

To PETER BARBER
Director Shire Planning
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Subject: Development Application No. DA18/1300
Property: 17 BEST CRES, KIRRAWEE NSW 2232
DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A 2
STOREY BOARDING HOUSE

Dear Sir/ma'am - I would like to lodge objection/submission re the above construction of a boarding house, on several issues including the building and operation of a boarding house is/has-

- 1) Out of character with the surrounding area.
- 2) Traffic and car parking issues.
- 3) Privacy issues
- 4) Waste smell directly impacting neighbours.
- 5) Overdevelopment.
- 6) Increased crime, operational management plan issues.

Issue - 1 - Out of character with the surrounding area.-

The area is presently low density residential dwellings, mainly families or long term and elderly residents or both, I am aware of 10 young children living in the immediate vicinity within (60 metres of the boarding house proposal) in Wannyl Rd and more children in Best Crescent (the exact figure in Best crescent is unknown to me). The development is not in accord with the character of the surrounding area and should be refused.

Issue - 2 - Traffic and Car Parking -

I am aware of parking issues in both Wannyl Road and Best Crescent. Wannyl Road is close to the Kirrawee railway parking area (and is on many occasions full) people are overflow parking in Wannyl Rd.

I anticipate further parking issues in Wannyl Rd upon the residents of south village taking up residence in the towers and find a shortfall of parking (as per the Sharks Woollooware development).

I anticipate boarding house residents without onsite parking will park in both Wannyl rd and Best crescent as there is a short laneway between both and alongside the boarding house.

Traffic Parking report - 18 months ago a friend of my wife sought refuge from domestic violence at our house in Wannyl Rd and to avoid issues of her and her child's whereabouts, I advised her to park her (registered and legally parked vehicle) in Best Crescent, within 24 hours a council impound notice was sent to her ex partner for her vehicle, revealing her whereabouts to her ex partner and causing an incident requiring police attendance. I rang Sutherland Council and advised of the domestic violence issue as the reason the car was parked there, the council officer informed me that residents had complained of her car, specifically parking issues in Best Crescent ie the impound notice was issued in response to parking complaints on her legally parked vehicle which contradicts section 2.3 of Motion traffic engineers report as follows.

2.3 Public Parking Opportunities

“The development site is located southwest of Kirrawee train station in a general residential zone. On-street parking is available near the site on local streets. Site visits show that there are vacant car spaces on these streets since nearly all of the houses nearby have on site parking and do not need to park on street.”



The road corner of best crescent at which this development occupies has a 6 townhouse complex opposite with double yellow lines around the corner and up and down the street with a 40 metre one lane no passing section and 60 metre no parking zone which makes parking on the street near this corner illegal and dangerous which further contradicts motion traffic engineers report. There is overflow parking issues as a consequence of the 6 townhouse development.

It is concerning these points and the 6 townhouse complex are unmentioned in the traffic engineers report as they are patently obvious. How could these issues be missed by a traffic engineering company? It “could” be construed these points were omitted to deliberately mislead/subvert or fool the Sutherland Council development planning panels. This report should be found unacceptable and disallowed, Motion traffic engineers should be disciplined/sanctioned and reported as a result.

The development is not in accord with good traffic and parking facilities now and in to the future of the surrounding area and should be refused.

Issue 3 - Privacy-

I have substantial concerns that boarding house residents will have direct and uninterrupted views of my backyard and the living areas of my house, myself, my wife and my children, from three second storey balconies and from inside the rooms/units numbered 108,109,110.

Further, the only outside views from all areas (excluding bathrooms) inside these units are my backyard (no 5) and my neighbour at (no 3) Wannyl Rd.

The privacy of my backyard will be reduced to ZERO, the privacy INSIDE MY HOUSE WILL BE SUBSTANTIALLY REDUCED with the aforementioned rooms looking directly into my lounge/dining/kitchen/computer/and children's homework area, rooms 108,109 and 110 will be able to directly watch television in my lounge room unobstructed, watch my children do their homework, and directly watch anything we do except for my 2 bedrooms.

