

**Chief Executive Officer
Central Coast Council
49 Mann Street
PO Box 21 GOSFORD
2250**

Dear Sir,

**Development Application No: 54602/2018
Land Zoned: R1 GENERAL RESIDENTIAL
Property: LOT DP: 45551, LOT: 100 DP: 1075037 No 87
John Whiteway Drive GOSFORD, 89 John
Whiteway Drive GOSFORD**

OBJECTIONS TO THE PROPOSED DEVELOPMENT APPLICATION 54602/2018 FOR 262 UNITS ON SITE DESIGNATED 87-89 JOHN WHITEWAY DRIVE AMENDED PLANS.

OWNED BY PINNACLE CONSTRUCTION GROUP

Our earlier response dated 18 July 2018 to the previous application on behalf of is still relevant and is available under the documents listed against this application on the council's planning portal website. Our previous document is identified as follows from the list:

 Attachment Submission DA54602/2018 L100 DP1075037 JOHN WHITEWAY DR GOSFORD Reference No. 5b4dd53f1bd1e 18/07/2018

This has been referred to so that it can be given due consideration through the next iteration of the application. We do not consider this new application in any way addresses our previous objections. Nor does it address or meet any of the LEP and DCP controls that are in place within the latest State Environmental Planning Policy (Gosford City Centre) 2018.

It must be noted that since this site was purchased and the proposed plans made available to owners in Panorama Towers, the threat of this enormous development has had a negative impact. Due to its size and associated privacy impacts, as well as the proposed removal of the ridge and the apparent disregard for the controls, several owners have started to sell and move away. This is very alarming as it shows a lack of confidence in the adherence of controls, all of which exist for good reason by those who will decline or approve this application. We trust that proposed developments that disregard the controls and threaten neighbouring amenity and property values would be of concern to those evaluating.

Italic text is what is excerpted from the DA documentation.

- **. So what liability for future traffic problems is whoever may approve this DA going to be held account to, and specifically the individual members thereof and their accountability.**

- The previous accountability comment does not only relate to the traffic issues but all others.viz.
- Damage/building cracks and rock face failures that cannot be guaranteed will not occur, not only the developer, builder, contractors, but also those involved across the whole process if approval is granted.

AMENDED NOTIFICATION PLANS:

- TIM01 SELECTED TIMBER MOVEABLE SCREENING:
 - These do not provide privacy for neighbouring apartment homes. The focus regarding privacy by this developer is entirely inward and lacks consideration for that of neighbouring homes.
- Block A and specifically Block C, are encroaching over the non-buildable areas that exist for well investigated and reviewed reasons within the Gosford DCP. One of these being the negative impact on the visual amenity and privacy of neighbouring homes, specifically Panorama Towers.
 - Allowing this development to do this is in contravention to established controls, especially since the proposed development across the road (DA 47044/2015) has made a concerted effort to remain out of the non-buildable area.
 - Minimum setbacks are still encroached by the buildings. Although these are balconies they still represent outdoor living space that is over the building lines, thereby making them closer to neighbours and invading privacy.
- Blocks A, C & D are still well in excess of the maximum height of buildings limit, which for this site are, at the highest 80m RL in the south western corner and 73m RL at the edge of the site overlooking neighbouring apartments. By comparison the proposed development has Block D, at the 80m RL limit, with a proposed final height of 90.05m RL (a 10m height limit contravention). Block D is also over the non-buildable area. Block C, at the 73m RL limit, has a proposed final height of 83.6m RL - again a 10m height limit contravention. There has been an attempt to negate these controls by providing all manner of argument in favour of the proposed height contravention. These controls are not only in place to ensure that new developments comply with them, but also to protect the owners of existing properties that neighbour on undeveloped land. It is not unreasonable to expect adherence to controls that govern how a new development may or may not proceed. If these controls can be so readily argued against by developers, and permission granted to proceed, then what is the point of such controls? They are in place for a good reason - to protect people making the biggest investment of their lives.
- One of the driveways within the below- ground parking area faces directly at the neighbouring property's bedroom and living spaces. This poses a light pollution problem from car headlights and there is no specific description of what and how this will be prevented. Planting screen hedges is not a viable solution as these take years to reach any level of density or height.
- Garbage collection trucks at the entrance to the parking area pose another problem. These vehicles are very noisy especially when operating their lifting and dumping mechanisms along with their high revving engines. As the proposed collection space faces Panorama Towers, what is going to be done to prevent this noise from impacting neighbours? This is a

particular issue given garbage collections are done either very early in the morning or at other times when residents have the right peace and quiet.

