of what it states, to have demolished and completely rebuild a new structure that is larger and for a purpose other than the approved garage falls well outside **current building regulations**, not to mention that the structure itself does not comply on so many levels (the setbacks for example). Then there is the claim that it is in Sympathy with the existing residence and surrounding property's, if this were the case, I'd have no reason to write this now!

SOEE 3.2 Present and future uses of the residence

Now just the title is incorrect as this has no approval as a residence

SOEE 3.3 Purpose for the additions

Again the statements made are incorrect and untrue the garage only had a lean too attached which had previously been applied for and rejected by council and the statement that the owners at the time of purchase assumed the (former) structures use was a secondary dwelling is also false as the real-estate agents made it very clear to all perspective buyers that there was no approved secondary dwelling and in my own conversations with Mr Streeter he also made comment to this. Then the statement continues with the suggestion that the granny flat was built on the existing excavated **garage** slab to reduce height,(interestingly there is the admission the former building was a garage), however the new building did not utilise the existing garage slab (this again is very easy to prove via satellite images or a good old fashioned visual inspection). Then there is the statement that it is in

keeping with surrounding secondary dwellings and that its living areas face the middle of the lot reducing impact to neighbouring properties, this is also a stretch of the truth as it is larger than and closer to the boundary's than any other secondary dwellings and its northern facing living areas look over the rear of the yard and into our property.

SOEE 3.6 Site controls

We note that the built upon area exceeds council regulation (Document One D14.13)

SOEE 3.7 Setbacks and siting

We note that the setbacks are not within council regulation (Document One D14.8)

SOEE 3.8 Access and traffic

We note that the three vehicles as stated previously parked on the street will and do have an impact on traffic.

SOEE 3.9 Privacy, Views and Outlook

We disagree with this statement entirely it does have an impact as it is elevated enough to overlook our private open space and living areas as stated in (Document One) and as any living space produces noise there will be acoustic disturbance. We also note again in this statement the claim that the new building sits on the previously existing slab and that there are no view lines over the boundary fences, both statements are untrue and we welcome you to attend our home to make a true assessment of the facts.

SOEE 3.11 Acoustic Privacy

Its quite simple as there should not be a dwelling present there would be no Noise from the rear yard of the property however if the dwelling was approved there would of course be the associated Noise therefore effecting our Acoustic Privacy.

SOEE 4.1 Orientation

Once again, we see the use of the term existing dwelling were there exists no approval for the construction of the building or an approval as a habitable building

SOEE 4.10 Windows and Doors

The statement that, Care has been taken not to create privacy issues with neighbouring properties is again an empty statement, as just building this structure has taken away our privacy let alone the

large north facing windows and doors that overlook our property as previously stated in (Document One)

SOEE 4.6 Siting and Setback

This again is an opinion that is stretching the truth beginning from the second sentence.

SOEE 5.1 Summary

We strongly disagree with regard to the impact of this proposal for the reasons outlined here and in (Document One) we ask that council Not support this development application.

Finally as the applicant and person responsible for building this structure did so without due regard for development standards, and did knowingly and actively deceive owners of adjoining properties with regard to its approval status, and did knowingly build this structure outside of development controls, and has attempted to circumvent the system, and has done so without genuine consideration for the amenity of others, and as Mr Streeter is a licenced builder and the person responsible for these works and as Mr Streeter has used his knowledge of the system to attempt by deception to achieve a development outcome that had he done so through the appropriate application process would almost certainly have been rejected. We would ask council not to approve this application.

Respectfully

Mr & Mrs Andrews

15 Sydney Rd Warriewood NSW 2102

(Document One) 3 pages For the Attention of **Megan Surtees** Re DA 2020/0135

ATTN: Dan Goodwin

Building Surveyor

Accreditation No. BPB2865

Building Control-Approvals

Environmental Compliance

Northern Beaches Council

RE: Building Information Certificate Application No. BC2019/0285

Description: Renovation works to existing rear granny flat

Address: 13 Sydney Rd Warriewood NSW 2102

Dear Sir please accept this document as our formal submission and representation of our concerns to the above application.

Firstly, the application description is misleading as it suggests this is merely a renovation of an existing structure and that it has previously had a secondary dwelling approval, this is not the case.

Second, the original CDC for the principle dwelling renovations made specific reference to the striking off or removal of the former Garage, the site of the unauthorized Granny Flat. And as such the owner/builder should have been aware that he as a licensed Builder was building the secondary dwelling (Granny Flat) without approval. Additionally, let it be noted that Mr. Streeter (owner/Builder) has protested to myself and others that he did have approval for the works, (affidavits can be made available).

So, to be clear this is a completely new structure the former garage was removed entirely including its foundations and the current unauthorized structure with a significantly larger footprint was built in its place.

Now and most importantly this building was built with complete disregard for due process and the impact on amenity to us. Its north facing aspect, with its two large windows and large glass sliding door, which all face toward and are visible too and from our master bedroom, kitchen, Lounge/dinning and outdoor living and entertaining area largely effects our enjoyment of amenity and privacy within our home. Not to mention the associated noise and light pollution from the flat and associated outdoor area.

Following are the reasons we feel this structure should not be approved and the concerns we have with it, aside from the issue of how this was able to be built we note that the access to the granny flat is via a narrow side path which contains a number of combustible materials and plants, presenting a risk to any occupants in the event of a fire. We also note there is insufficient off-street parking for the owner's vehicles let alone the vehicles that may be present from a two-bedroom flat

(this has already impacted negatively on others in the street). Additionally, given the age and Asbestos content of the garage and the nature in which it was removed there remains the risk of localized Asbestos contamination in the surrounding soil.

