

OBJECTIONS TO THE APPROVAL OF DEVELOPMENT APPLICATION 54602/2018  
FOR 237 UNITS ON SITE DESIGNATED 87-89 JOHN WHITEWAY DRIVE  
SUBMITTED BY ADG ARCHITECTS (“ADG”)  
(Advertised by the Central Coast Council as closing on 29.8.2019)

## 1. PREAMBLE

### 1.1 THIS OBJECTION:

- is supplementary to previously lodged objections in July, 2018, and February, 2019; jointly by F T Long and R Allen, and
- takes into account plans and documents lodged with the Central Coast Council in May,2019, and July/August,2019, and placed on public exhibition by the Council.

NOTE: The Applicant under date 1.8.2019, under the document headed “Changes to Proposed RFB”, states that it has lodged “ A revised Geotechnical report commenting on the methodology for outcrop removal to ensure safety measures are appropriate during and after construction. ”

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

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

Council is requested to forward to Objectors the said additional JKG report and accept later submissions thereon.

## 2. KEY FEATURES OF THE REVISED PROPOSALS AND OBJECTIONS

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 in the past, to be the same as areas identified in Council’s LEP and DCP and recorded, earlier, on all the titles of the Precinct.

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.

OBJECTION; This is in breach of the “Restriction as to User” on the Title and in breach of provisions of the LEP and the provisions of the “ John Whiteway Drive Precinct” in the DCP.

b) The Applicant (ADG) and JK Geotechnics continue to ignore in their documentation, reference to the detailed provisions of the “John Whiteway Drive Precinct” set out in the DCP, 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”.

In the DCP there is a specific geotechnical process to be reported on, namely:

- surveys,
- assessment of risk, and
- assessment of risk mitigation

This process is to cover existing and proposed developments and to lead to a geotechnical report on a development. All this is set out in the Buildable Area chapter of the DCP for the Precinct.

The Report by JK Geotechnics made earlier does not refer to these DCP requirements, nor is the report framed to follow and address the specified three stage process.

OBJECTION: The JKG geotechnical report is inadequate.

c) The documents and plans newly exhibited give the impression that because the basement excavations are now limited to the buildable area, the applicant ADG assumes it has an absolute right to approval of those excavation plans.

This is not the case – the DCP chapter headed Buildable Areas casts considerable concern on the stability risks of the Precinct and we submit that unless risk can be mitigated to a level where it is certified by engineers as NON EXISTENT, the proposed development could only be approved by the Council with a BAN on basement excavation.

d) Plans DA 200 and DA04 provide what it records as a delineation of the excavation limits of the existing DA 19601. This is false information.

The existing DA approval was finalized in June, 2004, and our records show a much truncated basement excavation on Plan DA 002 01 of that time.

In the ensuing 15 years we have had experience with cliff stability problems and we now OBJECT to any excavation and the resulting vibration.

e) The Applicant submits diagrams on the visual amenity of the development which shows the intrusion of buildings into the vistas of the wooded ridgeline surrounding Brisbane Waters.

Such intrusion was on the Council’s mind in February 2004 when revised additional heights of buildings were under consideration for DA 19601. The Council’s officers reported on page 90 that buildings were compliant with objectives of the DCP taking into account the ridgeline and tree canopy.

OBJECTION: This is no longer the situation and there is need for proposed building heights to be reduced for this application to those of EXISTING DA 19601.

(NOTE: There may be a case, because of distance from the ridgeline, for additional height for buildings B and the south part of E on the John Whiteway Drive frontage.)

f) The LEP provides that the area of a site for floor space ratio calculations excludes areas where development is NOT to be carried out. This limits the number of units to a ratio calculated on the buildable area.

OBJECTION: 237 units are excessive and this contributes to the pressure to breach other DCP restrictions. As in EXISTING DA 19601, Block C of the application should be eliminated.

## **CONCLUSION**

This application, as set out above, is in MASSIVE BREACH of the development rules set out in:

- \* The Gosford Local Environment Plan 2014 (the LEP)
- \* The Gosford Development Control Plan (the DCP)
- \* The Title for the Property

The relevant parts of these plans have been repeated as recently as 2018 in the State Significant plans approved in 2018 for the Gosford City Centre.

The Council must support it's own long standing planning objectives and rules for the Precinct.

As set out in the DCP, there is a diversity in the Precinct site that affects various allotments and requires non-standard controls. It goes on, that any "case for varying the control involved must be clearly documented in the development application" – the applicant, evidently, has no such case in any instance.

The Application should be refused, and the pre-existing Development Approval sustained, but subject to revised geotechnical consideration by the 19601 approval consultants, Douglas Partners, who have been involved in the Precinct for many many years.

F T Long FCPA FCIS  
29.8 2019