

Form: DA Submission
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Development Application: 011.2018.00054602.001
Applicant: ADG Architects

Description: Residential Flat Building 299 Units in 3 Stages. Stage 1 Site Preparation & Earthworks. Stage 2 Residential Flat Building (Block A, B & C) and Basement Car Parking Spaces. Stage 3 Residential Flat Building (Blocks D & E) and Basement Car Parking Spaces JRPP

Comments: As a non-resident Owner of a Unit in SP53908 Rumbalara Apartments at 117 John Whiteway Drive and current Chair of the Strata Committee I wish to object to the development as proposed on 87 " 89 JWD. As preface I wish to point out the difficulty in assessing the impact on our buildings from information obtainable from Council's E-Portal. Unlike Panorama Towers and Mariners View, our complex is barely depicted or shown on maps or in documentation apart from an aerial view on p.7 of the SEE and in the Fauna and Flora Assessment Report on p.18. Magnification of the plans provided distorts figures, and it therefore not possible to clearly read RLs, determine contour heights and therefore to calculate precise distances. A visit to Erina Fair yesterday produced no further clarification. As Chair of Strata Plan 53908 in the 2003/4 negotiations with Alejandro de la Vega over DA19601 I am however aware of the problems experienced on that occasion. Alejandro produced a certified model of his DA which clearly showed the impact on surrounding neighbours. With this in mind I offer the following objections:1. Block E of the proposed building development dangerously intrudes into areas adjacent to the fragile cliff faces of our SE boundary. Over the past 20 years we have experienced a number of rocks falling behind or on top of the exposed Rumbalara garages. One such fall caused us to replace the broken security fence above the clothes line area. This and other areas of the proposed development were designated as NON-BUILDABLE in what was known as the JWD Precinct Plan DCP 57 and this is clearly designated on Title Documents. Pages 13 and 15 of the SEE show that Stage 1 Earthworks will require considerable excavation close to our cliff face. Page 5 of the GeoTech Report would imply this to be from 3M to 9M in places (Lower Basement Levels for Block D and E are shown as RL61.9). Due to the hardness of the sandstone the Geotech Report suggests the utilization of a D10 bulldozer " a massive machine, possibly the largest that Caterpillar has built. We therefore have concerns for the stabilization of the rock face and for the possible effect of vibration issues on the Rumbalara complex.2. The proposed development greatly exceeds the height restrictions.Level 6 of Blocks D and E at RL83.6., Level 7 at RL86.7., the roof of the roof top garden at RL89.8 and top of lift shaft at RL90.050 is far in excess of the LEP requirement of RL77 for the north section. Other Blocks exceed the maximum RL73 height plane on different areas of the site. 3. Overdevelopment of the Site. The FSR requirement for the site is given as 1.5:1 The SEE shows an FSR of 1.32:1 however this is worked out assuming that 100% of the site can be built upon. Blocks D and E intrude the non-

buildable areas as may other Blocks, thus a realistic FSR would likely be greater than 1.5:1. It should also be noted that the FSR of the approved 2003/04 De La Vega development was 0.85:1.4. The redacted Landscaping Plan states that "the site is extensively surrounded by native vegetation including trees to approximately 20M clustered along the JWD frontage and the northern boundary". Many of the trees inside the Rumbalara Apartments boundary are growing at ground level in the gap between our external lockup garages and the cliff face "their roots extending into the deep weathered rockfall. There are only a few spindly trees inside and outside our boundary above the cliff top. Since the land is to be extensively excavated to a depth of hard sandstone there would be little opportunity for the deep soil plantings required for privacy or for a "planted buffer along the perimeter" in order to ensure the proposal is integrated into the surrounding landscape and that "overtime the small glimpses of the new development should be reduced by the proposed site landscaping." We have had occasion to call in contractors to remove trees that have fallen from the non-buildable area of Lot 1 of 87-89 JWD on top of our western roof. It is over this narrow tongue of land that a pedestrian ramp to access 87-89 JWD from the lower part of JWD adjacent to Rumbalara Apartments is proposed. This will pass extremely close to Units 34, 35 and 36 and greatly affect the privacy of the large balconies of Units 34 and 29. We would suggest that 1800mm perimeter fencing Type A - rather than Type B - would be more acceptable and would provide greater privacy for Rumbalara Apartments' southern and western boundaries. It is unclear whether it would be possible to look into the back balconies of our building from inside the proposed pool area as a picture shows onlookers peering out into the distance.

5. Finally, SEE 3.1 Background includes the statement: "DA19601/2003 was previously granted by GCC on 13 February 2004 for a residential flat building comprising 178 Units. It was confirmed at the pre-lodgement meeting held with Council on 19 January 2018 that this consent has physically commenced and is still current. Refer to Appendix P for a copy of the pre-lodgement Minutes". Not only is this Appendix not included in documents available on the website, but I believe it is erroneous. The report to Council by Planner Mr Robert Eyre on the Australand's DA 36221/2009 regarding the site (an application which was refused) stated on Page 2: "DA No. 19601 granted consent for 178 residential units on the site on 13 February 2004. Development did not commence and this consent has lapsed." During that period (2009) I had frequently walked over the Australand site to assess how that proposed development might impact upon Rumbalara. There were no visible site pegs or signs of "prior commencement". I later learned that the De la Vega family had sold the site finding the exorbitant cost of excavation made their proposed development uneconomic. There is further mention in the SEE assuming prior commencement which states: "As requested in the CCC pre-lodgement minutes, the table compares the DCP controls against the approved DA19601/2003 for 178 Units and the proposed DA DCP requirements". For all the above reasons I would suggest that this proposed over development is not in the Public Interest, and would urge Council not to recommend its approval to the JRPP.