B6.3 off street vehicle parking requirements

Under this control a secondary dwelling requires a minimum of one additional of street parking space to the two currently required for the principle dwelling, at present the principle dwelling doesn't accommodate two spaces and there is no provision for a third, and due to the landscape requirements (which have not been met) there is no space available to provide any additional parking space.

C1.1 Landscaping

We note that at present no canopy trees are on site and that no landscaping is present in the front that screens the buildings from the street.

C1.5 Visual Privacy

We note that the elevated position of the unauthorized secondary dwelling and associated elevated deck area do overlook more than 50% of our private open space and that all north Facing windows and doors have direct view into our master bedroom, kitchen and lounge/dinning as well as our outdoor living and entertaining area. Additionally, it looks into our Granny flats main entrance door.

C1.11 Acoustic privacy

We note that the secondary dwelling has the potential to cause nuisance noise by its design and its outdoor space to both our primary and secondary dwellings including our outdoor living areas.

C1.11 Secondary dwellings and rural workers dwellings

We note that the visual bulk and scale of the development doesn't fit in with the surrounding development and that the overall footprint of the site is excessive.

C1.14 Separately accessible structures

We note that as it is not an approved secondary dwelling, that at present it is designed for the purpose of habitation and does contain cooking and bathroom facilities.

D14.8 Side and rear building line

We note that the structure fails to adhere to the side and rear building line setbacks of 3.0m rear and 1.0m side boundaries.

D14.13 Landscaped area environmentally sensitive land

We note that the total landscaped area should be 60% of the site area, however this is not the case. We also note that the plans provided do not clearly show by shading or other means the proposed landscaped area, hard surface, total site etc. Nor is there a statement of environmental effects.

Finally, we feel the proposal grossly exceeds Council regulations. This will and does largely effect our enjoyment of amenity as the dwelling is an imposing structure with windows and doors overlooking our private space including our bedroom and living areas, it is also considerably hard on the eye, and should never have been built as it cannot and does not comply with the standards for development.

Yours Respectfully

Mr. & Mrs. Andrews

15 Sydney Rd Warriewood NSW 2102

(Document two) 2 pages for the Attention of
Megan Surtees RE DA 2020/0135

From: Grant Harrington
Sent: Tuesday, 23 July 2019 11:56 AM
To: gary andrews; pca@office.certification.systems
Cc: Ryan Thomas
Subject: RE: 160049: Compliance 13 Sydney Road, Warriewood

Ryan,

The above party Gary Andrews has stated that he has contacted you in relation to the demolition of the existing garage and re construction of a secondary dwelling in it's place. In the CDC which was issued by PCA they owner never applied for the secondary dwelling and it was crossed off on the plans and also the certificate also included the referencing to the facts that it was not approved.

Gary has contacted me again with the matter and I vaguely remember contacting you last time as well.

Given that this matter is not included in the CDC then I see that council can issue the order in this instance and follow through with compliance. The owner has verbally agreed that the above were the facts on the phone conversation.

Can you consider this and come back to me with your thoughts on the matter so as to address Gary's concerns that there is no action being undertaken ?

The owner had stated that Council had attended the site and a BC was being suggested ?

I have also encouraged the owner to book the final OC inspection as well and we have a follow up for the OC application form.

Kind regards
Grant Harrington
Director
Accredited Building Surveyor
Grade 1 Unrestricted BPB 0170

Certainty through precision

T: 02 9907 6300 E: grant@pcaservices.com.au W: www.pcaservices.com.au

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-----Original Message-----

From: gary andrews [[mailto:\[REDACTED\]@hotmail.com](mailto:[REDACTED]@hotmail.com)]

Sent: Friday, 14 June 2019 2:25 PM

To: Grant Harrington <Grant@pcaservices.com.au>

Subject: Re: 160049: Compliance 13 Sydney Road, Warriewood

Hi Grant I'm providing you with my personal phone number on the understanding that it is not to be given to any third party. Thanks Gary Andrews [REDACTED]

> On 14 Jun 2019, at 12:58 pm, Grant Harrington <Grant@pcaservices.com.au> wrote:

>

> HI Gary - can you provide you phone number please

>

> Kind regards

> Grant Harrington

> Director

> Accredited Building Surveyor

> Grade 1 Unrestricted BPB 0170

>

>

> Certainty through precision

> T: 02 9907 6300 E: grant@pcaservices.com.au W: www.pcaservices.com.au

>

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> -----Original Message-----

> From: admin

> Sent: Friday, 14 June 2019 11:58 AM

> To: Grant Harrington <Grant@pcaservices.com.au>; Margaret Wilson
<Margaret@pcaservices.com.au>

> Cc: pca@office.certification.systems

> Subject: 160049: Compliance 13 Sydney Road, Warriewood

>

> -----Original Message-----

> From: gary andrews [[mailto:\[REDACTED\]@hotmail.com](mailto:[REDACTED]@hotmail.com)]

> Sent: Friday, 14 June 2019 11:29 AM

> To: admin <admin@pcaservices.com.au>

> Subject: Compliance

>

> Dear PCA could you please investigate an issue of compliance with regards to CDC 2018/0011 13 Sydney Rd Warriewood NSW. I have spoken with the council with regards to the above property and they have directed me to you to investigate and act on concerns regarding.

>

> (A) the building works carried out are forward of the building line at the front of the property.

>

> (B) an illegal granny flat was constructed under the pretext that it formed part of the CDC and its plans were submitted to Council along with your final submission.

>

> Your attention on this matter is appreciated Regards Gary Andrews