



# Newport Residents Association Inc.

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[www.newport.org.au](http://www.newport.org.au)

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23 January 2015

General Manager  
Pittwater Council  
PO Box 882  
Mona Vale NSW 1660

Dear Mr Ferguson

## **Re: DA No: N0458/14: 28 Grandview Drive, Newport**

Members of our association have drawn attention to this DA, which seeks approval for converting this existing property to Strata Title. Representatives from our committee have visited the site and inspected the material available on Council's website.

The NRA wishes to submit an objection to this DA on the basis of numerous short-comings in requirements for converting to Strata Title *plus* what we perceive would be a negative community influence on both the environmental and the residential natures of Newport.

One only has to look at a Newport street more suited to Strata Title, such as Foamcrest Avenue, to see some of the benefits of a controlled evolution from the individual, Torrens Title houses of only 10-15 years ago to the predominantly Strata Title medium density townhouses and low-rise unit complexes of today:

- 2 or 3 properties accommodating 2 or 3 families have been replaced with homes for 7 to 15 families;
- Old, deteriorating structures have been replaced by modern, much more environmentally sustainable buildings;
- Buildings completed well prior to contemporary fire-rating legislation have been replaced with premises which are fire-compliant from their basement garages through to their roof spaces;
- Where the public footpath was interrupted by 2 or 3 driveways of inconsistent surface there is now a single driveway access, integrated into the streetscape;
- The 21<sup>st</sup> century complexes offer far more off-street parking (for residents and visitors) than the Torrens Title properties which preceded them.

The DA under consideration for Strata Title, in a much less appropriate location, would appear to offer no communal benefits to existing or future residents of Newport:

- The proposal aims merely to change the designation of accommodation for 3 families to a different designation accommodating 3 families;
- One of the structures (containing 2 residences) is nearly 50 years old and the other some decades younger, built on the basis of an existing usage precedent;
- There is no homogeneity of construction, as there is in almost every other strata property in Newport (a change to Strata Title will not bring any associated improvement to the physical nature of the property);
- The applicant's own "BCA Assessment" shows the property to be in breach of numerous contemporary requirements for fire-rating of strata properties, including:

building **external walls**, non-fire rated **ceiling/floor** between different proposed lots, non-fire-rated **floor linings / floor coverings** of all proposed lots, **windows and other openings** which are non-compliant, openings in floors/ceilings for **service penetrations** which do not comply, **balustrades** that are not to spec;

- This property has **no vehicular access**. It is next to the tightest hairpin bend of Grandview Dr, forcing both residents and visitors to park, on-street, in narrow and short adjacent streets or further up or down parking-deficient Grandview Dr;
- It would appear that the only way this property could ever comply with Pittwater strata parking expectations, would be for it to be consolidated with 2 (possibly 3) adjacent properties, which might result in allowing vehicular access at an acceptable gradient.

Modern Strata Title aims for compatibility between the rights and comfort of individual owners and the overall responsibility for the common property, as administered by the Owners Corporation.

One can only imagine the discord certain to result, when the strata owners of one or both the lots in the aged building on the upper part of this steep block, need to carry out extensive structural change which gives no benefit to the lower lot (or conversely, the owners of the lot on the lower slope of this steep block have a requirement for works which is irrelevant to the owners of the upper, disparate structure). It is a recipe for painful litigation.

The report of *Vaughn Milligan Development Consulting P/L* in support of this DA, quotes particular aims of **PLEP 2014**. Rather than embracing those aims, we contend that it is in direct contradiction, in particular, this proposal (using the point designations in their document):

- (a) Does **NOT** promote development in Pittwater that is economically, environmentally and socially sustainable
- (b) Does **NOT** ensure development is consistent with the desired character of Pittwater's localities
- (e) Does **NOT** improve access throughout Pittwater . . . (etc)
- (f) Does **NOT** encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future
- (j) Does **NOT** protect and promote the health and well-being of current and future residents of Pittwater.

In fact, the whole argument for allowing the change of title seems to be contingent on the fact that current structures on this property are there under "existing use rights".

They may be there under existing use provisions for the property under Torrens Title but the entity changes completely when it changes title. Consequently, if the change were to be approved, the property would need to comply with **all** the attendant Strata Title requirements (including minimum lot size) **before** such approval could be given.

The NRA urges Council to reject this proposal.

Yours sincerely

Peter Middleton  
Secretary, Newport Residents Association