

31 May 2021

2190460

## Response to Submissions

### 89 John Whiteway Drive, Gosford – SSD 10362

A Response to Submissions and Amended Development Application in support of an application for State Significant Development (SSD), relating to the construction of a residential development at 89 John Whiteway Drive, Gosford (the site) was lodged in March 2021 with the Department of Planning, Industry and Environment (the Department).

The SSDA was publicly exhibited for a period from 14 April 2021 – 27 April 2021. During this time, 11 public submissions and 4 submissions were received from government agencies and public authorities.

Extracts from the submissions of government agencies and authorities, as well those received from the public in relation to SSD 10362, and a response to each of these matters, has been provided in the below tables.

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## 1.0 Authority and Agency Submissions

Comment	Comment
<b>Department of Planning, Industry and Environment</b>	
<p><b>Solar and daylight access</b> Please provide amended sun eye diagrams to clearly indicate where the living spaces and balconies are located. This information is required to allow cross reference between the solar access/overshadowing floor plan diagrams, summary schedules and the view from the sun.</p>	<p>New Sun Eye diagrams that are zoomed in with additional notated details are provided.</p>
<p>Please include elevation plans in the overshadowing analysis indicating the location of habitable rooms and private open space.</p>	<p>The Sun Eye Diagrams provide these details.</p>
<p>Please indicate the 40 units which will not receive 3 hours of sunlight but will have water views.</p>	<p>See Architectural Plan DA006.7D- DA006.7F</p>
<p>Please identify the units that receive 3 hours of sunlight to provide a complete understanding of the variation proposed.</p>	<p>See Architectural Plan DA006.7G- DA006.7I</p>
<p>The extensive excavation proposed to the north east of the site will result in units in Block C being below ground/street level. Please demonstrate how adequate solar and daylight access will be provided to these units.</p>	<p>These units are at the existing ground level of the site (which is below street level), with excavation in this location only for provision of a basement.</p> <p>The model shows that in mid-winter units receive sun between 9am-10am. See Architectural Plan DA006.7J</p>
<p><b>Visual privacy</b> The separation distance between blocks A and B (Levels 5 and 6) do not appear to comply with Objective 3F-1 of the ADG. Plans should be amended to clearly show the separation distance between the kitchen and dining windows (Block A) and Block B. Written justification and mitigation measures should be provided the proposal does not comply.</p>	<p>See response provided at Section 5.17 of the Response to Submissions and Amended Development Application dated 19 March 2021 that discusses this issue including justification. Repeated below:</p> <p><i>The amended proposal has shaped massing across the site to respond to site constraints and is largely in accordance with the ADG building separation principles. There are two locations where the full separation is not achieved and design solutions are proposed in accordance with design guidance of the ADG, as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Between Building A and B (western facades) due to the blank wall of Building B the separation required is 6m, which is achieved, however at level 2 and 5 the separation required is 12m, and the separation is:</i> <ul style="list-style-type: none"> <li>- <i>7.7m on level 2 between unit A2-03 and B2-01; and</i></li> <li>- <i>6.8m on level 5 between units A5-02 and B5-01.</i></li> </ul> </li> </ul> <p><i>Privacy screens are provided to mitigate privacy concerns. The primary outlook of these units is maintained, and the measures are consistent with Design Guidance at Objective 3F-2.</i></p>

