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RE: DA2020/1756 - 353 Barrenjoey Road NEWPORT NSW 2106

SUBMISSION: DA 2020/1756 351 & 353 Barrenjoey Rd NEWPORT

This DA affects the very core of the 'planning process' ability to deliver on both the vision and the practical outcomes of the Newport Village Masterplan (NMP).

So it is critical to take one pace back for a moment and reconsider the purpose of Planning in and for our community. The NMP was developed more than a decade ago, after extensive consultation with and input from the broad Newport community (residential, commercial and social). It was then evolved by planning experts in further consultation with informed members of the community, displayed to the community for feedback, and subsequently and formally adopted by the Council of the day.

The purpose of this was so that ALL (residential and commercial community members, Councillors, council bureaucrats, developers and builders) could have CONFIDENCE in our Newport village evolving to an agreed and desired longterm structure and ambience - qualities that would not be overruled by an individual planning officer, by a Councillor of the day, by a developer ignorant of the detail and the spirit of the NMP.

If that isn't what developing a masterplan - or the more recent buzzwords "place planning" - is about, then the whole process is a total waste of time and effort, for EVERYBODY!

Let's hope that isn't the case because if a community can't have faith in its desired and agreed outcomes being delivered, then we have a community that will lose its cohesion and its social direction. Right up front in the NMP is the statement: "the linkages between the commercial centre and the oceanfront areas were investigated to identify strategies for strengthening the relationship between the village, the beach and the community centre". This was amplified for the "Newport Commercial Centre" in DCP 21 with the simple character statement: "sea-side village character".

One, core aspect of that strategy is: "Provide a new 'village square' within the commercial centre, located for optimum amenity and accessibility, linked with and the focus of the pedestrian network." More specific reference is incorporated in: "Design Robertson Road to be able to be closed off to vehicle traffic for special events (for example street markets) that open the whole street and associated public plaza to pedestrians."

So, in assessing this current DA, ANY consent which might exclude the delivery of the centrally located Robertson Road as an integral component of a pedestrianised public plaza would be an action which discards the NMP as a planning tool and destroys it as the covenant made with the Newport community - the template on which we were promised we could rely.

It is time to put aside the 'box-ticking pens' and assess this DA on how it does and doesn't deliver the promises made to our community.

This DA version has made some attempts to get CLOSER to SOME of the requirements of the NMP. For instance, let's take a look at the revised shadow diagrams. The document from the developer's consultants, Hamptons Property Services, takes refuge in the statement:

"The minor trade off of additional building height is warranted in the context of preserving solar access to the public domain and retail frontages along Robertson Road, which are instead caused by the lower, compliant sections of the proposed building, which has been set back from the street frontage (resulting in a loss of permitted floor space) to ensure that the public interest is not only preserved, but enhanced."

So?

The revised shadow diagrams show that for 21st June (sic), the outdoor seating areas for existing and future eateries on the southern side of Robertson Road will STILL be in shadow until nearly 11.00am and that the existing community seating pod area will STILL be in shadow well after 11.00am.

These changes deliver nothing to maintain - let alone enhance - the livability of the Robertson Road pedestrian precinct. Anyone who has visited Newport after 7.00am, summer or winter, is aware that the majority of people (residents, workers and visitors) have gone to enjoy their Robertson Road coffee - or breakfast - takeaway or in situ, well before 9.00am and have mostly left by 11.00am.

It is immaterial which floor is causing the shadow, ANY design requiring consent needs to address the core outcomes of the proposed development. It needs to deliver the promise of the NMP!

The Hamptons Property Services document is very strong on "Public Interest". Interestingly, it quotes a precedent involving Preston CJ in Initial Action (para 27). Within that extract it quotes:

"If the proposed development is inconsistent with either the objectives of the development standard or objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purpose of clause 4.6(4)(a)(ii)."

That leaves only one conclusion to be drawn: this DA revision STILL does not deliver the community outcomes required in the NMP. Therefore it is most definitely NOT in the Public Interest.

Still under "Public Interest", the Hamptons document adds, near its conclusion:

"Therefore, the proposed development, at the height proposed, is well within the public interest and will open the site up to broader public opportunity and interest, as it will provide a high-quality residential accommodation in close proximity to public transport opportunities that will ultimately result in tangible social benefits"

What a load of weasel-worded misdirection! The only "tangible benefit" indicated here is in profit to the developer. Our above example shows that the excesses for which the DA purports to be in the "Public Interest" work strongly against the wider community and, consequently are demonstrably against the "Public Interest".

I could continue across a raft of excesses and short-falls, where this DA works against

delivering the requirements promised in the NMP; matters such as "Shop fronts will be largely transparent, with large openings, connecting directly with the footpath areas, to contribute to a sense of permeability" and " The interface between buildings and streets and public places should enhance both the public and private domain, and helps give the streetscape character that will be recognisably 'Newport'" but I am confident these faults will have been covered in other submissions.

However, the overwhelming shortfall in this DA, is its inclusion of ANY vehicle access from Robertson Road. The individual behind this DA has done several other developments in the Newport village, notably the most southeastern two developments on Barrenjoey Road. BOTH these developments (at least one insisted upon by Council) have their vehicular access directly from Barrenjoey Road. If it was fine for these, there is absolutely no reason why it can't be fine for this development as well.

Because, if Council - or State Planning, or any government appointed 'independent' panel - approve this DA, with the inclusion of Robertson Road access, it does not 'leave an opportunity for the future', as Council might be wont to have us believe, it provides a precedent which means that the most important component of the promise of the NMP has been destroyed, FOREVER.

And that will be a signal to all the other communities within the NBC LGA, that to embrace a Council-led encouragement to become involved in a 'place plan' process for their village or town, will be a futile commitment of their time and energy to a process on which Council has no will to deliver.

Yours in desperation,

Peter Middleton