
Sent: 26/06/2019 1:37:10 PM
Subject: Mod 2019-0271
Attachments: Letter - Mod 20190271.docx;

Dear Sir or Madam,

Please find enclosed a submission to the Mod at 22 Homestead Ave Collaroy.

Please forward a copy of this submission to compliance also, for their actioning.

Regards

Rob

Robert O'Brien
1/1 Herbert Street
Manly NSW 2095
e: outbackrob@gmail.com
m: 0408901132

Attn: Nick Keeler
Northern Beaches Council
Pittwater Rd
Dee Why NSW 2099

RE: Mod 2019/0271 - Unlawful / Innominate Uses occurring on the adjoining parcel

Dear Sir or Madam,

Further to the lodgement of this Mod, I write with regard to the state of general upkeep of Salvation Army land located at 22 Homestead Avenue Collaroy, and extending to 21 Eastbank Ave Collaroy.

- The land is zoned SP1 Seniors Housing and Function Centre under the Warringah LEP.
- The SP1 zone provides that, with consent of Council, the owner can do anything for the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
- The land is overgrown, has an abandoned shipping container, discarded building materials and other debris. This is resulting in visual amenity issues, rodents, snakes and other pests being cultivated in the general area.
- The land owner has cleared this land and is currently using it for the storage of accumulated goods, including scraps, odds & ends, remnants and stray articles. There is also a large shipping container located on the land.
- The land is currently bound by unsightly temporary fencing and characterised by long grass (which is causing snakes and other pests on adjoining land). As its been there for over two years, it does not appear to be temporary. Noxious weeds, including ivy, lantana and other fast growing species are starting to tangle around our fence, pushing the palings out and undermining this fence. I request that the Salvation Army be required to clean up the boundary line, or else we are going to need another new fence (which was replaced only a few years ago, and our side of the fence has remained free of any weeds).
- I also note there are some caretaker type dwellings which have been vacant and abandoned now for several years, and thus appear to have lost their continuation of use / occupancy and therefore can no longer be considered ancillary to the seniors housing or function centre.
- This would suggest that the land is being used either for the purpose of a junk yard or for an innominate use in respect of which development consent has not been obtained.
 - If it is being used as a junk yard, this is prohibited under the Warringah LEP 2011.
 - If it is being used for storage, this is prohibited under the Warringah LEP 2011.
 - If this is considered an innominate use, it requires development consent from Council pursuant to the Warringah LEP 2011.
 - If this use of land is considered incidental or ancillary to development, there is no seniors housing, nor a function centre on this parcel of land. The adjoining parcel, being 22 Homestead Avenue, Collaroy (Lot 2, DP604580) and DA2015/0931 was approved for a residential care facility on 27/01/2016.

- Therefore, the present use could be considered to be illegal and is certainly a nuisance for the amenity of adjoining residents and the community in general.

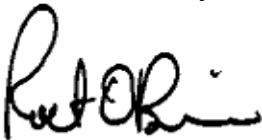
I ask if as part of this Mod, Council consider modifying the conditions of the previous DA, to include a condition stating that all ancillary works to the DA be contained on the subject site, that all temporary fencing be taken down and that the adjoining land be maintained to a reasonable standard.

Alternatively, if this activity is considered separate to the DA being determined, I request Council take appropriate compliance action to ensure the site is cleaned up. This could include the following:

- Council consider ordering that all vacant residences, accumulated goods, including the shipping container and its contents, scraps, odds & ends, remnants, stray articles located on the site be removed.
- Council make a declaration and orders, restraining the land owner from continuing to use the land for unlawful uses, without the requisite development consent.
- Council issue the land owner a notice under the Public Health Act 2010 to abate the various nuisances, such as the junk yard, the shipping container, the long grass and that the unsightly temporary fencing be removed as it is no longer required.
- Council serve a Notice of Intention to issue an Order pursuant to s124 of the Local Government Act 1993 (the LG Act) on the land owner, or take appropriate action under s125 of the LG Act.
- Council consider issuing a notice under s510A of the Local Government Act 1919, requiring the abatement of unsightly conditions on the land.

If these matters can not be dealt with as part of this Modification to the existing DA, I request that Council refer these matters to its compliance section for actioning.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Robert O'Brien', with a stylized flourish at the end.

Robert O'Brien
26/06/2019

ATTACHMENT A