AMENDED TRAFFIC AND PARKING ASSESSMENT

The following statements have been made:

- *No significant traffic impact was found at any of the nearby intersections due to the development traffic*
- *Development is considered to have negligible effect on the safety and operating outcome of the surrounding transport network*
- *Assumptions made:*
 - *1. Residents working within the Gosford CBD will likely use an alternative mode of transport (other than a single occupancy vehicle) due to the close proximity to the site.*
 - It's unlikely that many people will do this due to the steepness of roads accessing the site.
 - Level of service delays current and future – those model results with readings of D-F should be raised as objections as future problems. Future problems that are could arise through an approval today must be taken into consideration. Who will take ownership for problems in the future?
 - The road access scenario of this site is not typical. In most grid road systems there is usually more than one option if there are traffic delays. This site has only two ways in or out, with the one onto Georgiana Terrace being restrictive in one direction. Has the 10-year extended delay been modelled to show how much of John Whiteway Drive will have standing vehicles trying to leave the area? It is feasible that John Whiteway Drive would become gridlocked. Using an approximate vehicle space in standing traffic of 5.4m per vehicle, the 110 vehicles stated requires 594m which is further than the distance from the site to either of the intersections of Georgia Terrace / Henry Parry Drive (+550m) or John Whiteway Drive / Donnison Street (+- 550m).
 - A more appropriate and thorough evaluation would be to model **all** apartment blocks existing, proposed and approved along with this DA to get an equitable result for traffic volumes. This would likely identify in excess of 200 vehicles that would need to egress from John Whiteway Drive.
 - This current report has narrowly focussed on the impact of the new proposed development. However, those responsible for reviewing and either approving or denying this application should consider all existing, proposed and approved DA's in the John Whiteway precinct in order to obtain a more accurate result.
- *Statement made:*
 - *In summary, the development traffic will not have any significant impact on the queues and delays currently experienced within the road network and any future background growth will be addressed through changes in travel patterns and transport modes and intervention by the road authorities to upgrade*

infrastructure and /or introduce travel demand measures. Consequently, the development can be supported based on traffic grounds.

- The inefficiency in the traffic analysis shows an obvious lack of true consideration of future traffic problems, this above statement hands over the issues that are not truly evaluated to be the responsibility of road authorities in the future.
 - Should this application be approved, the author and company writing this report would not be liable for any future traffic problems if the application is approved by the JRPP.
 - The waste truck manoeuvring has been stated as not a problem as they are supposed to be at non-peak times (8-9am times being peak) – This statement is completely absurd. In our previous objection we raised the very same issue, which has not been addressed in this document. As residents, it is observed on a daily basis, the egress of the largest volume of vehicles from Rumbalara Sanctuary apartments is between 05h45 and 07h00. This is likely due to residents commuting to places outside of Gosford. The garbage trucks would not only clash with vehicles from the proposed development but more importantly would obstruct those leaving Rumbalara Sanctuary as the proposed entry is directly opposite that of Rumbalara Sanctuary.
- Pg 19 & Appendix D.
 - *As shown in the table above, the development car park and access design generally comply with the Australian Standards. Appendix D shows the required sightline visibility splay is obstructed by the vegetation within the neighbouring development, accordingly approximately 52m is available on-site. Vehicles approaching the driveway from the south are travelling on an uphill gradient and turning around a 90° bend and therefore would likely be travelling slower than 50km/hr, hence in this instance it is considered suitable to accept the minimum sight line requirement*
 - The sight lines are questionable – specifically for vehicles approaching from the South up the hill. The assumption is made, that because of the slope, vehicles are expected to be travelling less than 50kmh. From observation what actually happens is that people know that the road rises sharply and so accelerate to maintain their 50kmh speed. With the entrance to the proposed development at the exact point where vehicles will be accelerating to climb the rise, this makes for a very dangerous corner.
 - The rising road makes visibility less from within vehicles as they climb the rise.
 - The statement that the shown sightlines indicate that the vegetation within the neighbouring development obstructs the visibility not a plausible excuse. This suggests that the onus is now on that of the neighbouring development to remove its vegetation due to the poor design choice of this access point. The proposed development should not impact neighbouring properties in such a way as to require them to make adjustment for poor decisions they made. Additionally, the vegetation is less of an obstruction than the rock ridge at the top of the rise and within the neighbouring property. A ridge which we should not be required to make changes to either.
 - **So what liability/accountability for future traffic problems are those who approve this DA with the objections not being resolved ,going to be held account to, when the envisaged problems become a reality and the approvers are long gone?**

CONSTRUCTION METHODOLOGY & TRAFFIC MANAGEMENT PLAN

Dilapidation Survey

- When this survey is done, it must specifically include the cliff face that terminates at the floor level of the belowground parking and storage areas owned by individual property owners. The survey must also include the aboveground and belowground parking structures. The survey on Panorama Towers property must be done with written site access permission by the Panorama Towers body corporate, and not by accessing the property without written permission and/ or notification. The survey should also include all apartments within Panorama Towers as was undertaken before the Mariners View complex was built.
- The details of exactly what will be done in recording the current condition of the rock face and existing building and concrete infrastructure condition- i.e. cracks, subsidence, etc is to be provided.