Comment	Comment
	<ul style="list-style-type: none"> <li>Between Building B (level 4) and Building D (level 4) there is a separation requirement of (6m + 9m) 15m (due to level 4 comprising the 5th storey of Block B which requires 9m of building separation and level 4 also comprising the 4th storey of Block D which requires 6m of building separation based on the ADG). The separation is 13.4m.</li> </ul> <p>A privacy screen is provided to Unit D4-09 for the east facing windows of the living room where the variation occurs. The primary outlook of the living room is maintained, and the measures are consistent with Design Guidance at Objective 3F-2.</p>
<p><b>Communal open space</b> Please clarify whether the public walkway and viewing platform are nominated as communal open space (Drawing No. DA001.4A).</p>	<p>The walkway are common open space areas as they meet the definition of common open space in the ADG, as:</p> <ul style="list-style-type: none"> <li>It is in common ownership; and</li> <li>Is available for the recreational use of residents of the development.</li> </ul> <p>See additional Common open space diagrams provided by ADG at DA0001.4C which delineate common open area.</p>
<p>Please clarify access from the development to this walkway in the context of Objective 3D-3 of the ADG, as well as whether direct, equitable access can be achieved.</p>	<p>The walkway will be readily visible from the habitable rooms of the upper floors of Block C and D. Visual privacy will be maintained due to the 6-12m separation between the walkway and dwellings. The setback is significantly greater than the setback for dwellings facing John Whiteway drive (5m DCP requirement).</p> <p>The walkway will be well lit as it will only be open during daylight hours. As stated previously: <i>To ensure safety it is proposed that the walkway provide a timed entry gate that will close during night-time hours.</i></p> <p>The walkway is not a specifically designed space for children or young people as it is a natural bushland walkway. The design of the walkway is to NSW National Parks and Wildlife Standards.</p> <p>Due to the topography It is not possible to make the walkway achieve equitable access. This is consistent with other walkways in the Rumbalara Reserve.</p> <p>Accordingly, the walkway achieves the design guidance of Objective 3D-1.</p>
<p>Please clarify whether the areas highlighted in yellow (Drawing No. DA001.4B) are included in the calculation of communal open space in addition to the areas shown hatched.</p>	<p>See additional Common open space diagrams provided by ADG at DA0001.4C which delineate common open area.</p>
<p><b>Natural cross ventilation</b> The ADG states that for an apartment to be considered cross ventilated, most of the primary living space and n-1 bedrooms (where n is the number of bedrooms) should be on a ventilation path. Single-aspect unit types, such as C1-02 and C1-03, do not appear to meet the ADG definition for cross ventilation. Please address cross ventilation for single aspect unit types.</p>	<p>Natural Ventilation diagrams have been amended at DA006.8 – DA006.11.</p> <p>The proposal achieves 60.8% natural ventilation overall across the development, which achieves the 60% ADG Design criteria.</p>
<p>Several unit types, such as Townhouse Type 2 and Townhouse Type 3, include study areas without windows. The ADG definition of a Habitable Room includes a study. Please amend plans to comply with Objective 4B-1 of ADG.</p>	<p>The internal rooms have been converted to storage areas.</p>

