

Submission from The Owners Corporation 30 – 32 Bardo Road, Newport regarding the following notice of proposed Development:

Application No: DA2020/0502

Address: Lot 33 Sec 2 & Lot 34 Sec 2 DP 4689 34 & 36 Bardo Road Newport

Description: Demolition works and construction of Seniors Housing

For the attention of Renee Ezzy (planner)



Please find our objections and concerns below to the proposed development. As we are direct neighbours (on the eastern side) two members of our body corporate visited the Northern Beaches Council on Tuesday June 2nd and spoke with the duty planner regarding our concerns on the above development. Based on this meeting and at our expense, we commissioned a building regulations company to examine various aspects of the development, which together with our own research form the basis of this document.

The first section deals with the bigger picture of how we believe this development impacts both ourselves as immediate neighbours and many other owners in Bardo Road. The second section is a copy of the report prepared by Trevor R. Howse Pty Limited. The last section is the conclusion that we have reached based on the information contained within this document.

Section 1 – The Big Picture

Visual Impact on Bardo Road

- According to page 19 of the Statement of Environmental Effects “Neighbourhood Amenity & Streetscape - The proposal has been designed so as to have minimal impact upon the neighbourhood amenity & streetscape of the locality”. In our opinion the streetscape is most definitely not in keeping with other properties on Bardo Road due to the large scale two story façade across the entire street frontage.
- According to the Statement of Environmental Effects “The proposal is also considered to present a built form to the street which is compatible with other new development in the immediate vicinity of the site”. We dispute this statement and suggest that the compatibility is totally out of keeping with the other buildings, both new and old in Bardo Road.

Floor Space Ratio

- We refer to attached report by Trevor R Howse Pty Limited which clearly states that this proposed development exceeds the acceptable floor space ratio. We are of the opinion that this overdevelopment of the site, being almost 50% over the area permitted by council policy, impacts a great many other aspects of the overall visual, environmental and amenity issues.

Traffic Issues

- Page 9 of the Traffic Impact Statement lists “Within the RTA Guide to Traffic Generating Development (2002)”, the site is classed under “Housing for Aged and Disabled Persons”. This document provides an evening peak hour vehicle trip and daily vehicle trips rate. The rates given are; “Daily Vehicle Trips = 1 - 2 per dwelling, evening peak hour vehicle trips = 0.1

- 0.2 per dwelling". This report was from a 2002 RTA guide, which is over 18 years old. In fact this report has been updated and shows higher figures than those shown above. Of more importance is the fact that the habits, working and leisure requirements of over 55's have changed dramatically in the past 18 years to such an extent that the above figures are obsolete. Today's 50's, 60's and 70 year olds are active, mobile and adventurous and much more inclined to use vehicles to pursue their hobbies or occupations. As such we dispute the traffic assessment and believe that the traffic in and out of the proposed development will be far greater than those shown in the report. We believe there will be an adverse impact to our own residents as 30-32 Bardo Road as well as others in the road, with the potential to add on average an extra 24 plus vehicle movements per day creating further congestion in Bardo Road