My wife has her group of friends from her english language classes for lunch/dinner/picnics in our backyard on a regular basis, their/our privacy will be completely compromised/eliminated for this any other use of our backyard.

This is completely unacceptable to myself/family and the other immediate neighbours affected similarly.

Units 108,109 and 110 should never have been included. This demonstrates the designer/architect did not take and had no regard to the privacy of direct neighbours.

In my view one of the prime issues that an architect (Ghazi Al Ali Pty Ltd) providing plans for a boarding house, would be to address minimise/eliminate all issues impact other neighbours especially privacy. I put that it goes to the competence and ethics of an architect that forgets/omits/disregards and or deliberately puts forward plans that hasn't addressed similar to these issues in the first instance. It leaves me to wonder would the owner instruct the architect to not address these blatant issues. Were the actions/omissions, designed to subvert, obstruct

complicate the Council planning panels. If the architect knowingly drew plans that had a probability to fail, the architect could benefit from another set of fees to amend. I require the council investigate and refer this situation for proper analysis and how it came to be.

The development practically eliminates all privacy of close neighbours now and in to the future and should be refused.

Issue 4 - Waste smell and vermin - impacting neighbours

According to the waste management plan - 1680 litre of non recycled garbage and 1680 litres of recycled garbage per week is calculated to be produced, the garbage is planned to be stored adjacent to the back fences and backyards of no3 and no5 Wannyl Road according to plans - this is completely unacceptable and adversely affects the pleasant use of our backyards , etc. Any garbage should be stored at the North West corner of 17 Best Crescent near to the allocated kerbside collection area, this reduces the bin cartage distance from 58.9 meters to 5 metres and eliminates waste smells and possible vermin/pests impacting no5 and no3 Wannyl Road.

The development impacts with waste smell and potential vermin on immediate neighbours now and in to the future and should be refused.

Issue 5 - Overdevelopment-

I note that there is and has been applications for boarding house accomodation in excess of 453 persons in the Sutherland Shire since 2/6/2017 (the last 18 months) which also goes to the character of the Sutherland Shire in general being rapidly and adversely changed/affected.

Kirrawee has development applications for boarding house accomodation for 75 alone, Kirrawee has also been subject to the South Village development of some 800 apartments and numerous other apartment complexes in the near vicinity, I am guessing/estimating that 2,500 - 4000 people will be moving or have moved in the vicinity of Kirrawee in the last 2 years and will be ongoing with further developments proposed and waiting completion.

I put that this boarding house development is further overdevelopment of Kirrawee and should be refused. If further boarding houses places were required they should have been incorporated into the South Village development.

The NSW premier Gladys Berijyklian has commented that Sydney is “full” and the now Prime Minister and local member Scott Morrison has echoed similar sentiments “the buses are full, the trains are full, the schools are full etc”. Specifically Gladys Berijyklian attested to infrastructure not keeping pace with developments.

These comments come from the highest office holder in NSW and the highest office holder in the country (who’s electorate is entirely in the Sutherland Shire). Their comments should be given full weight in assessing/rejecting this development application.

Further to overdevelopment, I am aware that there has been no expansion of schools in the area that have been announced now or previous to the known influx of people.

I am also aware of extreme traffic problems around Kirrawee during peak periods, I am aware that train services on the Cronulla line to the city are standing room only during peak times, even with no residents yet (2000+ residents) in south village.

I put that this boarding house development is further overdevelopment of Kirrawee and should be refused.

Issue 6 - Crime and the Boarding House Operational Management Plan-

The new owner purchased this property early 2018 as a deceased estate of my much respected and now deceased neighbour of 30 years.

The very first occupation of the property after this sale was to a drug/crime group who set up a clandestine drug production facility, who apparently bypassed electricity supplies etc. Fully armed NSW Police Tactical Response Group raided the property en-masse and my wife and other neighbours were questioned, my wife and other neighbours are now hyper vigilant, fearful and distressed because of this occurrence and the safety of our children and themselves going forward - the police revealed that there was wall to wall drug production in the house. This demonstrates that the owner of the proposed development did not do due diligence on who occupied the building from the very beginning of their new ownership, this is a spectacular fail.