Comment	Comment
<p><b>Public domain interface</b></p> <p>Proposed excavation on the southern and eastern site edges means units in Block C are located below street level. Please assess the privacy impacts to these units in the context of Objective 3C-1 of the ADG.</p>	<p>Units in Block C on level 2 are level with John Whiteway Drive and so overlook and provide casual surveillance of the public domain achieving the Objective of 3C-1 <i>Transition between private and public domain is achieved without compromising safety and security.</i></p> <p>Visual privacy is addressed at part 3F of the ADG. The street setback is required to be in accordance with the DCP setback (see figure 3F.2 of the ADG). Part 5.2.1 of Gosford City Centre DCP requires a 5 metre setback to John Whiteway Drive. Building C provides minimum 5m and up to 10 metres to the dwelling window for Unit C1-05. Where the Objective 3F-1 design criteria (setbacks) are achieved, the objective is considered to be achieved – accordingly as the front setback is achieved, the Objective 3F-1 <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy is achieved.</i></p> <p>Further, the Building C front setback is landscaped with garden courtyards that include planters for all dwellings and street landscaping that will provide a green outlook that will further mitigate visual privacy concerns. This is consistent with Figure 3C.1 of Part 3C of the ADG, which states: <i>Gardens with a variety of plantings including trees and shrubs can enhance the quality of the public domain, while providing privacy and amenity benefits to apartment residents</i></p>
<p>Please clarify the exact location of the security gate at the south-eastern corner of the site near the basement entry, and how potential areas of concealment are prevented.</p>	<p>The maintenance walkway is proposed with controlled and gated access; refer landscape DA document drawing number 10-19.41 for the exact location of the security gate at the south eastern corner.</p>
<p>Please clarify whether public access is available to the bushland corridor along the southern boundary.</p>	<p>Public access is not available to the bushland corridor along the southern boundary.</p>
<p>Please provide design solutions to soften the appearance of the protruding basement at the southeast corner of the site from John Whiteway Drive and neighbouring development, demonstrating capacity to meet Objective 3H-1.</p>	<p>See additional information provided by Distinctive at Appendix D.</p>
<p><b>Common circulation and spaces</b></p> <p>Please provide additional articulation in the Block B common corridor to demonstrate compliance with Objective 4F-1 of the ADG.</p>	<p>Building B (Level 3,4 and 5) contains 10 apartments off a single core. This is consistent with the Design Guidance which states that 'where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core'. The proposal is consistent with design guidance and achieves the objective of 4F-1 as follows:</p> <ul style="list-style-type: none"> <li>• the number of apartments on the floor does not exceed 12; and</li> <li>• the corridors will achieve a high level of amenity through the provision of: <ul style="list-style-type: none"> <li>– access to daylight and natural ventilation throughout the corridor at six locations</li> <li>– windows at the lift core and circulation spaces and the end of the corridors;</li> <li>– articulation including 2 x designated foyer areas including seating in locations adjacent to windows.</li> </ul> </li> </ul>
<p><b>Deep layouts</b></p> <p>Several of the proposed dwelling types, including Townhouse Type 1, 2 and 3, provide deep open plan layouts that seem not to meet Criteria 1 and 2 of Objective 4D-2 of the ADG. Please address the environmental performance of these deep units.</p>	<p>ADG has amended the internal design to incorporate a pantry at the rear of the subject units, resulting in reduced depth of units to 8m to the face of rear kitchen joinery, which is the effective habitable depth of the unit. Width of open space of these units is in excess of 4m (being 6-7 metres) which assists with improved amenity.</p> <p>See amended plans at DA008.1 – DA008.2</p>
<p><b>Sensitive interfaces</b></p>	<ul style="list-style-type: none"> <li>• The south eastern site interface (Block A) – refer landscape addendum Section GG - Drawing number: 10-19.81</li> </ul>