Traffic management Plan

- Should some future iteration of this DA go ahead, the heavy vehicles travelling on the route indicated will constantly damage the road with the creation of potholes, ridges and construction debris. By whom and when will these be repaired so that our private vehicles do not sustain any damage? Who will be responsible for this situation?

Work Methodology

- *If during excavation with the hydraulic impact hammers, vibrations are **found to be excessive or there is concern**, then alternative lower vibration emitting equipment, such as rock saws, rock grinders or smaller hammers may need to be used. The use of a rotary grinder or rock sawing in conjunction with excavator ripping presents an alternative low vibration excavation technique.*
 - In the bold text in the above statement; who determines this concern, and how would it be determined? This would indicate that there is constant monitoring of the criteria that are used to determine this concern.
- *Reviewing tool and plant selection in an attempt to select plant for the tasks at hand with better acoustic performance will be undertaken as part of the **overall site noise mitigation & monitoring policy**.*
 - In bold above, where is this policy and who will hold the developer to the requirements therein?
- *Rock saw wet-cutting techniques will be utilised to reduce dust generation.*
 - Who determines the level of acceptability?
- *In order to minimise the noise impacts, the most feasible and **reasonable measures** shall be applied with best practice mitigation measures to be carried out to limit dust & noise during excavation to alleviate any concerns to the amenity of the local area.*
 - Reasonable measures – what is meant by reasonable, and reasonable from whose point of view?
- *No machine work will occur outside the normal working hours set **unless approval has been given by consent authority**.*
 - Who is the consent authority in this regard? When, for what and how would this consent likely be requested? This statement implies that the neighbours/residents have no say in this, only the ‘consent authority.’ Who are they and what is their

liability? And if consent is given, is it with any consultation or notification of the neighbours?

- No **undue** shouting, radios or music will be allowed to provide a level of amenity to the local area
 - Who determines what undue is? Since this is entirely subjective who would decide what impacts neighbouring residents unduly?
- During excavation works **appropriate measure** shall be taken to limit the vibration levels along the site boundaries. During the works **recommendation and conditions identified in the acoustic and vibration assessment will be complied with**
 - What are these appropriate measures?
 - Who will ensure that the assessment conditions will be complied with and to what extent?
 - Where/when is the **acoustic and vibration assessment**? And how frequently it be done?
- Given the relative distance of the proposed development from neighbouring properties there is not expected that the vibrations generated by rock breaking and pneumatic equipment to be of **undue concern**.
 - The distance to the boundary from where the proposed rock face excavation is to take place is **directly** on the boundary, thus no distance from the boundary and on the cliff face. At the base of the cliff face is the Panorama Towers swimming pool and below this and also at the base of the cliff face is the belowground parking and storage area, which houses people's vehicles and personal possessions. All of these are in direct threat and danger of falling or shearing rock face pieces. In the event of such damage, who is liable, not only for compensation, but also for legal action due to the insistence of designing this development in contravention of LEP and DCP controls? Viz:
 - Non-buildable area
 - Height restrictions
 - Privacy from buildings that face directly onto living spaces of apartments. These living spaces represent 2/3 of the window area outlook and amenity of these apartments.
 - Noise pollution.
 - Overbearing bulk of the development on Panorama Towers.

Dust Mitigation

- *Dust control measures will be implemented **as required**:*
 - As required – who makes that decision, and by whose measure against requirements will this be done? Construction staff member, site manager/engineer, or a person in a neighbouring apartment whose life is being impacted unduly?
- *Dust control will also be implemented within the construction zone as determined by the Contractor, and as required for the health and safety of employees*
 - This states that the contractor is the one who decides on the dust control, this would be from his perspective. This statement is yet another example of this application not even mentioning the health and safety of neighbouring people or whether they have any voice as to whether the dust, or for that matter any of the potential impacts on them by this construction.

Work Hours

- *Hours of construction will be as noted below **unless varied by the Conditions of Consent.***
 - What and by whom are the conditions of consent given?
 - How are they varied, and by whom and for what reasons? Again, will neighbours be informed, or do they just go ahead and residents are left wondering why the contractor is not abiding by the times that we as neighbours have to live by, and rely on for peace and quiet?
- *Note that start & end **times may vary** due to the prevailing weather conditions and to lessen the impact on the existing local area background noise levels at particular times of the day*
 - What guidelines will be used to determine whether times can be changed, or are they at the discretion of the contractor who is not obliged to the neighbouring people, but rather to deadlines etc? It implies that we would be at the mercy of a construction staff member, site manager/engineer, and not a person in a neighbouring apartment whose life is being impacted unduly.
- *Some security **lighting at strategic points** will also be installed to allow general surveillance of the site and **adjacent areas** at night & provide for a safe precinct whilst excavation & construction work is underway.*
 - It is expected that such lighting will not face the Panorama Towers apartments. Can this be confirmed?

