

DA No N0366/08

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Name CHRIS JOHN QUESTED
Address 15 IRRAWONG ROAD
Nth NARRABEEN NSW 2101
Phone 02-9913 2174
Date 21st AUGUST 2008

(Fax No 9970 7150)

Proposed Development Additions of an existing single storey nursing home

At 194 GARDEN STREET WARRIEWOOD NSW 2102

I have inspected the DA plans, I have considered them in the context of the relevant Locality Plans and Development Control Plans

Yes No

I am willing to provide expert reports to supplement my comments should a conflict in opinion arise

Yes No

I am willing to provide evidence to the Land and Environment Court if the application is appealed

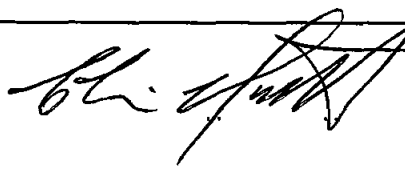
Yes No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's Internet site through Council's transparent Development Application tracking process You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern

COMMENTS

I ABSOLUTELY OBJECT TO THE ABOVE D/A
FOR MANY REASONS - AS DETAILED IN MY
ATTACHED SUBMISSION!

Signature

 21/8/08

20th August 2008

Mr Grant Walsh,
Senior Planner
Pittwater Council

SUBJECT DA PROPOSAL DA No N0366/08
 S/P 22115 194 Garden Street, Warriewood

Dear Mr Walsh,

I am responding to **formally object** to the above Development Application being given favourable determination

I am the owner of Unit 48 in *Seaside Assisted Living Apartments – which forms part of the complex wherein *Seaside Nursing Home (*hereafter referred to as ‘Seaside’) is situated and where the Development is proposed

My mother deceased in 2002 and since that time we have been endeavouring to rid ourselves of this unit which was originally purchased through Moran Health Care (Real Estate) This whole complex has both very long-standing and serious building defects

That Council could consider favourably determining this proposed development when it is well versed on the associated problems pertaining to this complex defies logic

Two of Council’s Health Inspectors (names and dates can be supplied if required) visited Units 24 & 48 – as well as surrounding external areas and took photographs of the damaged areas that I pointed out They both verbally declared our unit “*uninhabitable*” Following this visit I requested written documentation of this to forward to Sydney Water as they had requested in order to suspend the ongoing water rate fees for our Unit Council responded via email

Unfortunately Council can not provide you a letter advising that the premises is not suitable for habitation

Council have issued a Notice to the strata body requiring an independent engineers assessment and to carry out works specified in the engineers report to repair the affected areas

Council has consistently sought payment of overdue fees – full well knowing the situation of the complex and the deceased estate in question i e , no financial assets whatsoever – and upon my seeking help from Local MP, Rob Stokes, council resolved they would put our fees on hold provided we updated them monthly as to the progression of this never-ending saga Following numerous strata management meetings, “remedial repairs” were commenced It should be noted that the worker carrying out the “remedial repairs” advised he was only doing a “cosmetic” repair and would not be addressing the real problem When this “remedial repair” was taking place, I forwarded an email to the Strata Manager with a cc to Council as I was concerned at the way the flooring was being “levelled”

There were several different sized piles of concrete stacks to attain a “level” floor surface In our unit it is now a wooden floor atop a concrete base (assume the same applies to Unit 24 below) We were unsure as to whether this would breach regulations for ceiling / door heights Perhaps Council enquired direct to the Strata Manager on this point? **On my visit last Monday 18th August, the vertical blinds in Unit 48 now cannot hang correctly as the floor has been raised so much to make it “level” that the blinds now fold at an angle on the carpet**

Upon Council again requesting payment of overdue fees I forwarded an email and, amongst other things, requested them to advise me what role (if any) they actually played in the part of complexes of this nature To date, I have not received a reply

We believe Council has ‘*turned a blind eye*’ to the disgraceful state of the complex known as Seaside Nursing Home / Assisted Living Apartments for a very long time It is our opinion that this complex certainly breaches the OH&S Act NSW 2000 and the OH&S Regulations 2001 NSW Through previous employment in Government, we are both very much aware of Government protocol, legislation and requirements

It would appear Seaside is preparing for Accreditation and we have made enquiries with the Accreditation Board It is interesting to note - inter alia

“Hostels and nursing homes must satisfy a set of Accreditation Standards in order to receive Government funding The standards relate to matters such as and quality of buildings and surroundings ”

Most of the paved areas are undulating and unsafe and “bandaid” repairs are continually done I’m sure there would be numerous reports of ‘incidents’ that have occurred through residents “falling” on them My mother was one of these “incidents” One only has to view the photos and video footage obtained over the years (including the most recent taken on 18th August) that this complex would not meet the standards required When I can easily put half my hand into a “crack” in a bathroom wall, there is something very wrong

My wife and I – as well as the owners of Unit 24 – would like to attend the Council Meeting when the Development Application item comes up on the Agenda. We would be very willing to discuss our objections and reasons why and can provide Council with many photographs and video footage if required. As our Local MP has previously been involved with our issues, we will be contacting him prior to this meeting.

Through our total frustration we have researched extensively over many years. As long time residents in this area we have friends who worked in the facility in the very early days (and some more recently) and have advised us they would be willing to speak on our behalf. They have related how construction companies tried to “find bottom” – the “bottom” being a swamp/dumping ground filled with cars, trees, garbage and anything else - a documented fact by Council.

The “remedial repair” to our unit is still not complete. We were ‘told’ the bedroom window is now straight and can function as a window should. However, this *now exacerbates the ceiling and total roof structure falling into the middle* of the building. To the naked eye the whole place is crooked and will continue to sink!! How could this unit ever be sold?

Your letter states that you will only consider “relevant matters associated with the Development Application”. Whilst you may consider our objection and matters raised irrelevant to this application, I can assure you that you are very mistaken!

We have reached a point of no return and are willing to go to all lengths to alleviate the suffering we have endured for the last six years!! We will do all in our power to stop this development application proceeding. We have considered many times approaching the media but it has now reached the point where there appears to be no alternative as we have had no support from anyone (apart from Sydney Water). If we can't sell our unit – well good luck to everyone else!! My wife and I cannot continue to live our lives under total duress because of someone else's mistakes and cover ups. We are not prepared for our family, our health or our finances to be affected any longer and will **pursue this matter until we have total resolution to our satisfaction**.

Therefore, we would appreciate if you could forward these comments to the applicant and we look forward to meeting with you at the Council Meeting

Yours faithfully



21/8/08

CHRIS & SHARON QUESTED