Comment	Comment
<p>Please provide sections, elevations and RLs on plans to demonstrate the visual quality and architectural treatment of the following sensitive interfaces:</p> <ul style="list-style-type: none"> <li>- <u>The south eastern site interface (Block A)</u> The architectural plans (DA009.10 (Rev 10) and DA003.1 (Rev 11)) do not indicate the architectural character presented to the bushland corridor, the neighbouring site or public domain areas (on oblique angles).</li> <li>- <u>The western and northern site interfaces (Blocks C and D)</u> The architectural character presented to the bushland corridor, and the amenity for lower-level units facing excavated areas and the bushland pathway should be shown.</li> </ul>	<ul style="list-style-type: none"> <li>• The western and northern site interface (Block C) – refer landscape addendum Section JJ - Drawing number: 10-19.83</li> <li>• The western and northern site interface (Block D) – refer landscape addendum Section II -Drawing number: 10-19.82</li> </ul>
<p><b>GFA calculation plan</b></p> <p>Please confirm which areas are excluded from GFA. Based on the detail provided it is unclear whether all areas indicated in white have been excluded from the calculated GFA.</p>	<p>See GFA diagram provided by ADG- DA007.2A- DA007.2C</p>
<p><b>Access to Block D</b></p> <p>Vehicle access to Block D seems to be provided at basement level only. Please clarify the access arrangements for emergency vehicles, deliveries and removalists to Block D.</p>	<p>See Circulation Access diagram at DA007.2D.</p> <p>The primary loading dock for large removalist type vehicles is in the loading area. From this location access to all blocks will be via the basement. The property will have a small trolley / tractor to pull small loads as necessary. The building will operate a on-line booking system for residents managed by the building manager to coordinate resident move in / out to manage as appropriate.</p> <p>Emergency vehicles may access all blocks from John Whiteway Drive via the on-street entries.</p>
<p><b>Tree canopy survey</b></p> <p>Please provide the tree canopy survey which supports the Visual Impact Assessment.</p>	<p>See Tree Survey electronic file provided with this submission.</p>
<p><b>Public walkway and viewing platform</b></p> <p>Please nominate the location of the walkway and the separation distances between the proposed units and the walkway on the architectural plans, including sections, and the landscape plan.</p>	<p>Landscape addendum sections II &amp; JJ (Refer drawing number: 10-19.82 &amp; 10-19.83) are provided to demonstrate the offset distance of public walkway from the proposed units. The minimum offset distance will be 6m from the proposed units of Block C &amp; D. The minimum 6m separation is more than ADG separation and more than separation to the John Whiteway Drive street setbacks, where footfalls would be less than the street.</p>
<p>Please provide sections showing how the grade is managed between the public pathway at the north western corner (RL 68.50), the communal seating area and the upper boardwalk platform (RL 80.6).</p>	<p>Refer Landscape addendum Section HH - Drawing number: 10-19.81</p>
<p>Please provide privacy mitigation measures between the proposed walkway, viewing platform and communal seating area, and the proposed development.</p>	<p>As outlined elsewhere the horizontal and vertical separation of the walkway to the buildings means that privacy mitigation is not required. The walkway seeks to provide a natural bushland trail and screens are not considered to be a positive design outcome for residents of visitors seeking to enjoy the ridgeline and viewing platform.</p>

Comment	Comment
Please clarify how the public walkway will sit above the area that is to be excavated and battered at the north eastern corner (Drawing No.DA005.9), including sections, elevations and RLs.	Section provided. Refer Landscape addendum Section JJ - Drawing number: 10-19.83
<p><b>Encroachment into non-buildable area</b></p> <p>Please demonstrate that the excavated area within the non-buildable area is consistent with Section 10.3 Special Area – John Whiteway Drive Precinct of the Gosford City Centre DCP, in particular the subsection titled “Buildable Area”.</p>	<p>Section 10.3 of the Gosford City Centre DCP, and the section titled Buildable Area seeks to implement the Restriction to user as identified in the 88B instrument. Legal advice has been obtained from HWL Ebsworth Lawyers regarding the application of the 88B instrument and includes a view on development in the non-buildable area (provided to the Department in response to Request for Information dated 7 September 2020).</p> <p>The terms of the 88B Instrument only restrict 'Residential Buildings' and 'Residential Structures', as those terms are defined in the 88B Instrument.</p> <p><b>Residential Building</b> means any building comprising (or which will comprise) residential apartments and associated carparking spaces.</p> <p><b>Residential Structure</b> includes any structure for a Residential Building. It excludes:  (a) landscaping structures (eg footpaths and retaining walls) and any other structures (eg culverts and drainage) that do not form part of a Residential Building; and  (b) landscaping, gardens, open space areas and any other areas not forming part of a Residential Building.</p> <p>Excavation does not include Residential Buildings or Residential Structures and so does not meet the definition of the restriction in the non-buildable area per the terms of the 88B instrument.</p> <p>Section 10.3 – Buildable Area sets out general considerations including geotechnical considerations and the DCP also states ‘lots may be further excavated as a means to achieve development potential on the land’. Supporting specialist documentation from a qualified Geotechnical engineer has been submitted with the application.</p> <p>Accordingly:</p> <ul style="list-style-type: none"> <li>• Section 10.3 – Buildable Area is drafted to coincide with the Restriction to User in the 88B Instrument.</li> <li>• The excavated areas do not meet the definition of Residential Building or Residential Structure and excavation is not a restriction in the non-buildable area.</li> <li>• Section 10.3 – Buildable Area sets out general considerations for future applications that includes acceptance that excavation may form part of any application should it be required. Supporting specialist Geotechnical documentation has been submitted with the application that demonstrates the proposed excavation does not pose any risk to the ridge, proposed development or existing development.</li> </ul>
<p><b>Landscape plans, deep soil areas, screening and wildlife corridors</b></p> <p>Please amend the Landscape plans to nominate vegetation to be removed, including trees within the non-buildable area.</p>	Additional plan provided documenting the proposed trees to be removed within the site. This corresponds to the plans by Conacher Consulting which report and document tree removal. Refer Landscape addendum Site Tree Removal Diagram - Drawing number: 10-19.84
Please clarify how excavated and battered areas nominated as deep soil areas (Drawing No.10-19.14) will be treated to achieve the deep soil planting/landscape screening/wildlife corridor.	The Vegetation Management Plan (VMP) provided as part of the proposal outlines the methodology for rehabilitation to disturbed areas and for new planting within the wildlife corridor. Native plant material will be established into disturbed areas in accordance with the Management Plan. Disturbed areas will be excavated to enable stabilisation of soil and rehabilitation work to occur.