The new owner is responsible for implementing/producing/overseeing a boarding house management plan to ensure the boarding house residents are of good character, not using alcohol, drugs, committing crime , etc.

I have no confidence that any management plan, social impact plan, crime plan etc put forward and overseen by some powerless, poorly paid, part time, onsite manager can be followed, enforced or effective.

I have had much direct experience with boarding houses, I was a Station Commander with the NSW Fire and Rescue service with 22 years service and on relieving staff for 15 years, I had served at over 60 different fire stations and have responded to numerous calls to boarding houses for fires, assist police gain entry, etc - In one instance, I attended a call to a boarding house fire as the Officer in Charge and was bitten by a resident trying to stop our entry to the fire in his room, the reason for his actions were threefold (1) he was drug affected (2) he was dealing drugs from his room and (3) he was trying to conceal the drugs, stolen goods, and illicit cash that were in his room.

He also kicked out at the police officers trying to control and arrest him, he kicked the police van door into the face of the arresting police officer, causing a severe laceration and profuse bleeding to the police officers face, and it looked to me the officer also had a broken nose.

The police officer was taken to hospital, I had to have blood tests for HIV and endure a prolonged wait (months) for eventual negative result for HIV as a result of his bite.

This incident happened at 3am (0300hrs) in winter, the whole premises and surrounding streets were woken by multiple fire engines, multiple police vehicles and multiple ambulance sirens. The direct neighbours had to be evacuated in winter, in their pyjamas until we suppressed the fire in his room and cleared the smoke (2 hours).

As well, I, the fire crews, all the police and some of the ambulance officers had also to attend court for a day to give evidence for the ensuing, court matters.

On speaking to some of the neighbours, they informed me the individual had been suspected of dealing drugs for some time and unknown people were coming to and from the premises at all hours during that time. The neighbours told me that had complained on numerous occasions and for an extensive period, and they and the onsite manager were powerless to have him removed, and at the same time fearful of him and the multiple unknown visitors.

The spin put forward is that these premises are now called "New Age Boarding Houses" are for semi professional people low paid workers, police, teachers, nurses firefighters , etc. I

have never personally known a firefighter to be living in a boarding house, my brother with 30 years service as a police officer has never personally known a police officer living in a boarding house, the fact that there is an operational management plan and its terms of reference is admission and acknowledgement that there is a known previous occurrence and risk of these situations in the past, and they have high risk of occurring going forward.

I believe any onsite manager has no power to enforce any breach of the management plan or house rules with any effect. The onsite manager has no powers that I know of under any legislation in NSW, nor has any council other than noise or fire safety.

The stipulation that consumption of alcohol is strictly prohibited is unenforceable and stated for the sake of spin.

The management plan and house rule that a resident is not allowed a glass of wine with their dinner in their private room and kitchen would be shut down in any court in the land, and is therefore a loophole that can be exploited by any non compliant resident.

Any resident taking drugs in their private room would require the on site manager to have powers of entry which they do not, so proof of private drug use would require surveillance which is illegal without orders and proofs, it is realistically unenforceable in the privacy of their rooms, again a house rule stated for the sake of spin.

I have no effective protection from surveillance of my backyard or inside my house as boarding house residents can see directly inside my house (see privacy Issue 3)

The operational management plan and house rules have no consequences stipulated for any breach and no quoted legislation, so have no real or legislative effect. The management plan and house rules can be legally and completely ignored by any belligerent resident. This is borne out by my personal experience and previous incident I have outlined in this section (re previous experience to fire call to boarding house).

My understanding is the powers to evict any boarding house resident who is antisocial or criminal is practically non existent if the eviction renders them homeless.

The onsite managers scope of discipline and powers is the equivalent of being hit with a wet lettuce.

