
Sent: 12/06/2020 1:00:34 PM
Subject: Online Submission

12/06/2020

MISS Debbie McHenry
6 / 38 Bardo RD
Newport NSW 2106
debbieann.mchenry@gmail.com

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

D. McHenry
6/38 Bardo Rd
Newport, 2106

RE: Notice of Proposed Development DA2020/0502 at 34 & 36 Bardo Rd, Newport

Attn: Renee Ezzy

Find below points which stipulate reasons to dismiss the application for development in Lots 33 & 34

NOISE POLLUTION CONCERNS

6am demolition/construction schedule does not align with local noise pollution laws stipulated by the NSW Department of Planning, Industry and Environment. Construction should not commence until 7am, however there are a multitude of reasons to dismiss construction, outlined here:

LIMITED SPACE IN A NARROW ST & INADEQUATE PEDESTRIAN ACCESS

The site inspector must not have visited the site, as there is no complete pedestrian pathway on the south side of Bardo Rd, providing inadequate access to the bus stop for a person with a disability/wheelchair access. The street is not wide enough, making entry and exit difficult when cars are parked on either side of the road. Trucks and additional vehicles would create more issues, especially due to the site opposite being a popular DayCare Centre, with parents and children coming and going at all hours of the day. We believe there will be an inability to adhere to regulations that dictate the need for development and construction to maintain adequate vehicular access. Bardo Rd is at the best of times a one-way street - vehicles already have to wait for each other to pass, and speeding vehicles along this stretch of road are a common occurrence. AusWide Consulting, who conducted the traffic report, should have their report dismissed due to incorrect information obtained.

CLAUSE 6.4 INACCURATE ARBORIST REPORT

Trees were illegally poisoned (including trees 17A and 18 - as outlined in the arborist report), however the application outlines that a report identifies "the majority of trees proposed for removal are not significant or worthy of retention. The proposal will provide for the retention of trees that are of high significance which adjoin the frontage of the site whilst trees that are of medium to low significance will generally be removed from the site."

The concerns about the poisoned trees have already been reported to council and have been stated as being devastating to the native wildlife. In the reports submitted, it is outlined that the

site will notl 'result in any biodiversity impacts and satisfies this section of Council's LEP.' This is blatantly false. The residents in the surrounding dwellings are outraged by the vandalism of the trees once the lots were purchased, and fear for the future of the existing mature Norfolk Island Pine.

In regards to Tree No. 16 in the Arborist Report: These distressed trees have been killed and some of them have not been removed. Tree No. 16 caused direct damage to the building at 38 Bardo Rd (see submission by Cox in regards to this development) during a storm in March 2020, uprooting the tree and damaging the units on the eastern side of the building, including our unit at No. 6, creating leaks and flooding. These irresponsible actions have caused damage to the roof at 38 Bardo Rd, and caused significant flooding in the upper and lower levels of the dwellings. None of these actions have been addressed and the owner of the lots have not been reprimanded.

ASBESTOS RISK & CONCERN

Numerous reports from ABC News have outlined cases where unchecked asbestos and asbestos materials were negligently left exposed in close proximity to a day care centre. We believe there are high risks of this being a possible case due to the lack of reporting and asbestos investigations. Due to the age of the existing buildings on the sites, we believe that further investigation is needed, otherwise the local community would be at immediate risk.

There is a high chance that the sheds on the lots have evidence of asbestos. The average age of properties in Newport are 45 years old, and asbestos was only banned in NSW from 1988.

GEOTECHNICAL REPORT - CONCERNS OVER DEEP EXCAVATION

A number of hazards have been identified in the Geotechnical report that are concerning:
Hazard 1: the level of risk is unacceptable pertaining to the potential collapse during excavation. Extremely low strength shale beneath a sandy topsoil deems the proposed underground car park unreasonable and dangerous. There are no such excavation activities on Bardo Rd to compare the issues that may arise if pursued.

FURTHER FALSE STATEMENTS

False statement in response to 2.3 Critical Habitat - No addressing of potential impacts of threatened species in Development Application

We have identified that there has been no attempt to conduct a biodiversity assessment, and therefore this development proposal goes against the Biodiversity Conservation Act 2016. We have seen evidence of threatened fauna on the site, including King Parrots, Glossy Black Cockatoos, as well as Powerful Owls and Yellow Bellied Gliders - all of which are threatened and vulnerable.

False statement in response to Clause 32 - Design of Residential Development

The shadow diagrams (0565 - DA122) show that the dwellings at 38 Bardo Rd will have No Access to Sunlight during summer and winter months. This means an unreasonable overshadowing.

The proposed dwellings will significantly reduce between the hours of 9am and 12pm, and ultimately eliminate all sunlight that comes into the apartments on the eastern side at 38 Bardo Rd. This will cause extreme damages to the property in the form of potential mould growth that already occurred if trees were not pruned back accordingly,, and devalues property due to the eradication of natural sunlight filtering through balcony windows. It is not in character with the rest of the streetscape, and will therefore reduce the value of the existing property at 38 Bardo Rd

False statement in response to Section C1.3 - View Sharing.

Currently, the adjoining dwellings enjoy a view of the lots, and the development of these lots will result in a drastic reduction of the views currently enjoyed.

Please consider the aforementioned points and dismiss the development application submitted. The neighbourhood is thriving, especially during the final phases of COVID-19 regulations being lifted. The last thing our community needs is a capitalist grab at the expense of our livelihoods.

Regards,
D. McHenry