- Bardo Road is narrow. Already the traffic moving from east to west and vice versa down Bardo Road is reduced to one car at a time, with vehicles having to pull into the side to allow another vehicle to pass - indicating that the infrastructure is already way beyond acceptable levels. As the development is directly opposite a kindergarten, this is especially important.
- Also during the construction phase due to the narrowing of Bardo Road on either side of the proposed site, we are concerned that if a truck is parked opposite it would most likely prohibit any medium to large vehicles from driving between them.
- It states in the Construction Traffic Management Plan that the hours of construction are 6:00am – 5:00pm (Mon - Sat). Whilst we realise that Covid 19 has created extra working hours and is a temporary measure only – if this were to proceed the initial excavation and demolition work on this site will be the noisiest part of the total build. As such a 6am start is just not acceptable in this residential area.
- It states in the Construction Traffic Management Plan that the hours of construction are 6:00am – 5:00pm (Mon - Sat). Whilst we realise that Covid 19 has created extra working hours and is a temporary measure only – if this were to proceed the initial excavation and demolition work on this site will be the noisiest part of the total build. As such a 6am start is just not acceptable in this residential area. Also during the construction phase due to the narrowing of Bardo Road on either side of the proposed site, we are concerned that if a truck is parked opposite it would most likely prohibit any medium to large vehicles from driving between them.
- Directly opposite the proposed site is a kindergarten which has parents dropping off and picking up children each morning and afternoon. Aside from The Construction Management Traffic Plan report stating that "No contractors will park outside Bardo Kindy on the southern side of Bardo Road between 7am to 10am and 3pm to 5pm" and that "All trucks will take care with the childcare centre close by" - the report ignores the obvious difficulties that will be experienced by both parents and general traffic during pick up and drop off times, creating a potentially dangerous situation.
- The Construction Traffic Management Plan is in our opinion unrealistic, understated and incomplete. The all-important construction zone referred to on page 6 of the report is not shown so we have no idea how it actually impacts on Bardo Road, yet it states that "Trucks and delivery vehicles will park within the construction zone".
- We note that page 3 of the Traffic Impact Assessment states that Newport is approximately 31km south-east of Sydney's CBD, which is incorrect

Tree Preservation Issues

- We have been informed that the proposed site is the subject of a tree vandalism report currently being handled by Ms. Joanne de Vries at The Northern Beaches Council and suggest that facts relating to this report should form part of council's consideration.
- On page 3 of the Arboriculture Impact Assessment & Tree Protection Plan it states "the construction of 6 x 2 storey and 2 x single story apartments plus basement level" which is totally incorrect.
- We are especially concerned about the preservation of the Norfolk Pine tree on the corner of the development site

Fauna and Wildlife concerns

- Sydney's Northern Beaches and especially Newport is home to many wonderful native animals including Brush- tailed and ring- tailed Possums, Bandicoots, Frogs, lizards , lorikeets, kookaburras, Parrots and Rosellas. Because of the dense tree coverage in Newport we enjoy more than our fair share of native animals. By removing trees and increasing land coverage by overdevelopment such as this proposal – our natural heritage is rapidly being eroded. Most of us live in Newport by choice and we most certainly do not want to lose this wildlife bonus.

Landscaping Report

- Susan Read B.LArch the Landscape Architect on the project refers to a landscape planting plan, however this is not included in the development proposal documentation. In our opinion this plan must be included as there is already insufficient space allocated to landscaping. Without sufficient open space and appropriate planting, especially the replacement of mature trees, there will not only be the impact of a visual break in the leafy canopy, but also the full visual impact of a large building structure that will be visible to all the neighbours in the immediate vicinity of the site.

Safety Concerns

- Almost all of the safety concerns relate to current and proposed traffic issues which have been covered within this document. Of special concern is the fact that directly opposite the proposed development is a kindergarten. Although the safety issue and traffic hazards which will no doubt be experienced should this development proceed, they will not finish at the end of the build period. This document has clearly made the point that the infrastructure in Bardo Road is already well past its peak and at unacceptable levels, As such any additional traffic, no matter how insignificant, is just not acceptable.

Garbage Bins & Collection

- At present, without even for allowing for additional garbage bins as a result of this development proposal, it is extremely frustrating to drivers travelling up and down Bardo Road when the garbage trucks empty the bins on Monday morning of each week. The addition of further bins will only create more frustration and add to the traffic hazard that already exists.

Construction Concerns (Aside from those outlined in the report by Trevor R. Howse Pty Limited}