Comment	Comment
Please also clarify how the deep soil planting/landscape screening/wildlife corridor will be achieved along the southern boundary in deep soil areas as narrow as 2.5m due to the extent of the basement (DA002.1 (Rev 14).	Similar to above, the VMP documented the methodology, planting species and densities for planting. Where existing natural stone shelves occur, they will be retained, and infill planting will only occur where opportunities exists to do so. There is a small area within this narrow space that is unlikely to have any new planting works as it is a natural rock outcrop that is outside of the buildable zone and is being retained in its natural state. Refer Landscape addendum Section GG - Drawing number: 10-19.81
<b>Central Coast Council</b>	
Council re-iterate earlier comments raised and expect that these issues will be addressed by the applicant and considered by the Department in the assessment of the application. In this regard, please refer to Council's comments dated 3 June 2020.	These issues were addressed as part of the previous RTS submitted to the Department.
<b>TfNSW</b>	
Transport for NSW have no additional comments on the Response to Submissions. It is noted that the Advice to DPIE in our letter dated 14/05/2020 remains current.	Noted.
<b>Biodiversity and Conservation Division of DPIE</b>	
BCD's previous comments on the EIS (dated 7 May 2020) included a recommendation in relation to Aboriginal cultural heritage (recommendation 3). Heritage NSW should be consulted to determine if the response to submissions report adequately addresses recommendation 3 of the letter dated 7 May 2020.	Noted. This issue was responded to in the previous submission.
<b>Biodiversity</b> BCD is satisfied that recommendations 1 and 2 of BCD's biodiversity comments on the EIS (dated 7 May 2020) have been satisfactorily addressed in the response to submissions report.	Noted.
<b>Flooding</b> BCD is satisfied that recommendations 4, 5 and 6 of BCD's flooding comments on the EIS (dated 7 May 2020) have been satisfactorily addressed in the response to submissions report.	Noted.
<b>Rural Fire Service</b>	
<u>General Conditions</u>  The general terms of approval relate to the Site Plan provided by ADG Architects, project number 19002, drawing number DA001.5, rev 12, dated 19 March 2021.	The proponent accepts the conditions recommended by RFS.

