



**BRRAG**

**Belmont Resident and Ratepayer Action Group Inc.**

*“To provide an effective voice for the people of Belmont”*

1 July 2019

Dear Mayor and Councillors

At the OCM of 25 June, you were given a package from the Officers with regards to the proposed development at 49 Hardey Road. It was extremely disappointing to see the standard of documentation which was presented and that the Councillors are expected to vote on.

Please find attached correspondence with respect to the inconsistencies BRRAG has found in the paperwork presented. This made reading difficult when you were not sure what the correct information should be.

It was also noted that on page 12 of the Agenda, Councillors were asked to give consideration to Section 67 of the Planning and Development Regulations 2015. It would seem not all of that section was provided. We have provided this to you. An omission of 67 (x) ***“the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals”*** was interesting. I am sure the residents of the East Ward in particular, who will be affected by this development, will be thrilled this was omitted for consideration.

A number of our members were in the public gallery at the meeting. It could be concluded from what was said by the Officers and by the Mayor, the councillors were being pressured to vote for this item. The argument was the likelihood that it could go to SAT, the cost of court action if that occurs, in addition to the possibility of some of the conditions that are currently in place being removed. The Director stated that the councillors would have to defend the action as the Officers would be expert witnesses. The implication of that sounds like the councillors personally would have to attend any SAT hearing if this application was not successful.

I have taken the liberty of making some enquiries on the SAT situation. Firstly the councillors would be able to get a private planning officer to defend any action taken as opposed to doing it themselves. The cost that has been given to me from a smaller planning company would be around \$10 000 at most. I have also been advised that it is very rare for SAT to award costs against a losing party in a case like this. I would suggest councillors should make some enquiries themselves as it is not a fair position to what appeared to us to be “backed into a corner” with SAT.

We would also ask that councillors consider attending the property location to see it for themselves. It would give you a much better idea of what the nearby residents will face. It appears that Councillor Ryan has already attended as he was very up to speed on the traffic coming in and out. As he stated “It is an accident waiting to happen”. We congratulate Cr Ryan for his observations and thinking of the potential hazard to the youth using the premises, the traffic entering in and out of the premises and that of the traffic affected on Hardey Road.

We have attached some photos of the site for your perusal. You can also find video footage on the following links:

<https://www.facebook.com/residentandratepayer/videos/391876958338836/>  
<https://www.facebook.com/residentandratepayer/videos/2321341984790997/>

If the preparation of this document is anything to go by, the Mayors comments “that councils nearly always lose in SAT” could be the reason why this happens. Good court preparation can be the difference between anyone winning or losing their case.

Please be advised this letter will be made available to the Residents of Belmont on the BRRAG website.

Kindest regards

Lisa Hollands  
Chairperson BRRAG