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Subject: Online Submission

11/06/2020

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RE: DA2020/0502 - 36 Bardo Road NEWPORT NSW 2106

Ms Amy Cuss
Proprietor
Bardo Road Kindergarten
41 Bardo Road
Newport NSW 2106
10 June 2020
Northern Beaches Council
Planning and Development
Dee Why NSW 2099

ATTENTION:
Council Officers and Members of Council

SUBMISSION REGARDING PROPOSED DEVELOPMENT DA/2020/0502
34 & 36 BARDO ROAD NEWPORT

Having reviewed the Application for Development (under SEPP (Housing for Seniors or People with a disability) 2004) ("the Application") provided to Council by the Developer of the above project I have several major concerns regarding this Application which Council will need to address with the Developer/Local Residents before a proper assessment of the Application can be made.

I refer specifically to the following statements made in the reports provided in support of the Application.

STATEMENT OF ENVIRONMENTAL EFFECTS

The Introduction to this Statement sets out the purpose of the SEPP as "to enable housing that will cater for seniors (people aged 55 and over) or people with a disability".

Comments

As Council are aware this SEPP has been used time and time again by Developers to benefit themselves financially to the detriment of existing residents. There may be some consolation to existing residents if these developments achieved the stated purpose however this rarely occurs.

I note the recent Application for Development (under the same SEPP) of the residential site at 60 Binalong Road, Allambie Heights which was intended to be suitable for people with a

disability and low income which was completed in January 2020. That Development is currently being sold by the Developer and once it is sold there is nothing which forces the new owner to comply with the original intent of the Development.

Given that the proposed Development comprises large 3 bedroom townhouse style accommodation it is unlikely that they will be occupied by over 55's or only two people and are more likely to become family dwellings. As Council can see many of the reports provided rely upon the assumption that there will be only two people per unit and therefore the impact this development will have on the area have been totally understated. Council will need to address the above with the Developer/Local Residents before a proper assessment of the Application can be made.

Part 2. The Site

"An Access Report prepared in support of the proposal" states "the existing footpaths of an appropriate and compliant construction". The Access Report also states "a pedestrian pathway is also located on the opposite side of Bardo Road and which the site relies upon for access to the required bus stop".

Comments

Clearly the writer of the Access Report has not inspected the site or they would have seen that there is not a completed pedestrian pathway on the south side of Bardo Road and therefore no suitable access to the bus stop (particularly during the build). The writer would also have seen that the condition of the existing pedestrian pathways would not be appropriate for a person with a disability to access the bus stop.

Council will need to address the above with the Developer/Local Residents before a proper assessment of the Application can be made. If any additions/rectifications of the any pedestrian pathways are required to support the Development they must be undertaken at the expense of the Developer and not the ratepayers of the Northern Beaches.

Part 4. The Proposal

"The proposal will provide for the retention of trees that are of a high significance..."
"subject to compliance with the recommendations of the Arboricultural Impact Assessment report the proposal will not result in any unreasonable tree impacts."

The Arboricultural Impact Assessment notes "the vast majority of trees requiring removal are exempt due to species or height under Council's Tree Management Plan or are in poor condition or dead". The Assessment also refers to a number of existing trees to be preserved in particular and of "high significance" is a mature Norfolk Island Pine. The Assessment notes that this tree "may require removal during the development if it is determined by the Project Arborist that structural integrity will be compromised" by the excavation.

Comments

Council would be aware that several complaints were lodged by surrounding residents in late 2019/early 2020 regarding what appeared to be the systematic poisoning of trees on the Development site hence the number of trees which are in "poor condition or dead". Given the blatant disregard shown for site vegetation prior to the lodgement of the Application Council should not be confident that the necessary care will be taken to protect existing trees, in

particular the mature Norfolk Island Pine which is home to many bird species in the area. Unless Council place strict controls at the outset of this Development the proposal will likely result in unreasonable tree impact to the site and the area. Given the SEPP overrides the Pittwater DCP and permits the landscaping of the site to be reduced from 50% to 32.6% that is already a significant impact. Council will need to address the above with the Developer/Local Residents before a proper assessment of the Application can be made.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Approach

The stated approach includes: "the builder will take ownership of...maintaining smooth traffic and pedestrian flow with minimal disruptions; undertaking work with minimal impact on residential neighbours; monitoring and managing acoustic impact...; ensuring safe access and egress from the site...; ensuring safe pedestrian passage..."