Summary

- *The proposed earthworks although extensive will have some initial impact on surrounding land uses & amenity due to added traffic & machinery movement and noise from general construction activity but with **diligent management procedures in place & progressive site monitoring** this will be kept to a minimum whilst still allowing the necessary tasks to be undertaken to complete the development.*
 - Please provide detail of who/what/how this diligent management will be provided?
- If the DA is approved and there is resulting damage and building cracks and rock face failures which cannot be guaranteed will not occur, will the developer, builder, contractors, but also those involved across the whole process if approval is granted be liable or not. Liability is crucial for accountable decision making by the authorities in position to either approve or decline aspects of the proposed DA.

ANNEXURE:

Construction Noise and Vibration Guideline –August2016

QUESTION: Is this the only document that pertains to this development or is there a specific document for NSW?

- ***This policy should be read in conjunction with the following documents: •EPA Interim Construction Noise Guidelines •EPA Assessing Vibration –Technical Guideline •EPA Road Noise Policy •RMS Project Pack •RMS REF Procedure •RMS Procedure for Routine and Minor Works •RMS Noise Criteria Guideline •RMS Noise Mitigation Guideline***
 - It is assumed that the developer will apply the same requirements set in this document, including proper reference to the documentation listed above.
 - Is this an RMS project?
- *Construction vehicle traffic and traffic diversions are assessed and mitigated using standard road traffic noise processes.*

- Please give details of how, what and whom will be checking vehicle road and vehicle noise?
- Principles for managing construction noise and vibration
 - **Good engagement with the community will be maintained to facilitate effective project delivery with balanced community impacts**
 - This is expected and details of how, what and who will be engaging are requested.

SEPP 65 Addendum:

The proposal is generally compliant with the requirements and objectives of the SEPP 65. This response directly addresses the Design Review Referral.

*The proposal is generally compliant with the requirements and objectives of the SEPP 65. This response directly addresses the **Design Review Referral**. Refer to **architectural plans** for all further detail.*

- **We object to these statements as the proposed development far removed from being compliant with LEP/DCP controls and requirements.**

Context and Neighbourhood Character:

Developers Response:

The outcrop, which is proposed to be partially removed is more or less very sparse with trees and contains mainly shrubs and loose rocky fragments.

- It is not the trees or lack thereof that is providing a buffer between the proposed development and Panorama Towers. The planned removal of the ridge is to such an extent that the neighbouring complex (Panorama Towers) will be loomed over by this enormous development, thereby invading privacy and amenity. In addition to the fact that the drawings show balconies and windows directly facing and slightly above neighbouring living spaces, this higher elevation enables even greater privacy invasion as the floor areas of neighbours would also be on display.

BUILT FORM AND SCALE:

Council's comments:

Note to Council and JRPP;

Please stick to your guns and disallow any deviation or non-compliance. It is easy for the developer to say it is just a few % non-compliant over the previous approved DA, which was itself also just a few % non-compliant, this adds up to the non-compliance being significant. Developers can quite easily confuse the issues by selectively referring to where they say they are compliant with other guidelines, but that does not change the fact that they are still non-compliant when it comes to LEP and DCP controls. As well as the negative impact on neighbours.

The developer has chosen to totally ignore height non-compliance mentioned in this item. But refers to their previous response claiming that they are unreasonable.

Response:

*This minor noncompliance should be mitigated due to the existing distance from the adjoining neighbours and **the use of operable screening which contributes to visual privacy for the adjoining neighbours.***

- Operable screening as shown on the drawings will cover only a small part of the outlook from the proposed development directly into the living space of neighbours. “Operable” indicates that these screens are not fixed and can therefore at any time be changed or moved, hence not provide any screening. This does not remove the privacy invasion of the Block A which faces directly into Panorama Towers’ apartments.

Density:

Council’s comments: well stated – please stick to your guns

Response:

No meaningful response.

Landscape:

Councils comments: well stated – please stick to your guns, especially this piece: *“Parking and services should be setback a minimum of 6 metres from all boundaries to match complying building setbacks to provide adequate deep soil area for some large (15 metres mature height) for outlook and privacy screening and to disguise the scale of the building resulting from the non-complying height”*

Developers Response:

*Where a reduced setback is proposed **movable screens and hedge planting** has been used to provide better outlook for adjoining neighbours.*

- This is totally unacceptable, “movable screens and hedge planting” will not provide any appropriate privacy, and again, they are “movable” and therefore temporary and can be removed.