In the spirit of the councils duty to consult with affected residents. I specifically request that council provide plain english legal analysis of the legal powers and effect of this and any operational management plan, house rules or this or any onsite manager, to myself and all residents in the vicinity and published online for access by all in regards this development application before any decision on this application is taken.

Further to this the onsite manager is not required to have any qualifications, training or experience dealing with the extensive scope of duties afforded under this or any operational management plan and house rules, (other than training in fire safety), some of which are unstated but are prime to the duty of the manager (conflict resolution, report writing, legal powers ?, boarding house management etc) the position is given to one of the residents (qualification, experience, skills, unknown) at a rate of compensation unknown (the only information I can find is that the manager is usually offered compensation in the form of reduced rent), it states the manager is contactable 24 hours a day 7 days a week, does that include at their workplace or on annual leave, sick leave, public holidays, Christmas, holidays overseas, etc obviously this is unreasonable, impossible and probably illegal.

In summary the in house manager is not required to be trained experienced or skilled in his duties other than fire safety training, in essence poorly paid, under skilled, under trained, with 24/7/365 duties

This or any other operational management plan is bureaucratic spin, toothless and adds nothing to ensure good governance, behaviour or to eliminate criminal and anti social behaviour.

Given the impact of the crime (clandestine drug house) immediate to the new owner taking over and leasing this property, the ongoing distress, anxiety and fear caused to myself, my wife and children and neighbours and my personal professional experiences and the weakness of and loopholes in management plans in preventing and dealing with criminal and antisocial behaviour.

I perceive the new owner has demonstrated complete failure in management and prevention of crime and anti social behaviour of the initial residents of the proposed boarding house for the Kirrawee neighbourhood from day 1. Therefore the Development application should be refused on these grounds and the other issues described.

Actions Required of Sutherland Council - re Consultation

There are 26 plans and reports without counting other relevant legislation, in the submission for this development application. I am familiar with the Building Code of Australia specifically sections relating to fire safety design (BCA) in my studies to become a Station Commander in the NSW Fire and Rescue Service the scope and complexity of the BCA alone is extraordinary and constantly evolving as is with State and Local planning laws/regulations. These numerous (26) reports/plans would have taken experts many months to analyse / produce / provide.

the aborist plan alone is 40 pages

the access report is 23 pages

the architectural plan is 13 pages

the basic report is 16 pages

the BCA report is 22 pages

There are another 21 plans reports etc of highly complex and lengthy detail not added here for the sake of brevity.

My good and long term neighbours (who I consider friends) consist of several who are elderly, with vision problems and without internet access or skills, There are neighbours from Indonesia, China, Thailand, Phillipines, England and Europe all working with mortgages, many whose English is their second language and or very limited.

I know my direct neighbours all work long hours, have young children, are required to work interstate and overseas at times and have been caught by surprise or have been away which has eliminated any chance to properly make full and informed submissions.

Many residents express to me as being overwhelmed/intimidated by the process.

To expect the local residents, none of which that I know have any experience/knowledge/ understanding of any of these legislations, plans or reports to read understand/analyse/reply with any depth or entirety (myself included) in less than 2 weeks is a complete corruption of process.

I myself have taken some (unpaid) 40 hours away from my business's peak period to analyze reports, plans and produce this submission, which I know is still limited in its scope as I am a novice in these matters.

In the spirit of the councils duty to consult with affected residents.

1 - I specifically request that council provide plain english legal analysis of the legal powers and effect of the proposed and any operational management plan and house rules of the proposed or any onsite manager. The council should supply the analysis to myself and all residents in the vicinity and published online for access by all in regards this development application before any decision on this application is taken.

2 - I demand, the submission time frame be extended to accomodate all of the residents needs/limitations/work/travel/child care commitments and the Christmas/school holiday period. (I submit 20 February 2019.)

3 - I call on the council to provide face to face training/education/translation of all the issues reports, plans, legislations to the residents in that time.

4 - Motion traffic engineers should be disciplined/sanctioned and reported to ICAC by Council.