- The plans note that the excavation to the basement will be to 5.3m, however the auger holes were only shown to a maximum depth of 1.4m and the DCP tests were to a maximum depth of 2.7m.
- Page 3 of the Accessibility report states Dwelling Mix - The development proposes twelve (12) self-care dwellings providing three (3) bedrooms. However, the plans show 10 x 3 bedroom and 2 x 4 bedroom dwellings
- Page 15 of the Accessibility report, clause 2.4, states that "Notwithstanding the above comment, given the gradual, almost level footpath along Gladstone Street it is the writer's opinion that the additional 47 metres would have negligible impact on pedestrians and is a reasonable variation to the requirements of Clause 26." However, clause 26(2)(b) of the SEPP prescribes a maximum distance of 400m not 447.6m and as such does not comply in this instance. Also, according to page 10 of the Statement of Environmental Effects, local Centre zoned B2 which includes services such as Newport Pharmacy, Australian Post, supermarkets, restaurants and ATM's are 500m from the proposed site.
- Pages 5/6 of the National Construction Code states that ground Floor Units 5 to 8: have a maximum extended travel distance to exit of up to 35m in lieu of 6m. This exceeds the Class 2 DTS requirements:
- Page 7 Statement of Environmental Effects refers to a footpath on both sides of Bardo Road, when in fact only part of the road on the opposite side to the proposed development has footpaths and there are no paths whatsoever from numbers 39 to 47.
- Page 30 of the Statement of Environmental Effects states – "Acoustic Privacy It is not considered that the proposal will result in any unreasonable acoustic impacts upon adjoining properties". We dispute this statement highlighting the fact that the sole entrance and exit for 24 vehicles plus guest parking to the development is via a driveway on the Eastern side which will severely impact the front westerly dwellings of 30-32 Bardo Road.
- As the proposal states "The proposal provides for 32.6% of the total site area to be used as landscaped area. The minimum required landscaped area on R2 – Low Density Residential land is 50% as prescribed in the Pittwater DCP. It is considered that the proposal provides a landscaped area in accordance with the requirements of the SEPP and which overrides this section of Council's DCP. It is therefore considered that the proposal provides a landscape outcome in accordance with the requirements of this section of Council's DCP". We ask the council to consider the implications of this gross reduction in landscapes area being totally out of character with the current landscape of Newport.
- The proposal states a building works period of 50 weeks. Is there a penalty if the build period goes over this time allocation?
- The development proposal indicates that site workers are expected to park on the street or Bishop Street, both of which are generally devoid of parking spaces.

Boundary encroachment

- As outlined in the report by Trevor R. Howse Pty Limited the building as designed encroaches on the Western side which seriously affects the privacy and noise factor of the dwellings on the Western side of 30 -32 Bardo Road. It could also affect the fire/safety

Shadowing

Shadowing

According to page 19 of the Statement of Environmental Effects "In relation to overshadowing it is noted that shadow diagrams have been prepared in support of the proposal. Those diagrams indicate that whilst the proposal will result in some overshadowing of the adjoining properties, that the majority of the shadow cast is to the front yards of the subject and adjoining properties rather than the rear yard or north facing windows. On this basis it is not considered that the proposal will result in any unreasonable overshadowing". We believe that the overshadowing to owners in 38 Bardo Road will be substantial and that the three properties on the Western side of 30-32 Bardo Road is will completely lose the sun from mid- afternoon. We believe that this is unacceptable.

See attached report prepared by Trevor R. Howse Pty Limited



TREVOR R HOWSE

12 June, 2020

Our ref: J20067-2

Owners Corporation
30-32 Bardo Road
NEWPORT NSW 2106

Email: pbmengines@bigpond.com
Attention: Mr Lindsay Wellings

Dear Lindsay,

RE: 34-36 Bardo Road, Newport

Introduction

Reference is made to the recent engagement of our office to undertake a review of the Development Application documentation lodged in respect of potential 'bulk and scale' impacts of the proposed development on your site at 30-32 Bardo Road.

Further to this engagement, our office has undertaken a review of documentation available on the Northern Beaches Council website and prepared this correspondence for your information and assistance.

Assessment Basis

The content of this correspondence is based upon –

- Statement of Environmental Effects prepared by Minto Planning Services, and dated May 2020;
- Development Application architectural drawing set prepared by Popov Bass Architects, and dated 30 April, 2020.

