

THE COUNCIL HAS RE-ADVERTISED DEVELOPMENT APPLICATION
DA 54602/2018 CLOSING ON 29 AUGUST, 2019.

OBJECTIONS TO THE APPROVAL OF DEVELOPMENT APPLICATION
DA 54602/2018 BY ADG ARCHITECTS ("ADG")
FOR SITE DESIGNATED 87-89 JOHN WHITEWAY DRIVE

1. PREAMBLE

1.1 THIS OBJECTION:

a) is supplementary to previously lodged objections in July, 2018, and February, 2019; and

b) takes into account plans and documents lodged with Council in May, 2019, and July/August, 2019, and placed on public exhibition by the Central Coast Council.

NOTE: The Applicant under date 1.8.2019, in the document headed "Changes to Proposed RFB", notes the lodgment of "A revised Geotechnical report commenting on the methodology for outcrop removal to ensure safety measures are appropriate during and after construction."

No such report by a Geotechnical Engineer is among the Council exhibits other than a report by J K Geotechnics (referred to herein as "JKG") which is a stand alone report on the geotechnical risks of a program of tree planting.

There is some Construction Methodology provided by the architects ADG who are NOT Geotechnical Engineering consultants to the Application.

The Council is requested to supply the said report by JKG.

1.2 KEY FEATURES OF THE REVISED PROPOSALS now exhibited are:

a) As said, "the new basement is significantly reduced to be within the area denoted X on the title deed".

It is presumed that "X" area delineates the limits of the "BUILDABLE AREA" of the whole site and that such area continues, as is has in the past, to be the same as area as identified in Council's LEP and DCP and on the titles of adjoining properties.

b) notwithstanding the limitation of the basement to the buildable area, proposed buildings above the basement exceed those BASEMENT dimensions and the planned buildings and their foundations protrude into the NON- BUILDABLE AREA.

This is in breach of the provisions of the LEP (zero building height in non-buildable areas) and the provisions of the "John Whiteway Drive Precinct" in the DCP.

c) the Applicant continues to ignore in its documentation reference to the detailed provisions of the "John Whiteway Drive Precinct" set out in the DCP and with its stated parameters summarized as:

"acknowledging the inherent biophysical constraints of the precinct as a whole and the site specific requirements of individual allotments".

2. PRIMARY OBJECTIONS

2.1 THE BULLDOZING, AND EXCAVATIONS PROPOSED BY THE APPLICANT OF SOME 3m OR MORE OF SOLID SANDSTONE, ARE A SERIOUS DANGER TO THE STABILITY OF THE 30 m CLIFF FACES OF NEIGHBOURING PROPERTIES WHICH ARE ALREADY KNOWN TO BE FRAGILE AND WITH NUMEROUS WEDGES AND IN ADDITION THERE ARE LOCATIONS WITH LOOSE SHALE BANKS OF SOME HEIGHT.

2.2 ANY CLIFF FAILURES/SLIPS THAT FALL ON EXISTING PARKING AREAS AND BUILDINGS WILL BE A DANGER TO PEOPLES LIVES AND DO MILLIONS OF DOLLARS OF PROPERTY DAMAGE TO VEHICLES AND STRUCTURES.

2.3 TO MITIGATE RISK EFFECTIVELY, ALL BUILDINGS SHOULD BE CONSTRUCTED ON TOP OF THE EXISTING SANDSTONE WITHIN THE BUILDABLE AREA AND BASEMENT EXCAVATION BANNED.

These primary objections are based experience of the fragility of the very high sandstone cliffs and of the high and steep shale banks.

In 2001/2 soon after Mariners View (Lots 4 & 5) was occupied, the Council, in recognition of dangers, issued a written edict to the Body Corporate that fenced garden areas at the base of the cliffs were to be kept locked to prevent resident access.

In 2005 the Council took geotechnical advice on its shale banks, in a Bush Reserve Lot which is part of the Precinct, that were a danger to the Mariners View property and spent \$100,000 on remediation and risk mitigation.

In 2009 a comparatively small sandstone wedge at the top of the 30m cliff was examined by the same geotechnical advisors as utilized by the Council. The advisors recommended to the Body Corporate for safety reasons that the wedge be broken up and removed. Experienced contractors engaged by the advisors used an elevated platform from which to operate pneumatic machinery and the moment the vibration from the machinery was applied to the wedge, the whole wedge SLIPPED. I stress that this outcome had not been foreseen by the geotechnical advisors and it identifies the fragility and risks that exist.

Such risks were foreseen when a master plan and a subdivision plan for the Precinct and recorded on land titles and in a special Development Control Plan No. 57 which has been carried forward in consolidated DCPs.

The precinct titles and DCP have specific geotechnical requirements when addressing proposed developments. There is lengthy section regarding Buildable Areas in the documentation and briefly and specifically a development in BUILDABLE AREAS for all existing and proposed developments must be supported “comprehensively” by, I quote:

- A geotechnical survey
- An assessment of the stability risks
- An assessment of measures for minimization of risk

The report by geotechnical Engineers does NOT meet these comprehensive criteria.

Mariners View knows of NO surveys of the cliffs on its property by the Engineers, much less the required assessments of risks.

3. FURTHER OBJECTIONS

3.1 OBJECTION IS MADE TO THE PROPOSALS FOR “REMOVAL OF OUTCROPS” ON THE RIDGE LINE AND IN NON-BUILDABLE AREAS.

These proposals are referred to on the plan for Stage 1 Earthworks, on plan DA 200 and in the Construction Methodology paper.

Such outcrops and the related bush cover are a natural feature of the Brisbane Water ridgeline and the Precinct rules make plain that the ridgeline must be left inviolate.

Buildings on the West of the site not only offend the precinct rules but require the sacrilege of demolishing part of the ridgeline and bush.

3.2 OBJECTION IS MADE TO THE LIMITATION OF A GRAVITY RETAININGWALL (Plan DA 04) TO ONE SECTION OF THE WEST BOUNDARY WHEN THE WHOLE OF THE WEST BOUNDARY REQUIRES SUCH PROTECTION TO PREVENT LOOSE DEBRIS (AFTER GAINING MOMENTUM ON STEEP SLOPES FROM THE RIDGELINE TO THE TOP OF CLIFFS) ENDS UP AS DANGEROUS BOULDERS AND PROJECTILES ONTO NEIGHBOURING PROPERTIES.

Lodged by Robert Allen, Strata Committee member of SP 64085, after many years of experience in Western NSW mining.

29.8.2019