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RE: DA2019/1157 - 353 Barrenjoey Road NEWPORT NSW 2106

There are numerous aspects of this DA that do not comply with the Newport Village Masterplan. I will limit the basis of my submission to two aspects of these requirements:

- The first is a subset of the second and that is the necessity of retaining the long-standing indigenous tree which is on public land, abutting the site on its Robertson Rd boundary.
- The second is that ALL aspects of the DA must address and be compliant with the Masterplan promise, that Robertson Rd will evolve to form a pedestrian plaza, which will become the ongoing community hub of Newport village.

On this first point, the DA document is purposely misleading. Under the section "Part 1: Development Application Checklist" the items:
"Flora & Fauna Assessment"
and "Species Impact Statement"
"Not required" has been ticked in both instances.

Furthermore, in the Hamptons consultancy "Statement of Environmental Effects", under "Threatened Flora & Fauna Species" it refers to the included diagram for identified Trees 2-6 but totally ignores identified Tree 1, which is the critical tree (not within but) immediately adjacent to the site on public property.

Then, for item "4.2 Preservation of Trees and Bush Vegetation" under "Control": "Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species." the "Compliance" answer given is "Not Applicable". All this is aimed at diverting attention from an important consideration.

This is a critical tree.

Indeed, this tree has persisted for many decades, co-existing with surrounding built infrastructure, including both pavement and buildings. It is a mature, locally indigenous tree species, being part of the Pittwater Spotted Gum forest, with an endangered ecological community listing, linked to the Threatened Species Conservation Act (Part 2 Listing of Endangered Ecological Communities & Part 3 of Schedule 1). There are Land and Environment Court of NSW precedents that acknowledge the importance of a single, critically endangered plant community individual tree and this tree exemplifies that description.

Moving on to the wider point, the tree is a most important component of a pedestrian plaza. Viewed from either Barrenjoey Rd or from Foamcrest Ave, the tree stands out as a prominent natural feature, reaching to the sky from an otherwise largely paved environment.

The Hamptons consultancy document quotes from the "Newport Commercial Centre" document:

"Shop fronts will be largely transparent, with large openings, connecting directly with the footpath areas, to contribute to a sense of permeability."

The proposal for the Robertson Rd frontage then totally flies in the face of this requirement as it incorporates multiple barriers to any attempt to "connecting directly with the footpath area", and actively repels any contribution to "a sense of permeability". It in no way makes any effort to comply with the Newport Village Masterplan, which has gazetted Robertson Rd to evolve to a pedestrian plaza, to provide the people-centric social hub of the village.

Further on, under the item below:

"(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,"
this report proclaims the assessment:

"Therefore, the proposed development will not result in adverse impacts on the site itself, nor the immediate locality, as a result of its implementation."

Nothing could be further from the truth.

This proposal, if implemented, will invalidate both the material benefit and the spirit of the Newport Masterplan. A proposal which prevents integration of the private retail space into the communal space AND commands vehicular access - for the entire life of the building - via Robertson Rd, not only inhibits the existing community facility of Robertson Rd BUT also destroys the gazetted future of Robertson Rd as the key communal hub and community plaza for Newport village.

There are some pieces of land within Newport village which can only be developed to community expectation and designated purpose, by consolidating sites from Barrenjoey Rd through to Foamcrest Ave. This is the most critical of those sites, to have a DA imposed upon it, so far this century.

If the future of Newport village and its reliant community means anything in terms of town planning, this current DA must be soundly rejected. It should not proceed, even in an amended form, until the site can be extended to incorporate a Foamcrest Ave frontage.

Peter Middleton

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