

Development Application: Central Coast Council Development Application No.011.2018.00054602.001

Location: 89 John Whiteway Drive, Gosford (Lot 100 DP 1075037 and Lot 1 DP 45551

Application No: SSD-10321

I am the owner of Unit 30 Panorama Towers, 91-95 John Whiteway Drive Gosford and have been since that building was completed.

I have a number of continuing concerns with this particular development which I discuss below. I have made submissions in relation to this development to Central Coast Council which have been identified by Council as follows:

Ref: 5b4809cb968cd  
Ref: 5c5a7788cb609  
Ref: 5d66f899c4b14

As these are public documents submitted to the Council and thus forming part of Council's records, I have not copied them to you: however I have assumed that you will refer to documents lodged with Council. If my assumption in this regard is wrong please let know.

I strongly reiterate the comments made in each of those submissions. I have also noted and considered submissions referred to on Council's website and identified as Redacted Submission (Devine) DA54602 L1 DP4551 H87 John Whiteway Drive GOSFORD Part 1 lodged on 28/02/2019 and Redacted Submission (Steyn) DA54602 L1 DP4551 H87 John Whiteway Drive GOSFORD Part 1 lodged on 18/02/2019. I strongly support the submissions and objections contained in both submissions. I have also noted and considered Attachment Submission DA54602 L1 DP4551 H87 John Whiteway Drive GOSFORD Reference Number 5d666861816f3 lodged on 29/08/2019 and Public Submission DA54602 L1 DP4551 H87 John Whiteway Drive GOSFORD Part 1. I also strongly support the submissions and objections contained in these submissions.

May I also add that if approval is indeed given to this application in general and particularly to Stage 1 Site Preparation & Earthworks, (and I truly hope that such approvals are NOT granted), that a condition is imposed on the developer requiring a substantial financial surety and a long warranty period be provided as insurance against any damage that may be incurred by the developer. I do not want to see a repeat of the Opal Tower debacle or the Mascot Tower debacle occurring to Panorama Towers and/or its neighbouring buildings. I have also had regard to a document lodged by JKGeotechnics dated 29 November 2019. I am concerned at the overall message contained in this document which seems to be dismissive of any concerns local residents may have in relation to stability considerations. I am also particularly concerned by the copyright disclaimer contained on page 5 of their document. Given that the document is lodged in support of the above referenced Development Application I do not consider JKGeotechnics as entitled to claim these alleged rights given that lodgement of their report is now a public document lodged in support of a Development Application.

I might add that many of the documents lodged with you in support of this development contain similar disclaimers. Given the public interest in this

development I strongly submit that they be denied their alleged right to the disclaimers. The public are surely entitled to expect the so called expert to accept responsibility for their advice.

I have also had specific regard to the document entitled Stage 1 - Earthworks. Generally this document is as one would expect. However I refer to page 5 where it states "the site access locations also benefit from the wide breadth of the existing road which will allow heavy construction vehicles to turn safely into their correct lanes." I do not consider this to be an accurate statement particularly since John Whiteway Drive is a narrow steep road albeit with two narrow lanes. However the author of this report refers to "heavy construction vehicles" and some 200,000 tonnes of material will be removed from the site. . The report goes on to state that "good traffic management of the site will minimise any inconvenience to the local resident vehicle movements and other users of John Whiteway Drive." The report is inaccurate and needs adjustment. There is an apparent view on the part of the developer and its team to ignore or at least downplay the impact of their proposals on residents in adjoining properties.

As to the developer's proposals set out in the documents lodged by it or on its behalf it seems to me that many controls appear to have been ignored including DCP, LEP or Restrictions as to user. Furthermore it appears that attempts at justification of this have been made and continue to be made with large volumes of consultant documentation none of which seems to acknowledge or consider objections and comments made by members of the neighbouring public. I would have thought that a professional development organisation should be completely aware that developments controls do exist and as a consequence would have done appropriate due diligence in understanding all relevant restrictions at the time of acquiring the land for development.

To this end I turn to the Restriction as to User referred to on the relevant Certificate of Title Folio 100/1075037 created pursuant to Section 88B of the Conveyancing Act 1919. The land burdened is Lot 100 in DP 1075037 (the land the subject of the application). I refer you to the Terms of the restriction as to user which sets out the terms in full and other relevant details. The restriction seems to me to create a serious obstacle to the proposals set out in the application under consideration such that it ought not to be approved in its present form. Indeed if it is to be approved in some amended form, the extent of the restriction as to user needs to be reconsidered in conjunction with JWD Developments Pty Ltd and the adjoining owners and residents. I cannot understand why this issue has not been raised before this by JWD Developments Pty Ltd or by Council. It should certainly be considered at length before the application is dealt with.

If you require any further information from me please let me know.