Assessment – Bulk and Scale

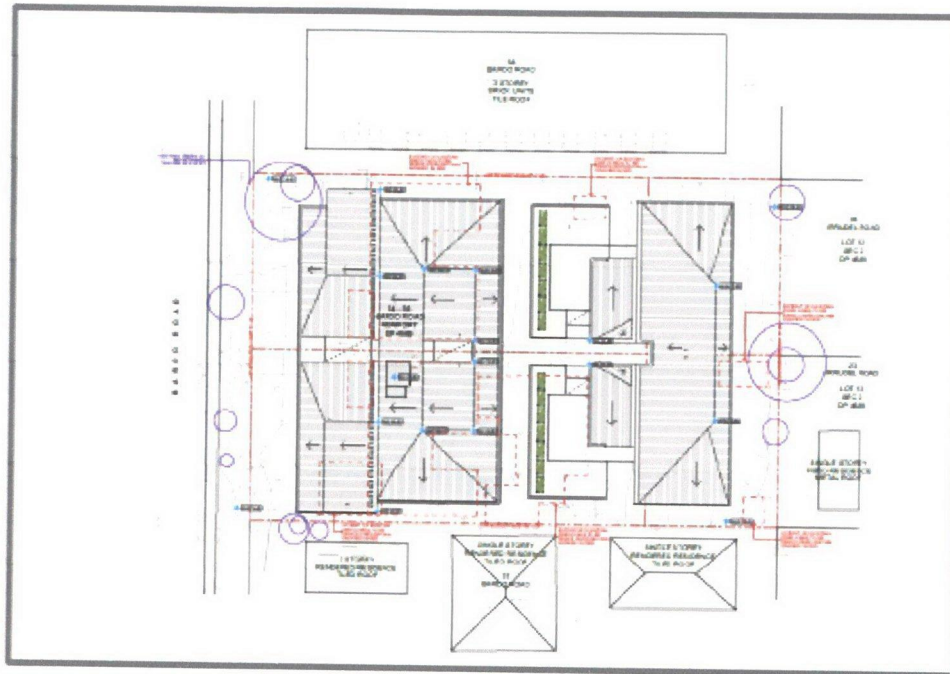
Preamble

As depicted in figure 1 below, the proposed development shall be located to the west of your site. This position is of potential relevance to the stand-alone buildings and portion of main building at the rear of your site, all along the western allotment boundary.

BUILDING REGULATIONS • FIRE SAFETY ENGINEERING • LEGAL SERVICES

e admin@trevorhowse.com.au w www.trevorhowse.com.au a 27/16 Orchards Avenue, Breakfast Point, NSW, 2137

Figure 1 – proposed site plan



In respect of the issue of 'bulk and scale', the legislative framework applicable to Development Applications directly and indirectly regulates this through the following mechanisms –

- Limiting the overall height of a building
- Establishing minimum setback distances between the building and allotment boundaries
- Establishing a maximum permissible quantum of floor space relative to the size of the allotment (known as FSR – floor space ratio)
- Establishing solar access requirements (i.e. overshadowing of adjoining properties, and entry of natural light into the proposed development).

For each of these items, the following commentary is extended.

Building height

The proposed development incorporates elements of both one (1) and two (2) storeys.

With reference to figure 2 below, it can be seen that the proposed development SHALL BE within the maximum building envelope.

Figure 2 – proposed building height plane



Building setbacks

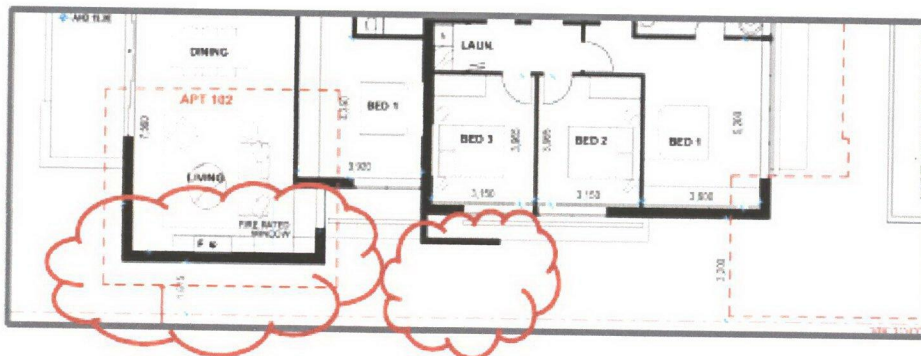
The Council Development Control Plan (DCP) requires (inter alia) a minimum side setback of 3000-mm for portions of development below 3000-mm in height, and an increasing setback for portions of building higher than 3000-mm (subject to a formula contained within the DCP).