## 2.0 Public and Organisation Submissions

Issue Category	Response
<p><b>Height/scale</b></p> <ul style="list-style-type: none"> <li>Concern surrounding the height of Block C and D.</li> <li>General concern surrounding the height of the development.</li> <li>Concern about non-compliance with height limit under the SEPP and insufficient environmental planning grounds for this non-compliant height.</li> <li>Concern that the proposal is an excessive use of the buildable area, therefore resulting in poor amenity outcomes for residents.</li> <li>FSR should exclude the non-buildable area from the calculation.</li> </ul>	<ul style="list-style-type: none"> <li>Since the exhibition of the proposal and subsequent advice received from the Gosford Design Advisory Panel (DAP) the proposal has extensively reviewed the overall approach and elements of the original application. This process was undertaken through close engagement with key stakeholders, including the Department of Planning, Industry and Environment (the Department), and has accordingly led to the development of an amended scheme, which substantially addresses the key issues raised during exhibition.</li> <li>The bulk and scale of Block C and D has substantially been reduced between 2-7 storeys in height.</li> <li>A Clause 4.6 variation request has been submitted in accordance with the Gosford SEPP which includes a detailed justification in accordance with Clause 4.6 and relevant case law.</li> <li>Legal advice has been provided to the Department confirming that the non-buildable area contributes to the calculation of site area for the purpose of calculation floor space ratio.</li> </ul>
<p><b>Overshadowing</b></p> <ul style="list-style-type: none"> <li>Concern surrounding overshadowing caused by the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>Detailed shadow diagrams have been provided confirming the proposal does not overshadow any development outside the site.</li> </ul>
<p><b>Traffic and parking</b></p> <ul style="list-style-type: none"> <li>Concern that the driveway under Building A will adversely impact traffic along John Whiteway Drive.</li> <li>Concern that the number of car parking spaces proposed will result in noise impacts, traffic and associated pollution impacts and light spill impacts.</li> <li>Comment that steepness of the hill will cause residents to drive for all trips to destinations.</li> <li>Comment that the car park should be divided into four entrances and car parks (one per building), rather than the proposed two entrances.</li> <li>Concern that the location of the building at the top of a steep hill will require each resident to have at least two spaces, therefore adversely impacting parking and exacerbating existing street parking and safety issues along John Whiteway Drive.</li> <li>Suggestion that vehicular access be provided to the east of the property because of its flat topography and also to alleviate traffic congestion on John Whiteway Drive.</li> <li>Concern regarding safety issues associated with the southern vehicle access point to John Whiteway Drive.</li> </ul>	<ul style="list-style-type: none"> <li>The driveways proposed are designed in accordance with relevant Australian standards to ensure safety is maintained.</li> <li>Traffic movements and their effects (noise, pollution, light spill) from the site are typical for vehicle movements that occur elsewhere within Gosford City Centre.</li> <li>The steepness of the locality may result in residents choosing to drive over walking, depending on their personal circumstances. The proposal has provided appropriate parking and also seeks to upgrade the footpath to allow residents to either walk or drive at their leisure.</li> <li>Four vehicle entrances would be an unnecessary duplication of infrastructure. Driveway crossovers are ideally reduced to reduce vehicle / pedestrian interface.</li> <li>Parking supply is in accordance with the parking rates of the Gosford City Centre DCP.</li> <li>Vehicular entries have been selected to enable safe entry/exit for vehicles and in locations that will reduce the overall height of the proposal. The selected vehicle entries have been designed in accordance with Australian Standards.</li> </ul>
<p><b>Privacy</b></p> <ul style="list-style-type: none"> <li>Concern that the development will impact on privacy of residents of Panorama Towers</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is located over 63 metres from 91-95 John Whiteway Drive ensuring visual privacy is maintained.</li> </ul>