Amenity:

Our comments:

If the developer cannot get amenity within the proposed development due to either inability or sheer disregard of controls in favour of ultimate profits, how can the neighbouring properties expect any consideration for their privacy, being impacted by noise and amenity?

Their responses are just restating their original proposal and not responding with appropriate amendments to be compliant.

Visual privacy

The developer only comments on internal privacy and says nothing about neighbouring apartment blocks. Again this shows a lack of consideration for the neighbours and anything outside of their development.

The table below outlines the amendments made to the proposed residential flat building blocks.

The mentioned table does not address all the issues that were raised – so when will they be addressed?

AMENDED BUSHFIRE REPORT

No comments.

AMENDED VISUAL IMPACT ASSESSMENT

Visual Influence locations:

*The **Zone of Visual Influence** encompasses the areas from which the site is clearly visible and from where the proposal may have an effect on visual amenity. The proposed apartment building will be visible from:*

- What criteria have been used to determine the sites and the zone?
- If you stand on the top floor of Panorama Towers and look out across Brisbane water, there is not one example of any building protrusion above any tree line across the view. If one had to stand at the water's edge and looked out across Brisbane Water there would also not be any buildings protruding.
- All of the examples in this assessment show the buildings protruding above the tree line, but they are trying to show them as being so small as to be allowed. This would negatively change the outlook of and from Gosford and contradict what has been held as one of the successes of proper planning and controls where the sense of being in a green city has been maintained. This is not something that should be taken lightly and allowed to be changed.

In order to ensure the proposal is integrated into the surrounding landscape, a planted buffer is proposed along site perimeter. The proposed boundary planting will soften the building over time and enhance the streetscape. Planting is to include native trees, shrubs and groundcovers with low maintenance and low water requirements and species appropriate for the sites soil and climatic conditions.

- If the development is kept within the height controls the planting of trees to hide the bulkiness of the proposed buildings extending above the height limits would be lessened. These trees would not stop the building mass from protruding above the natural tree line.

*The assessment evaluates the landscape character of the site, the current visual amenity from **selected viewpoints** and the significance of change to the views based on the degree to which the view is changing and its visual sensitivity.*

- Who has decided on this selection of sites?
- The significance of this change as shown in this assessment through small wide -angled photographs does not provide a true view of how it would actually/negatively impact the current unbroken treeline horizon. If the application is allowed and the buildings are constructed it is then too late. This is preventable now by Council and JRPP confining the proposed development to the existing and well-determined controls. There should actually not be a negotiation on how the controls can be ignored or manipulated. **This would be similar to expecting to have a negotiation with a traffic officer and a judge for having exceeded the speed limit and getting away with it provided you could come up with all**

manner of studies and assessments as to why the speed limit is unreasonable. The LEP and DCP controls are there for good reason and if developers would just work within them there would be no contentious issues. The concern by neighbours is whether the traffic officer and judge (Council/JRPP) allow someone to get away with breaking the law (LEP/DCP controls)?

Key Viewpoints

Nominated viewpoints from within the zone of visual influence representing a typical view experienced by the visual receptors.

- How were these selected?

Figure 7: Known RL heights of buildings within visual reference distance of site.

- What, where, how is this “visual reference distance” determined.
- **All of the viewpoints that they have selected show that this, and only this, proposed development protrudes above the tree line. Why should this building be allowed to when it is visually impacting the horizon as well as being in contradiction of established controls that all others have had to abide by?**

AMENDED SOIL & WATER MANAGEMENT PLAN:

General Instructions

1.The SWMP (CC170107) is to be read with the engineering plans and any other plans or written instructions that may be issued and relating to development at the subject site.

2.Contractors will ensure that all soil and water management works are undertaken as instructed in this specification and constructed following the guidelines stated In Managing Urban Stormwater: Soils & Construction(Landcom 2004).

3.All subcontractors are to be informed of their responsibilities in reducing the potential for soil erosion and pollution to downslope area.

- These instructions are one thing, but who will be ensuring that they are adhered to?

AMENDED WASTE MANAGEMENT PLAN:

Amenity

Aesthetic design of waste storage areas, including being compatible with the main building/s and adequately screened and visually unobtrusive from the street

- What, if any, consideration has been given regarding its obtrusiveness on neighbouring property apartments? This includes, but not limited to, garbage truck noise echoing from the enclosed space that is only open in the direction of Panorama Towers.

