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Subject: Online Submission

10/06/2020

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

10th June, 2020

As long term residents of Bardo Rd, we also wish to support the concerns of our neighbours in our street who will be significantly impacted. I would also like to note that although we live relatively close by, we were not notified of this development, & the DA notification was not placed on the property for days after the DA was submitted. I understand that it is not a "requirement" to notify us, however considering the size & impact on our street, we are very disappointed in the minimal communication.

Our objections are as follow:

1) The scale of this development is excessive. Where else in Newport (outside the immediate Newport CBD) are there SEPP 5 developments with an underground carpark? It is completely out of step with the types of developments in Bardo Rd. How can it in anyway be appropriate to offer SEPP5 accommodation with 4 bedrooms & an internal staircase?

The ratio of building to green space is blatant overdevelopment.

2) As the map shows, there are already SEPP 5 developments in Bardo Rd. As local residents, we strongly believe that there is no further room or need for another SEPP 5 in Bardo Rd. The footpaths are completely over run with garbage bins already & anymore would be creating an increased hazard for pedestrians. Bardo Rd already only allows one car to pass at a time, which indicates that the infrastructure is already passed its peak. With the density of parked cars & Bardo roadway in disrepair, any trucks are going to create unacceptable hazards. Already, on garbage collection days, I am forced to wait or turn around as the truck makes its way along Bardo Rd to empty the plethora of bins. The road is narrow & development has already been maximised.

3) We strongly contest that it is in any way appropriate to consider a variation of Clause 26(2)(b) of SEP Policy. Andrew Minto states in his report that " a technical non compliance exists in that..... Bus Stop B is located more than 400m from the site". In other words, the development is non compliant.

Our response to Minto Town Planning report, which is submitted as Andrew Minto's opinion:

- 1. (a) There is no stated genuine rationale to apply flexibility to this development
- (b) We strongly disagree that better outcomes will be achieved & would like to know how that would be measured as consideration needs to be given to all the negative impacts of this overdevelopment.
- 6. As residents, we strongly disagree with Andrew Minto's opinion. It is our opinion that this development will "overload" Bardo Rd & is not needed. It will create an increased density in Bardo Rd & there is no public benefit to providing non compliance to this development standard.

In Mr Minto's opinion, his report states that this proposed SEPP 5 development is "in an area where there is a need for this form of accommodation". I cannot see any evidence in his report that this is the case for Bardo Rd Newport. We enjoy a diversity of mixed aged & young people/families in our street & wish to see that continue.

- Mr Minto does not mention that there is NO footpath opposite the development - from 39 to 47 Bardo Rd- , which further supports our rationale that there is no public benefit to providing non compliance to this development standard.

The development cannot meet the criteria & in our opinion, there are absolutely no grounds to overlook this fact. Bending the rules makes the rules pointless.

In regard to the court cases to which Mr Minto refers, if one were to take those into consideration, one would need to assess each case on its own merits as without doing so, would be to ignore due diligence. If these cases are a consideration for a decision, it is our opinion that cases where the kind of "flexibility" to which Mr Minto refers, which have been "unsuccessful", should also be reviewed.

4) Traffic Report - states that there are 12 x 3 bedroom apartments, when in fact there are 10, & 2 x 4 bedroom apartments. More importantly, it does not state that the flow of traffic in Bardo Rd does not allow 2 cars to pass. One always has to give way. This development will have a significantly negative impact on an already busy, narrow road. The Traffic Report also fails to mention the morning and afternoon congestion directly opposite the development, in relation to drop off & pick up of children at the Childcare Centre.

5) The current owners of 34 Bardo Rd purchased the next door property of 36 Bardo Rd in October 2019. Late 2019 & early 2020, many local residents were shocked and dismayed at the obvious tree vandalism that occurred on properties 34 & 36 Bardo Rd. So much so, that the outraged residents contacted NB Council who inspected the areas. Council Officer, Rob Clarke, stated to me that it was "the worst case of tree vandalism he has seen". This action has clearly decimated an existing Wildlife corridor. All of this is documented with NB Council - including aerial photos to show before & after photos of the sudden death of the trees. Joanne de Vries from NB Council Compliance Team has told me that they cannot take action because there is "no identified perpetrator". We believe the circumstances indicate very strongly who stands to benefit from this vandalism. More importantly, should this DA be approved, in our opinion & that of many others, it is obvious that a blatant flouting of the law is being rewarded. We believe this would certainly raise issues in regard to NB Council & NSW Government positions in regard to tree preservation. It is irrelevant as to who the actual perpetrator is now. They have to live with their crime. What is vital, in our opinion, is that there should be no opportunity for anyone to profit from this obscene vandalism. We believe that this would send a very clear message to anyone considering such disgraceful action and complete disregard for the law. The arborist, Joshua Baber, visited the site on 11th March 2020 (see Joshua Baber's plan, 3.0.) & obviously can only report what is there now. However, we & many others are witness to the good health of the trees prior to the vandalism. Also, the previous owner of 36 Bardo Rd has made a statement to a NB Council officer to say that all trees, except one at the very back of his property were in good health when he sold in October 2019.

This concludes our submission.