Issue Category	Response
<p><b>Noise</b></p> <ul style="list-style-type: none"> <li>Concern surrounding construction noise.</li> <li>Request that the construction site be hoarded with soundproofed fencing materials to mitigate noise impacts.</li> <li>Concern regarding the noise impacts associated with the excavation of sandstone.</li> <li>Concern that the development will increase noise impacts.</li> </ul>	<ul style="list-style-type: none"> <li>A detailed noise and Vibration Impact Assessment has been submitted with the application that demonstrates that the project can be constructed with appropriate and typical mitigation measures that will ensure noise impacts are managed appropriately.</li> </ul>
<p><b>Visual impacts</b></p> <ul style="list-style-type: none"> <li>Concern surrounding the developer's reference to developments that are yet to be approved as examples of how the development will impact visual amenity.</li> <li>Concern regarding the removal of tree canopy along the ridgeline of Rumbalara Reserve.</li> </ul>	<ul style="list-style-type: none"> <li>It is typical for assessment of approved and yet to be constructed development.</li> <li>The proposal does not seek to remove any trees or tree canopy within Rumbalara Reserve. An assessment of tree removal within the site has been carried out and has been submitted with the Department of Planning with the application.</li> </ul>
<p><b>Land use</b></p> <ul style="list-style-type: none"> <li>Comment affirming that the site is better suited to be an open space area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed development is permissible with consent and is consistent with the objectives of the Residential zoning under the Gosford Local Environmental Plan.</li> </ul>
<p><b>Tree removal</b></p> <ul style="list-style-type: none"> <li>Request that large trees on the site be removed to prevent these from falling onto the Rumbalara apartments development at 117 John Whiteway Drive.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal addresses those trees applicable to the proposal.</li> </ul>
<p><b>Flora and fauna impacts</b></p> <ul style="list-style-type: none"> <li>Concern that the proposed development will destroy the habitat of native animals.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal seeks to reduce vegetation impacts as much as possible. An assessment of the flora and fauna impacts has been carried out and compensatory mitigation will be provided in accordance with the Biodiversity Conservation Act.</li> </ul>
<p><b>Community consultation</b></p> <ul style="list-style-type: none"> <li>The two week duration provided for comments to be made on the application is insufficient for full consideration of the amended SSDA.</li> <li>Concern about having to review the large quantity of information lodged to support the SSD to provide an effective objection.</li> </ul>	<ul style="list-style-type: none"> <li>Community consultation has been carried out in accordance with the EP&amp;A Act.</li> </ul>
<p><b>Geotechnical</b></p> <ul style="list-style-type: none"> <li>Potential for rockfall to adversely impact on neighbouring properties, despite the proposed catchment fence.</li> <li>Concern that the excavation of the sandstone will impact the stability of the cliff faces of neighbouring properties along John Whiteway Drive. Concern that this could create safety issues and damage property.</li> <li>Request that the alternative excavation methodologies included in the Geotechnical Assessment be tested before this SSDA is considered by the Department.</li> </ul>	<ul style="list-style-type: none"> <li>Engineering and Geotechnical advice has been provided to within the application ensure an appropriate construction methodology is adopted and safety during the works program is maintained.</li> </ul>