Hours of Operation

"6.00am to 5.00pm (Mon-Sat).

Comments

It is unclear why the extended hours of operation are sought given they are totally inconsistent with the builders' stated approach, namely these hours will have a substantial impact on residential neighbours and will create significant acoustic impact. In addition, these hours will result in the build taking place in darkness and therefore affect the safety of local drivers and pedestrians. There is nothing in the Application which states what recourse is available in the event that the builder does not in fact "take ownership of" their responsibilities. Council will need to address this with the Developer/Local Residents before a proper assessment of the Application can be made.

If the Developer were permitted to start at 6.00am the various contractors, trucks, etc would start arriving in Bardo Road at about 5.30am. I know this to be a fact given my husband is a Builder and is always at the site at least half an hour prior to the permitted 7.00am start. In his nearly 20 years in the Building Industry he has never been permitted to start work in a residential area prior to 7.00am and Council must ensure that remains the case for the well being of the local constituents.

Construction Zone/Expected Work Periods/Truck Details and Movements/Truck Loading Unloading

I have combined the above parts of the Plan as they are all inter-related. The Plan states:

" a construction zone will be required. All deliveries and trucks will park within the construction zone"

"All trucks will load/unload within the Construction Zone"

"trucks will be recommended to park on the northern side of Bardo Road, onsite (basement carpark once built) or Bishop Street"

"Site Establishment (2 weeks), Demolition (4 weeks), Excavation and Site Filling (4 weeks),

Concrete Floor slabs (8 weeks)"

"Site Establishment 1 - 2 deliveries per day" (no truck details)

"Site Works and Demolition - Truck and Dog, Semi-Trailer 5 per week" (unclear if that means 10 total)

"Excavation and Site Filling - Semi-Trailer and 22T Excavator - 2 times" (unclear how many truck movements will be required to remove excavation material and import fill)

"Concrete Floor Slabs - Concrete Trucks, Concrete line pump - 3 per day" (if this is over 8 weeks this totals 120 movements which is excessive)

Comments

Although the Plan refers to a construction zone being required it is not clear where the construction zone is to be located. There is a reference to trucks parking on the northern side of Bardo Road or Bishop Street or "onsite (basement carpark once built)". It appears that until the carpark is built that there will be no construction zone available, other than on Bardo Road, despite this being a requirement of the Developer. This is further confirmed in the Plan where it states that "Trucks will be recommended to park on the northern side of Bardo Road, onsite (basement carpark once built) or Bishop Street". Given the time frame set out, and provided the build goes to plan it will be at least 18 weeks before the basement carpark is built and an off-street construction zone is created as required. The highest number of truck movements will take place during that 18 week period so by the time an appropriate construction zone is created it will be too late. This on-street construction zone is totally unacceptable for so many reasons particularly where it is already the case that vehicles cannot pass safely on Bardo Road without one giving way to the other. The safety of other drivers, pedestrians, and children attending Bardo Road Kindergarten will also be placed at risk if large trucks are permitted to park on Bardo Road at any time during the Development.

In addition there are insufficient Truck Details and Movements provided. I have indicated above which details have been omitted from this part of the Plan. Given that these details are required to determine the actual effect on the flow of local traffic and the impact on residential and business neighbours it is submitted that there is in fact no adequate Construction Traffic Management Plan. Council will need to address this with the Developer/Local Residents before a proper assessment of the Application can be made.

Surrounding Businesses/Public Car Parking

The Plan states "no contractors will park outside Bardo Kindy on the southern side of Bardo Road between 7am to 10am and 3pm to 5pm", "All trucks will take care with the childcare centre close by", "trucks will be recommended (my emphasis) to park on the northern side of Bardo Road, onsite (basement carpark once built) or Bishop Street."