In terms of the shared (western) allotment boundary, the proposed development shall encroach within this limitation as follows –

- Apartment 102 – level 01 shall extend to approximately 1615-mm from the shared allotment boundary
- Apartment 104 – ground / level 01 shall contain an external wall that shall extend to approximately 2000-mm from the shared allotment boundary

These encroachments are depicted in figure 3 below.

Figure 3 – proposed side boundary setback



TREVOR R HOWSE PTY LIMITED

Floor space ratio

The maximum floor space ratio for the subject site is listed within the Council policy as 0.5:1.

This means (in basic terms) that the development is permitted to have a floor area not more than 50% of the area of the site on which it is contained.

As designed, and expressed within the Minto Planning Service report, the proposed development shall instead have a FSR of approximately 0.717:1. This is nearly a 50% floor area increase on that permitted by the Council policy.

Overshadowing

The architectural plan set included within the Development Application submission includes a shadow diagram identifying the probable impact of overshadowing from the proposed development.

A copy of this shadow diagram is included in figure 4 below.

This shadowing is taken at the times of 9:00am; midday; and 3:00pm.

In terms of impact on the property 30-32 Bardo Road, this shadow diagram indicates that –

- At 9:00am, there is no overshadowing of your site
- At midday, the proposed development has only a very minor additional shadowing impact from that which is currently experienced from the buildings / structures on the adjoining allotment; and
- At 3:00pm, the proposed development shall have a more substantive impact (when compared to that which is currently experienced from the buildings / structures on the adjoining allotment).

In figure 5 below, the 3:00pm element of the figure 4 diagram is expanded for easier viewing.

NOTE: The shadow diagram provided does not accurately depict the rear building on your allotment.