5 - I request the council investigate/discipline/sanction and refer the architects actions (Ghazi Al Ali Pty Ltd) (issue 3 architectural plans re privacy) for proper analysis/action and how it came to be.

6 - Council monitor any detriment to myself or other affected residents, likely as a result of our submissions.

If all of these issues are not addressed any so called consultation of residents is a complete sham and a corruption of process and fairness.

Comments

My and I expect others perception of NSW and local council planning consultation is - like asking your children what they want for dinner, when you know there is only Broccoli in the fridge. The only difference is that Broccoli is good for you.

Example 1 - The South Village Development started as a consultation process, many residents opted for community facilities/parkland/open space/a lake /library etc, on previous State government land (NSW Water Board). It was sold to a developer, the original DA was for Two supermarkets, some other shops and 240 apartments, many planning battles later it was taken out of the hands of Sutherland Council, and decision making given to the NSW planning minister, by virtue of the developer enlarging the scope of the development - to 400 apartments, then development expanded to 600 then 750 and at the last minute 800 (all figures approximate). The lake still appeared on the South Village 3D model in the sales office when I last went in 6-8 weeks ago. The lake, the library and any community facilities have all disappeared into fantasy.

Sutherland Council is looking at commercial opportunities for previously allocated community space.

Example 2 - Barangaroo Casino Development had no tender process at all for the sale of public space, some say legislation was changed to suit the desired outcome and benefit a high wealth individual/corporation.

Quote The Guardian - The architect Philip Thalys, part of the team that won the initial design competition, views the evolution of Barangaroo as the archetypal story of modern Australia. "Barangaroo is a demonstration of everything that is wrong in contemporary Australian city-making," he says. "Rampant privatisation, the weaknesses of the planning

system [and] the failure of public authorities, our governments, to clearly understand what the public interest is.”

The scope of the original government brief for the Barangaroo site was for no building above 92 metres in height, now there are seven above that height at 275 m, 250m, 210m, 107m, 168m, 178m, and 217 m high.

At every turn, high wealth commercial interests prevail, by secret influence, lobbying and political and bureaucratic legal corruption, subversion, erosion by changing of process, legislation and spin.

Consultation occurs on a proposal and objections are suppressed by complexity, process, submission exhaustion, completely unreasonable timeframes and by proposal creep in many stages, each stage more than before, to the end that the developer gets something 4-5 times bigger than consulted about. Rendering consultation ultimately pointless.

Edie Obied is in prison but his spirit remains in legislation and process. This does not in any way eliminate both sides of politics who are equally guilty of operating in the fringes.

We have seen Royal commissions for institutional child abuse, banking, finance superannuation, NSW ICAC enquiries etc refusals to implementing a Federal ICAC. With extraordinary revelations Direct examples of political parties, representatives and regulators, planning officials not acting on long term blatant contraventions. Child abuse within many institutions persisted for more than 50 years.

Note - the NSW ICAC is hamstrung by not being able to prosecute, only investigate and refer, much of the evidence it obtains is not able to be used in prosecutions (yet some politicians and powerful individuals call to reduce NSW ICACs powers). Many cases are referred not to police but to the original public service institutions that were corrupted, only for corrupt individuals to be temporarily demoted, or sacked then re-employed as contractors - State Rail as an example.

In many minds this and other Boarding house developments / high wealth developments applications in general are pre ordained despite resident opinions / wants / needs, by manipulation and changing legislation. Consultation is used as a subversion to democracy. Let the residents vote on it, is never going to happen.

The approval of this development now or into the future needs to be refused in its entirety on the issues I and others have raised, and to display any spark of integrity in development process and applications going forward as there has been little in the past history of NSW, as the developer always wins, with opponents facing legislation and process heavily biased and corrupted against them from the outset, as per this situation.

as per S147 of the EP&A Act

I have not made a gift or political donation to a councillor or political party in the last 59 years

I understand and agree that contents of my submission will be available and published on DA Tracker

SIGNED

Brian Brennan

Date 3/12/2018

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