

OBJECTIONS TO Third AMENDMENT OF DEVELOPMENT APPLICATION 54602/2018 FOR 241 UNITS ON SITE DESIGNATED 87-89 JOHN WHITEWAY DRIVE GOSFORD - 03.02.20

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

Amendments

It is a great relief after many years of requests at last to see height levels plus a few contour levels for the 35 apartments and external lock-up garages of Rumbalara Apartments at 117 John Whiteway Drive on the ADG Plans. The site has never been 'inaccessible' as there are no locked gates. Access would only have required someone to check out the Notice Board beside the mailboxes for the contact details of SP53908 at All Strata Services, and a brief courtesy call to the Strata Manager. The cliff faces are indeed steep, but in this day and age with modern technology surely this should not have taken more than 20 years to happen?! In our view this typifies the 'sub-optimal behaviour' of the Pinnacle development team who would appear to be 'bulldozing' rather than consulting their neighbours.

Non-Build area

It is pleasing to see that Excavation has now been restricted to within the 'buildable' area of DCP 57, (with exception of Building C) however it is difficult to ascertain if, and how far, the northern face of Building E extends into the non-build area as there is reference to piling but are hidden from the plans.

FSR

As previously expressed, it is unreasonable to calculate FSR of the development over a site of 2.3Ha when more than a hectare is designated 'non-build' – for very valid reasons.

Under the current amended plans, the number of Units has increased from 237 to 241 - approved De La Vega development was for 178 units.

Building C

This building had been removed in the final 2004 De La Vega for a number of reasons – including privacy, safety – and should also have been removed from current plans which could thereby reduce the FSR.

HOB

Current heights of buildings continue to exceed the LEP height restrictions including those of the JWD Precinct Special Area. At the highest point these Precinct controls restrict Height of building to RL80. This area appears to coincide with the NW ridge which contains the contentious 'rocky outcrop'. Demolishing this ridgeline rock for view improvement to numerous Units in the 6 storey Building D, plus keeping the benefit of an allowable height increase would be like 'having your cake and eating it too'. It would also be in contravention of the long held former Gosford Council principle of maintaining ridge and tree lines.

Concurrent with this DA is a similar but larger DA which has been submitted as a State Significant Development directly with NSW Planning. A token 'Community Consultation' was held for this SSD for which there was very limited notice or advertising, and only a few very sketchy drawings. Worrisome was that Building D appeared as 12 storeys.

Dilapidation Survey and Developer Insurance

Liaison with neighbours to determine which assets are to be inspected and surveyed is required. Provisions for Developers' Insurance is also to be included against future rock falls which might damage neighbouring assets – e.g. the concrete topped garages of 117 JWD adjacent to the cliff

edge. A liability question on this exact issue was raised at the SSD Community Consultation by a 117 JWD resident, to which the reply was that the Insurance of 117 JWD would be liable.

Noise

The measures stated in the documentation do not leave neighbours with any confidence that these will be adhered to.

It is stated that “No machine work will occur outside normal working hours set unless approval has been given by consent authority”.

The Noise factor at 117 JWD is an on-going issue due to the fact that apartments are surrounded on three sides by the former quarry cliff face.

Q: How will neighbours be included in decisions by the consent authority, and how will neighbours be informed, or do we not have a say on impacts outside of normal working hours?

Vibration, Dust Mitigation and Stormwater Run-off are still matters for concern, and have not been alleviated by assurances given so far.

For all of the above reasons, we trust that the CCC will not recommend this DA to the JRPP until these matters have been further amended.

