

OBJECTIONS TO SECOND AMENDMENT OF DEVELOPMENT APPLICATION **54602/2018**
FOR **237** UNITS ON SITE DESIGNATED 87-89 JOHN WHITEWAY DRIVE GOSFORD
29 August 2019

This objection is supplementary to my previously lodged objections to the proposed DA54602/2018 in July 2018 and February 2019.

Since 2003 when first DAs were advertised by Council for 87-89 John Whiteway Drive, unlike other neighbouring existing developments, SP53908 has not been depicted on site plans or included in site descriptions showing as a **blank canvas** with no contour lines, ground levels or heights of the apartment building (3 storeys containing 35 large units), or external double and single lock up garages and clothes line area adjacent to the northerly fragile cliff face in the former Gosford Quarry.

WHY? Contours on Shadow Drawing Nos DA600, 601 and 602 (pages 22,23 & 24/39) are clearly visible on the Amended Notification document. Does this suggest that it is in the Proponent's interest to ignore Rumbalara Apartments and garages?

Of all neighbouring Lots, 117 JWD SP53908 **5 DP 778384** – Rumbalara Apartments (RA) – situated on the Northern Boundary of 87-89 JWD and in closest proximity to the proposed developments, would appear to be the most compromised by DA54602.2018 in terms of **safety** and potential excavation hazards. The JWD Precinct Plan suggests: “In some cases, lots may be further excavated as a means to achieve the development potential on the land*Geotechnical engineers are advised of the existence of cracking in the quarried caves within **Lots 4 and 5 DP 778384**. Verification of the extent of this cracking, and its influence upon development should be assessed in relation to ridgeline effected lots.*”

JK Geotechnical Report dated 6 April 2018 Appendix A Letter regarding rock face stability Ref 310785let 22.3.18 deals primarily with the proposed removal of the ‘outcrop’ on the ridgeline, Stating at 5.2.1: “Dilapidation surveys: prior to the commencement of demolition and excavation we recommend that a dilapidation survey be completed on the structures below the rock face in the adjoining property to the west.” Again, there is no mention of the adjoining property to the north – **5 DP 778384** – Rumbalara Apartments.

I shall now take a different approach with my objections, in the hope that the thirteen accompanying photos will illustrate better than thirteen thousand words the danger of excavating 200,000 tons of sandstone so close to our fragile southern boundary.

First Photo: Communal Clothes Line area immediately adjacent to the benched cliff face where some years ago a substantial rock fall destroyed part of the original security fence so requiring replacement and strengthening. Note also garage at left of photo in close proximity to cliff.

Second Photo: View of the SW of Rumbalara Apartments and western visitors' car parking
Note: benched sandstone with rock bolts.

Third Photo: U29 double garage (also garages 28 and 33) at corner of RA south western boundary. Right of picture U20 garage with U29 balcony above.

Fourth Photo: View from U29 garage looking east towards U3 garage at end. Rear balcony U29 on left of photo. On right, garages of U33, 36, 22 clothes-line area etc., with trees on cliff face, or in narrow gap to rear of garages on top of 20 year old decomposed rock falls. *Note no trees visible on ridgeline.*

Fifth Photo: Same view of U3 garage but taken below the eastern Visitors' car parking.

Sixth Photo: View of cliff face taken from the eastern visitors' car parking behind the rear of my ground floor U5. Note: (a) barely discernible 87-89 JWD fence line atop the ridgeline and (b) evidence of rocks that have fallen on top of the garage (c) If Block E 87-89 JWD were to be built as proposed on the non- buildable land, instead of sky there will be a 6 storey building.

Seventh Photo: Extreme SE corner of RA showing benched sandstone.

Eighth Photo: Same rock face showing quarry cliff support.

Ninth Photo: SE corner of RA. Note edge of brick path

Tenth Photo: Brick path continuation looking towards U29 garage i.e opposite view to 4th Photo.

Eleventh Photo: Same view looking west taken from the end of RA SE car park. Note proximity of cliff face surrounding end garage, heavy timbered land on RA western boundary on non-buildable land within Lot 1 87-89 JWD from whence rocks have frequently fallen onto the garage roof of U29. and trees have fallen onto the end roof of the RA apartments.

Twelfth Photo : Close up of photo no 6 showing 87-89 fence line on ridgetop. Note some small rocks on garage roofs, most having fallen into the gap behind. Should Block E be built as proposed, no blue sky would be visible from the rear balconies of this section of RA.

Final Photo: View of a rear external staircase to Units and side of carwash area.

Summary of Objections:

- Geotechnical reports are inadequate and deal only with possible destabilization of the rock face caused by removal of the 'ridgeline outcrop' and 807 trees.
- Excessive excavation both in terms of depth and extent should be more clearly shown. (During my two trips to Gosford Council I was unable to procure or view these documents due to 'technical hitches'). I was assured that the JKG geotech reports would be peer reviewed. It is hoped that Council's geotech engineer may require more detail of the extent of site disturbance and excavation and may be able to demonstrate how adjoining properties will/will not be compromised by those proposed excavation works.
- Enlarged footprint – particularly that of Block E which encroaches hugely into the non-buildable area. The three most northern units on six levels of Block E should be removed as they appear to be entirely in the non-buildable zone.
- Height levels of proposed buildings remain one to one and a half storeys too high.
- FSR: As far as the JWD Precinct non-buildable land is concerned, I am informed that Gosford LEP 2014 states: 'Exclusions from site area: The following land must be excluded from the site area: (a) land on which the proposed development is prohibited, whether under this Plan or any other law. As the non-buildable area is (a) On Title of the Property (b) In LEP (Zero height is effectively a prohibition) and (c) In DCP (Special Area JWD Precinct) this brings into question the proponent's FSR calculation.

My searches through Council website documents have been extremely frustrating. It has also been disappointing that the same level of respect given to neighbours by Mr. de la Vega – proponent of the original DA - has not been extended by this current applicant. It was my understanding that Community Groups and affected landowners should be 'consulted' in a development project as significant as this. It is also in my view 'insulting' to totally ignore a neighbouring apartment block on all plans and documents, and not to notify all affected individual Unit Owners. If Council is

unaware of a problem, how can the JRPP possibly be briefed of potential safety issues – especially at this time of collapsing Opal and Mascot Towers, cladding issues, etc. etc?

To end on a positive note, it was good to learn that the zig-zag access walkway on our western boundary has been removed from the plans, although I noted that this was not included in the ADG list of Changes to proposed RFB letter dated 1st August 2019!

It is hoped that Council will not recommend to the JRPP approval of this DA in its current form as it is still an overdevelopment of the site and not in the public interest.