



Newport Residents Association Inc.

PO Box 1180
Newport Beach NSW 2106
President - Gavin Butler (gebutler@aapt.net.au) 0409 395 102
Vice-President - Kyle Hill 0412 221 962
Hon. Secretary - (wendydunnet@gmail.com) 0418 161 074
Hon. Treasurer - Glenn Moore 0418 609 207
www.newport.org.au

NOTE TO NEW COUNCILLORS RE 351 BARRENJOEY RD DA BREACHES TO NEWPORT MASTERPLAN AND SIMILAR ISSUES.

Following review of the Assessment Report provided to the NBLPP which recommends approval of the DA we have noted three major issues that show a disrespect for the Newport Masterplan. The breaches outlined in points 1 to 3 are the reasons that the density of the proposed building is excessive. By allowing these breaches it sets a huge precedent and a continuing undermining of the Newport Masterplan.

1. The second level (third storey) addressing Barrenjoey Road continues to ignore the DCP Newport Masterplan 5.5.2 to incorporate the required minimum 3m. setback from the common boundary again with adverse visual impact, particularly when viewing the exposed side blank wall from Barrenjoey road. This breach does not appear to have been addressed satisfactorily in the Assessment Report under 'Noncompliance with upper floor side setbacks...'. This breach is likely to remain very prominent for years to come as the adjoining plaza shops are in multiple ownerships and unlikely to be redeveloped soon. Noncompliance with this requirement of the DCP results in greater building density as well as a lost opportunity for better amenity (sunlight and seabreezes) along the desirable north-eastern boundary. The stated outcomes of the Newport Masterplan include that new developments are of two storeys visually and this setback is critical to this outcome. We attach three photos of a non-complying development on Barrenjoey Road with a similar breach that will now become a permanent blot on the visual village feel plus three photos of two complying developments where the setbacks have been incorporated in accordance with the NMP.
2. Some height limits still exceeds the DCP & LEP. Whilst the plans have made an allowance down to 8.5m in the centre of Robertson Road that allowance does not go back far enough at the north-western end and needs to be at 8.5m for the total Lot as per the diagram Figure 5.5.2 Height on page 51 of the Newport Masterplan. This is a major breach of the **LEP height limit**, especially as it is opposite the planned public plaza area in the centre of Robertson Rd. (refer to the diagram Figure 5.5.2). The NBC comments in the Assessment report to the

NBLPP under the heading 'Overshadowing of the southern side of Robertson Road' have effectively dismissed this major breach ignoring the visual impact from Robertson Rd as well as the solar access. Under "Is the proposed variation in the public interest?" they state: "strict compliance with the height control would result in reduced supply of adequate apartments on the site, therefore, unable to supply for the growing housing needs in an area that is highly accessible, facilitated by local services and suitable for young families". So the needs and enjoyment of thousands of resident and visiting community to Robertson Rd are to be sacrificed for what? Convenience for one, maybe two, resident couples and for developer profits?

3. There is a **major** breach of the setback rules adjacent to the Anglican Church and Post Office. The required DCP 6m rear setback for deep soil planting, FSR control and desired relationship to adjacent properties is NIL!!! - completely ignored. It is a gain in built site coverage of over 180m² for the applicant. This would result in the church and post office abutting a two level blank wall (and they are not happy about this). There should have been pedestrian access to the church at this point from Robertson Road in accordance with the DCP Newport Masterplan. The tiny unachievable deep soil planting indicated on the ground floor plan is enclosed by the rear wall and building above it making a mockery of councils deep soil requirements. While DCP's are negotiable there must be benefit to both the applicant, adjoining sites and community if this control is to be at all altered.
4. Under the Newport Masterplan Item 4.7.1 Streets –states succinctly: "Design Robertson Road to be able to be closed off to vehicle traffic for special events that open the whole street and associated public plaza to pedestrians." The comment in the Assessment Report to the panel says 'The short term closure for the purpose of street events could continue to be undertaken with the appropriate notification to business and residents and this may still occur as a result of the proposed development'. This is an unsatisfactory response. Any incoming resident or business to this development must be put on notice of these future closures before purchase and the Conditions of Approval must note this condition whether by covenant or otherwise. The DA should not have been considered for approval without such condition.

Another major issue is the location of carpark entry at the western most end of the development in Robertson Road (and despite the tick of approval from councils traffic review there are many examples in Newport where a carpark entrance is closer to a corner and pedestrian crossings than contemplated here). The developer is happy to take the huge cost benefit of one less level of car parking (which does help traffic issues) but not prepared to reorganise an entrance closer to Barrenjoey Rd for the benefit of the community.

These breaches contribute to the reason for the development being too intensive for the site. We are disappointed that council is allowing these breaches of the Newport Masterplan which again set precedents for the future and by not demanding a covenant or similar for road closures sets up the ability for challenge from new owners in the future.

There has been some criticism of the Newport Masterplan, however not by us (NRA). We think the document is still sound and many of the current owners were either involved or in ownership at the time of the NMP creation. We only object to a DA when it attempts to breach the NMP & DCP. The problem is non-adherence to the NMP time and time again.

Gavin Butler

President

24/1/2022

Re Point 1. Pictures of Non-complying set-back (next door to Zubi café)



Re Point 1. Pictures of complying development set-backs