Issue Category	Response
<p><b>Heritage</b></p> <ul style="list-style-type: none"> <li>Request that studies be undertaken to ensure Aboriginal heritage artefacts on the site are protected.</li> </ul>	<ul style="list-style-type: none"> <li>The Aboriginal Cultural Heritage Assessment Report (ACHAR) and Aboriginal Archaeological Assessment Report submitted with the EIS concluded that the site had low archaeological potential for Aboriginal artefacts or archaeological deposits. The following mitigation measures is currently proposed to manage unexpected finds: <ul style="list-style-type: none"> <li>If suspected Aboriginal objects are identified during construction work should stop immediately and Darkinjung LALC, DPIE and an archaeologist contacted to identify and record the objects. This procedure should be made accessible to all employees and contractors working within the Project Area.</li> </ul> </li> </ul>
<p><b>Developer insurances</b></p> <ul style="list-style-type: none"> <li>Concern that there is no mention of the developer getting insurance to cover damage caused by fallen trees and shearing rocks to adjacent properties.</li> </ul>	<ul style="list-style-type: none"> <li>Developer insurances are required by the Developer in accordance with relevant Australian legislation.</li> </ul>
<p><b>Land title restrictions</b></p> <ul style="list-style-type: none"> <li>The proposed development is in breach of the title restrictions and these should be enforced.</li> </ul>	<ul style="list-style-type: none"> <li>The development is in accordance with the 88B instrument. These details have been provided to the Department previously and elsewhere in this response.</li> </ul>
<p><b>Gosford Council DCP 57 – John Whiteway Precinct</b></p> <ul style="list-style-type: none"> <li>Concern that the proposal does not adhere with Council's DCP for the John Whiteway Precinct which was formulated to ensure that developments are not built on unstable areas and that heights are restricted so that buildings do not exceed the vegetation on the ridgeline.</li> </ul>	<ul style="list-style-type: none"> <li>See response to the Department regarding the DCP above. The residential structures are built within the 'buildable area' of the site. The buildings are to a height which do not exceed the vegetation on the ridgeline (refer to the RTS and Amended DA report dated 19 March 2021)</li> </ul>
<p><b>Protection of ridgeline</b></p> <ul style="list-style-type: none"> <li>Request that property owners provide written confirmation that the ridgeline will be preserved and bush cover enhanced, rather than destroyed.</li> </ul>	<ul style="list-style-type: none"> <li>Some tree removal is required as outlined in the DA documentation. A Vegetation Management Plan provides details of how the vegetation will be managed.</li> </ul>
<p><b>State significant status of application</b></p> <ul style="list-style-type: none"> <li>The revisions to the development will reduce the overall capital investment value and therefore reduce its status to a local development rather than a State significant development.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal remains above the State Significant Development threshold \$75 million.</li> </ul>
<p><b>Construction staging</b></p> <ul style="list-style-type: none"> <li>Request that if permitted, the proposed development is not constructed in stages.</li> </ul>	<ul style="list-style-type: none"> <li>It is not clear why staging would be an issue for the proposal. A Staging plan is expected to form a requirement of the consent as a standard requirement.</li> </ul>
<p><b>Request for survey diagrams</b></p> <ul style="list-style-type: none"> <li>Request for survey diagrams of southern cliff face. This is requested to enable surrounding residents to grasp the extent of visual and privacy impacts that could be caused to their apartments by ascertaining the positions of the proposed buildings relative to the southern cliff face and/or the southern boundary line should they differ.</li> </ul>	<ul style="list-style-type: none"> <li>Sufficient details is provided within the Architectural, Civil and Landscape Plans submitted with the application to appreciate the proposed scope of works.</li> </ul>

Issue Category	Response
<p><b>Unique site characteristics</b></p> <ul style="list-style-type: none"> <li>• Comment that the site is not situated on a typical suburban street and therefore should not be subject to typical circumstances related to evaluating it against the relevant controls (e.g. adjacent to other properties on the same ground level).</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal is not non-typical. It is in Gosford City Centre and is on Residential zoning that permits development of Residential Flat Buildings. It has been assessed against the relevant statutory instruments and design guidance documentation applicable under the EP&amp;A Act.</li> </ul>
<p><b>Preliminary Construction Management Plan</b></p> <ul style="list-style-type: none"> <li>• Request that the Construction Management Plan is not left in a 'preliminary' state.</li> </ul>	<ul style="list-style-type: none"> <li>• A detailed Construction Environmental Management Plan will be required to be prepared as part of the standard conditions of the consent.</li> </ul>
<p><b>Asset protection zone</b></p> <ul style="list-style-type: none"> <li>• Comment that the reduction in the size of the development does not reduce the area of the site that is required to provide an Asset Protection Zone (APZ).</li> </ul>	<ul style="list-style-type: none"> <li>• The amended design has not changed the APZ requirement. An amended Bushfire assessment, including APZ assessment has been carried out for the amended DA.</li> </ul>