Figure 4 – shadow diagram

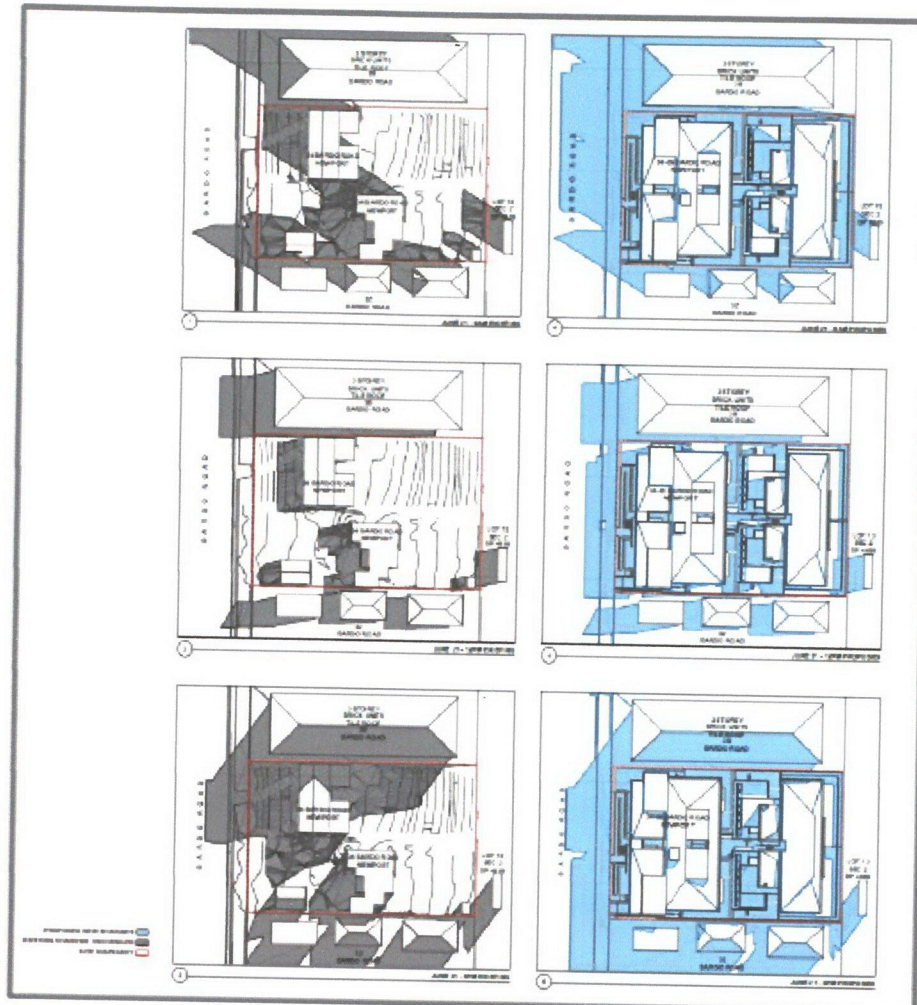
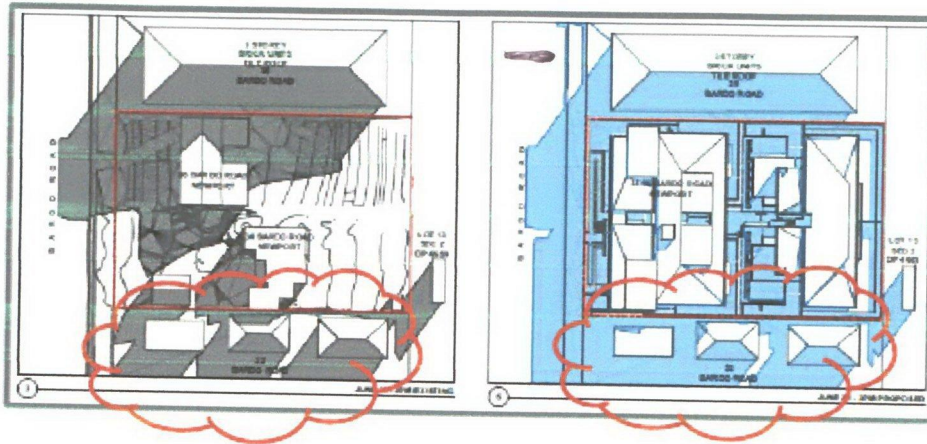


Figure 5 – 3:00pm shadow diagram



Conclusion

From the assessment performed above, it is our opinion that the proposed development for the allotment adjoining your site does indeed have elements of 'bulk and scale' that exceed the design limitations prescribed within applicable Council policies.

These deviations will directly impact upon the amenity of residents on your site in the following ways –

- Visual amenity due to the encroachment of the development within 3-metres of the shared allotment boundary; and
- Reduced solar access at the 3:00pm time.

Having regard to this, I would strongly urge that the residents lodge objection to Council to the currently proposed design (for the adjoining development) to seek amendment of these aspects to reduce the 'bulk and scale' impact.

Yours faithfully,

Hayden L. Howse
For Trevor R Howse Pty Limited

Conclusion

As this document outlines there are many individual factors that fail to meet the standards set and hopefully maintained by both the NSW State government and the Northern Beaches Council. From over development to traffic hazards, fauna and tree concerns to environmental issues - all of which combined create a development that is just not right for this area of Newport. We are not against development, but we are mindful that developers, councils and state governments have a responsibility to not only protect those existing owners who have invested their life savings into their properties, but to ensure that the advantages they enjoy are maintained for years to come.

We would also like to point out the number of inconsistencies within this development proposal, especially in relation to the description and number of dwellings that are being proposed for the site. This is of concern as it indicates that the various organisations preparing this submission could be basing their conclusions on different criteria.

For and on behalf of the Owners Corporation 30 – 32 Bardo Road, Newport

*R. Wellings
Apt 6, 30-32 Bardo Rd.
Newport. N.S.W. 2106
pbmengines @ bigpond.com*