FURTHER QUESTIONS THAT REQUIRE APPROPRIATE RESPONSE:

- Who will manage the timing of the four new developments that are currently on John Whiteway Drive and which will impact residents? Which ones will be given preference as to the construction commencement or will it be a free-for-all when it comes to the timing? If not, what controls are in place that governs how this should and will happen?
- The Opal Tower in Sydney is a prime example of what is not wanted. Especially when it's the owners and neighbours that are being impacted, while a great deal of finger pointing goes on by all those that had some input into that disastrous development.
- As regards damage to the cliff face and/or to any part of Panorama Towers property - who will be held liable should there be any damage that was not in existence before construction works commenced? If we have a properly recorded condition of all of our property prior to construction, will it provide sufficient evidence of any damage post construction?
- This development, due to its value, has been determined to be one of state significance and therefore will not be evaluated by council but by the JRPP if my understanding is correct. I believe this is due to the figure being greater than \$75 Million. What is the advantage to either the developer or existing affected neighbours of this being of State Significance? It seems that there may be an advantage to the developer. If this is the case, who has actually reviewed the quantity surveyed figures of this DA to determine that this is in fact a development of greater value than \$75 million, and not merely stated as such by the developer to register as state significant?
- There is concern as to how much respect there is by the developer for the LEP/DCP controls and impact on neighbours when even before the DA has been finalised, there has been activity on site which we believe to be in contradiction to the limitations set out by council. Examples of this are:
 - The site was left open for extended periods of time with no locked or even closed gate to keep people off of the site. This has been of particular issue to Panorama Towers on several occasions where teenagers have been on site on top of the ridge and throwing boulders into our swimming pool. Besides the damage to the pool, the cost of removing the rocks and having the pool cleaned, is the potential danger to residents in the pool area. Additionally, if one of these teens were to slip and fall, it would almost certainly be fatal due to the drop. The property owner has been negligent in their site management.
 - Since the property has been signposted and ownership transferred to the new owner, the site has been used as a dumping ground for all manner of building and construction waste as well as a storage facility for vehicles and construction materials. We believe that this is also in contradiction of what is allowed to take place on site.
 - The site has also been used as a self-cleaning wash bay for a concrete pumping vehicle when it has obviously completed its work for the day on a nearby site. The vehicle has been on site on numerous occasions undergoing its cleaning process. This is typically outside of working hours as well as on weekends. This is exacerbated by the fact that this cleaning process consists of noisy high-pressure cleaning machines and a constant hammering noise that has been noted as unacceptable by residents at Panorama Towers. This is a very loud banging noise that has forced my wife to leave our apartment and find peace elsewhere. This is not acceptable. I believe that these practices should not be happening on this site.

Additionally, the following are objections and concerns regarding this and previous applications and determinations for this site by Council.

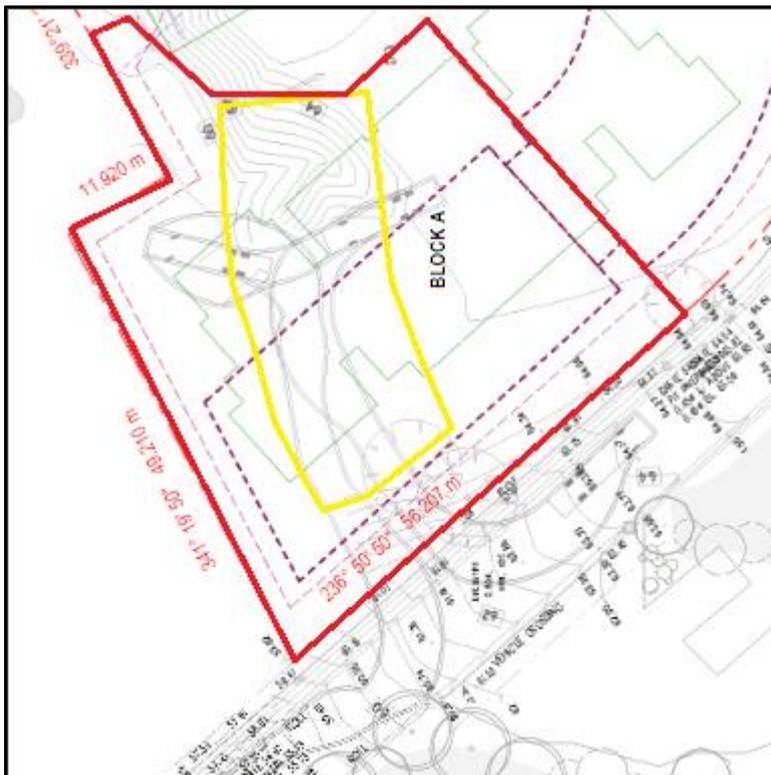
With respect to the previously approved application:

DA19601/2003

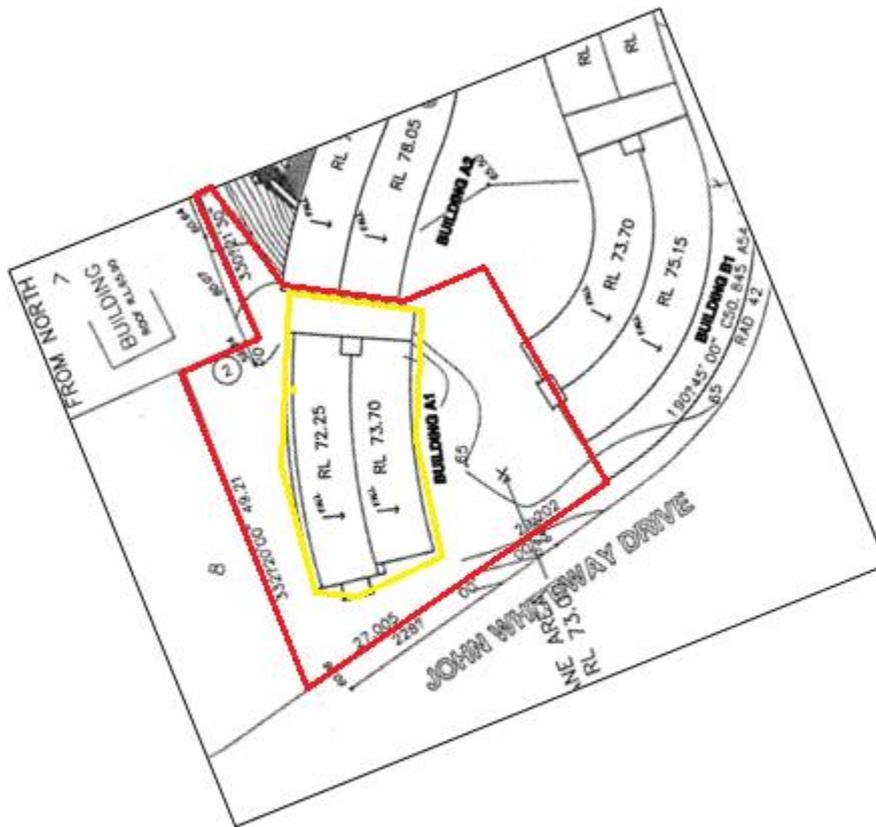
Development Application - 178 units - 3 to 6 storeys

Lodged: 31/03/2003 (Approved by Council: 13/02/2004)

This current DA54602/2018 is referring to the previously approved DA19601/2003 with drawings approved on 15/06/2004, specifically to the height and more importantly the previous building footprints shown as a dashed outline, to justify their proposed building, as can be seen below. This justification being that this outline was approved on 15/06/2004.



The revision of the approved drawings for DA19601/2003 prior to the 15/06/2004 approval and relating to this same portion of the site is as follows:



Prior to this approval on 13/02/2004, the developer wrote to Council on 14/01/2004 advising of the following changes to their application:

The developer has agreed that Building A1 has been deleted from the application– seen by neighbours and councillors from a site inspection and subsequent meetings and discussions as a positive move to increase the Privacy of Panorama Towers along with other benefits to the development.

Renaming of the remaining buildings is as follows:

- Building A1 has been deleted.
- Building A2 has been renamed to Building A1.
- Building A3 has been renamed to Building A2.

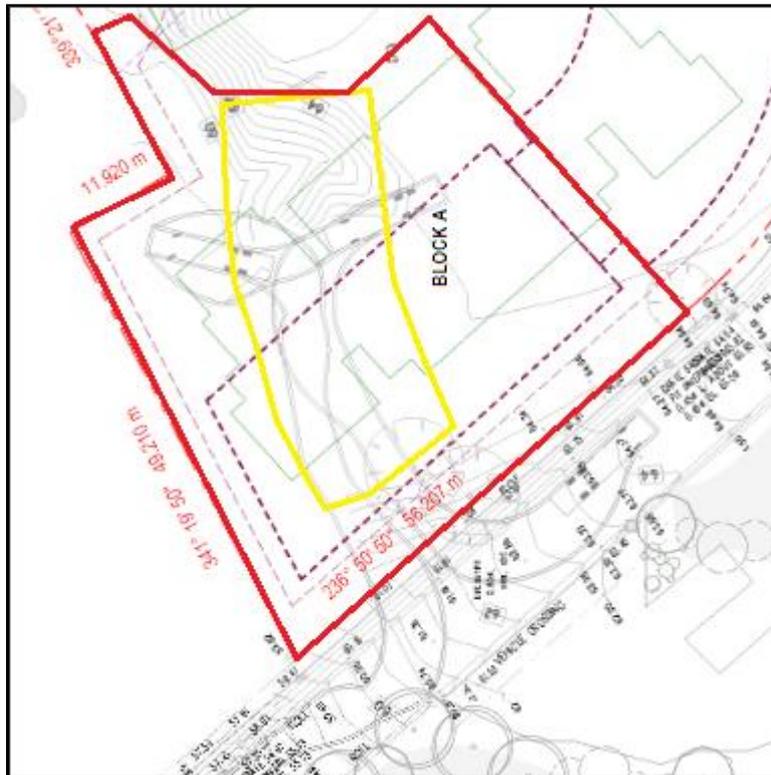
This previous approval of 13/02/2004 is a few weeks after the receipt of the letter from the developer.