The Plan further states "trucks and delivery vehicles will park within the construction zone", "workers will park either on site or in surrounding streets in unrestricted parking zones", "Where possible, workers will catch public transport or car pool".

Comments

As Council would be aware on 19 February 2020 I wrote to your Road Safety Officers requesting that Council implement parking restrictions outside Bardo Road Kindergarten for the safety of the children attending and their families and foreshadowing the issues relating to this Development. My request was rejected and I am now faced with "recommendations" that

trucks will park on the north side of Bardo Road, suggestions that no contractors will park outside Bardo Road Kindergarten at specific times and further that trucks will supposedly "take care with the childcare centre close by".

How can the Developer state that the above will occur without any formalisation of the arrangements. Without proper Council signage none of the above are enforceable and there is a real risk that my business will suffer if parents cannot drop off and pick up their children conveniently and safely. I again request that Council agree to the formal parking restrictions previously sought not only for the sake of my business (which has already been placed under significant stress by COVID19) but for the safety of the children and their families.

In addition, it borders on ridiculous for the Plan to state that workers will drive around the surrounding streets looking for parking and/or catch public transport or carpool to the site. Council would realise this complete conjecture and has no value whatsoever.

Council will need to address above the with the Developer/Local Residents before a proper assessment of the Application can be made.

National Construction Code

6.0 Access for Persons with a Disability

This report states "the design would generally (my emphasis) comply with the prescriptive provisions of the NCC with additional ongoing review being undertaken..."

Comments

It is not clear what comprises a "generally" compliant design with respect to the needs of persons with a disability. If the Development is intended for both senior residents and those who have a disability it would be expected that the design as submitted to Council would fully comply to ensure that the entire complex can be accessed by all residents and guests regardless of their mobility issues. The Developer must bear the responsibility and cost associated with ensuring that residents are not required to retro-fit/renovate any aspect of the Development at their own expense. Council will need to address this with the Developer/Local Residents before a proper assessment of the Application can be made

Other issues

This submission to Council has had to be prepared without adequate time to properly review all aspects of the Application. The reason for this is that the formal Notification of the Development was not received on time and further the Notification which is supposed to be on display on the property itself has been well hidden in the vegetation and is not visible to passers-by. Clearly the Developer is hopeful that local Residents and other interested parties will also have inadequate time to make proper submissions to Council. Council should address this with the Developer and in fairness extend the time for submissions.

As indicated above the Application relies upon the assumption that two people will occupy the 12 units being built. For example it is assumed that there will be on 12 to 24 trips per day from the Development. That is highly unlikely. Also there are only 4 guest parking spaces being provided. Clearly that will be insufficient and will result into overflow onto Bardo Road creating yet more parking problems and safety issues. If even some of the units are occupied by over 55's there has been no consideration given to where any boats, caravans, and trailers will be

parked nor are there any specific Disability Parking spaces provided. Obviously the 4 guest parking spaces will not be used for guests and again guests will end up on Bardo Road.

As a general observation many of the Reports provided in support of the Application are overly lengthy in that they are repetitive and contain much irrelevant material and conjecture rather than factual information. Much of what is contained in the Reports adds no value to the Application and simply makes them more difficult for people like myself to sift fact from fiction (which may be the aim of the writer).

I have tried to identify and address those parts of the Application which currently create the most concern for me both as a neighbouring resident, parent of 3 young children, and proprietor of Bardo Road Kindergarten. Had myself and other local residents had had more time we would have been better placed to make more detailed and meaningful submissions to Council.

Although I am aware that Council has limited power to reject SEPP Applications the very least that Council must do to protect their constituents is to ensure that the Application is based on fact and that there are formal protections in place within the Application to ensure that the protections are more than mere suggestions as is currently the case.

At this time my submission to Council is that the Application be rejected.

Kind regards
Amy Cuss
Bardo Road Kindergarten
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