Looking at the two previous pictures, the yellow highlighted area represents the removed Building A1.

The subsequent approval dated 15/06/2004 shows, along with the yellow highlighted area, the dashed outline of this approval.

The red highlighted area on both pictures indicates the area that after Building A1 has been removed, where there would no buildings at all advice and letter from the developer to Council.

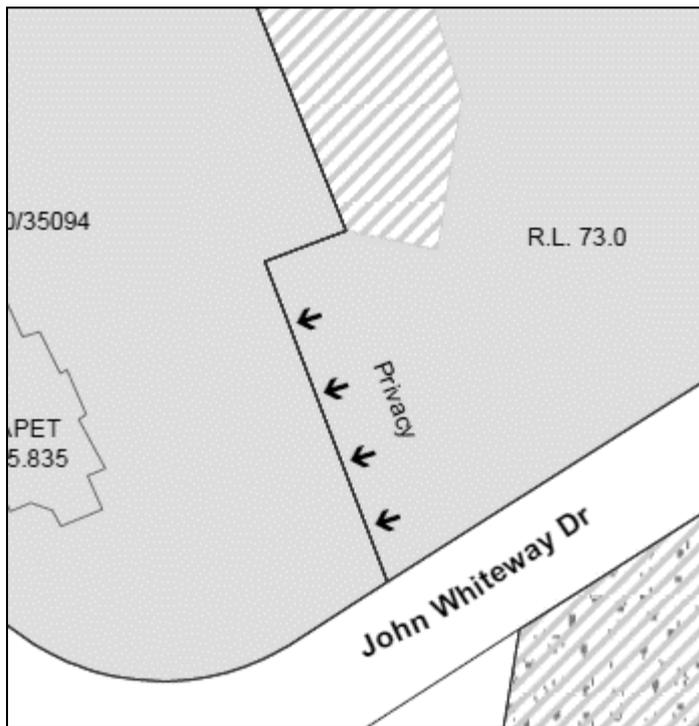
The picture has been repeated below for ease of reference and focus of our query:



Our query is:

- The dashed outline is what was subsequently approved on 15/06/2004, with the approval stating the following:
 - *Having regard to the provisions of Section 96(1)(a) of the Environmental Planning and Assessment Act, 1979, the Council is of the opinion that the proposed amendment **is a minor modification and the development is substantially the same** as that approved under Notice of Determination dated 13 February 2004.*
 - How can the red text above be justified and accepted by Council when as directed by the developer in the interests of the neighbouring Panorama Towers, that the yellow highlighted area be removed. As such, viewing the dashed outline in context of the vacant red highlighted area can in no way in anyone's opinion be deemed a minor modification and substantially the same.
 - This approval also calls into question what can only be considered as a total disregard by the developer to submit such an enormous change in direction from their previous plans and good will in removing Building A1, and the then Council who was aware of this building removal and good will to go ahead with the approval and make the statement in the red text above.
 - The then proposed Building A cannot and should not have been approved; this was a detrimental oversight by the council of the day.
 - We believe that the previous approval is flawed in this regard and seek the current Council/JRPP to take this into serious consideration and right this error made in the past.
 - Since this is still a paper-based exercise it is the right time and place to do things correctly.

- This then is our objection that the new proposal drawings showing their proposed building (Block A) to not be that different to the previous erroneous approval identified by the dashed outline. When the dashed outline should not have been approved and therefore not exist in this application. The new proposed Block A should therefore not be part of this application.
- The proposed Block A is of great concern and detriment to neighbouring apartment owners in Panorama Towers.
- Below is an excerpt from the Gosford DCP showing clearly that there should and must be a consideration by developers and Council for the privacy of the property owners of Panorama Towers.



It is understood that all objection submissions be given due diligence by both Council and the JRPP as has been given to the documentation submitted by the developer. The fact is that for the approximately current 35 objections that average 4 pages each total approximately 140 pages to be reviewed, there are approximately 25 documents of 788 pages supplied by the developer.

We take this opportunity to invite Council members, the developer and those of the JRPP to liaise with all neighbouring blocks bodies corporate and arrange times to visit each block and site and homes that would be impacted by this proposed DA first hand.