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Panorama Towers
Unit 49
91-95 John Whiteway Drive
GOSFORD NSW 2250
26 April 2021**

**Department of Planning, Industry and Environment
4 Paramatta Square
12 Darcy Street
Paramatta
NSW, 2150**

**State Significant Development Application
SSD-10321
Residential Development at 89 John Whiteway Drive GOSFORD**

This document serves as our second letter of **objection** to this development the first being our letter dated 19 May 2020.

This application and associated documentation, which are available on the Department's website, contain some glaring omissions and inaccuracies. They make assumptions for the approval of obviously unacceptable non-compliance of planning and development controls, as if these controls do not apply to this applicant.

PREAMBLE

We expect that the Department will act with due diligence in fully and completely reviewing the applicant's documentation in accordance with the controls and ensure that any contraventions of such are rejected or sincerely reviewed with reference to our **objections**.

Firstly, due to the large volume of documentation produced in relation to this application and the very short time frame afforded to the general public, it is **objectionable** that as affected neighbours we are expected to fully review and understand these documents in a sufficient way as to enable us to affectively **object** to this proposed development. A development, it must be noted, that threatens our property from damage resultant from the construction process.

It is our main objective that all authorities, including the Department of Planning, will do their due diligence in respect of this proposal and decline any part thereof that could result in damage to neighbouring properties.

It should also be noted that this application would likely not qualify for an SSD if it were to adhere to the legitimate and reasonable DCP and LEP controls.

POINTS OF OBJECTION

1. The proposed development is not situated on a typical suburban street and as such should not be subject to typical circumstances related to evaluating it against the relevant controls.
 - a. The proposed development should be reviewed with extra care and consideration due to the site not being the standard i.e., adjacent to other properties on the same ground level. This site is situated above three existing properties with almost vertical cliff faces of approximately 15m (5 stories) above said properties.

- b. We **trust that this** application will not be evaluated as if it were typical and expect the department to be extra vigilant in their assessment, specifically in relation to the potential for damage to adjacent properties buildings and infrastructure.
2. We support the following comments made by Central Coast Council in their latest documentation and **expect that** the department will follow the advice recommended by council. We therefore **object** to the developer's responses to Council's comments as they are inadequate and do not properly deal with the issues nor make any changes to their plans. Many of the developer's responses have not made any amendments to their plans, instead quoting examples of where such plans may have been implemented and approved elsewhere. The majority of their claimed compliance constitutes the bare minimum and goes no distance in achieving amenity and design excellence, but rather favours least cost to the developer.

Planning:

- a. *It is recommended the Department seek expert advice on whether the Noise and Vibration Impact Assessment report is satisfactory having regard for construction and operation measures.*
- b. *It is recommended the Department seek expert advice on whether the Geotechnical Assessment is satisfactory. It is noted the design of batter slopes on the northern and western sides of the excavation have not been prepared. Proposed batters should not extend into areas of retained vegetation.*

Engineering:

- a. *The southern vehicular access point is located near the southern boundary of the site. It is noted that there are presently sight distance constraints at this location due to the bends and grades in the road and vehicles parking on the footway.*
- b. *The development has the potential to generate and discharge additional stormwater into the downstream public stormwater systems. Therefore, on-site detention would be required to limit post development flows back to pre-development flows for all storms & recurrence intervals up to the 1%AEP recurrence interval.*

Traffic:

We **object** to the developer's response regarding the current oversaturated conditions and that:

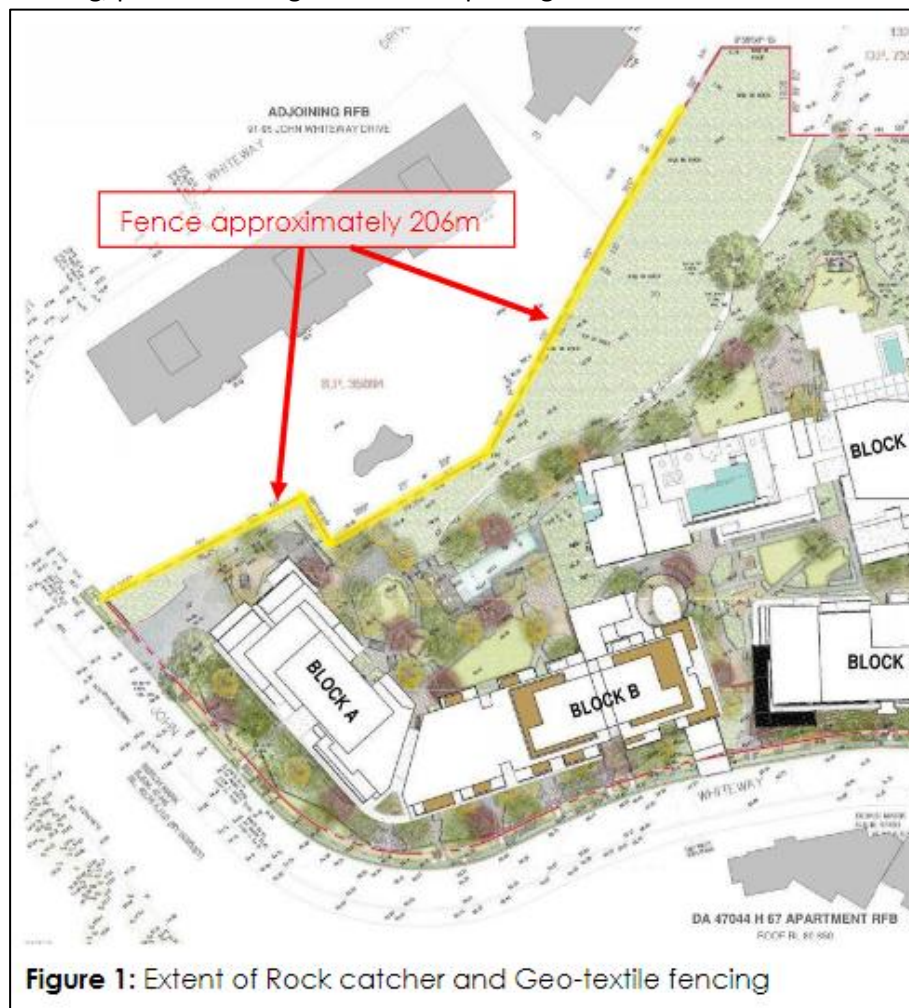
"action needs to be initiated now by TfNSW and Central Coast Council to increase capacity and introduce measures to manage travel demand";

It is clear that they are shifting the problem of the proposed developments' increased traffic volumes onto Central Coast Council and TfNSW to sort out. This proposed development, with its potential for increased traffic volumes, should not be approved until such time as the CBD network can accommodate the extra volume.

We **object** to the fact that there is still no consideration or solution in their documentation allowing for the fact that if such "oversaturation" results on the road network into which John Whiteway Drive, Margin Street and Georgiana Street flows, it would result in a gridlocking of these 3 existing roads.

3. Preliminary Construction Management Plan.
 - a. We **object** to this plan remaining in a "Preliminary" state and that all planning for this proposed application should be fully investigated so that a final plan is submitted. It is **objectionable** that the plan states that *"conditions of development consent and other site-specific conditions during the progress of works."*

- b. Of specific concern to all adjacent property owners of the proposed development is that of our personal safety and of our existing buildings and infrastructure. To our knowledge there has not been any investigation or evaluation of either, nor of the cliff faces below which our we all live.
- c. The proposed 2m high rock catcher fence and 4m high drop curtain does not respond to the threat of shearing rocks from the cliff face below these measures.
- d. In our previous submission we **objected** and still **object** to the misleading positioning of adjacent properties features, specifically our swimming pool. This is inaccurately positioned away from the base of the vertical cliff which is also on the boundary line with the proposed development. The first of the two images below show one of their latest drawings and the second shows what was previously submitted by us showing the position of our swimming pool and extent of our below ground building, personal storage and vehicle parking areas.



Latest drawing with inaccurate position of swimming pool.



Position of pool and below ground building.

4. Variation Request – Building Height.
 - a. The proposal states the following to which we **object**:

*“This Clause 4.6 Variation Request relates to the height of building development standard under Clause 4.3 of the Gosford City Centre SEPP 2018 and should be read in conjunction with the Environmental Impact Statement (EIS) prepared by Ethos Urban dated February 2019. This Clause 4.6 Variation Request demonstrates that compliance with the height of building development standard is **unreasonable and unnecessary** in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the standard.”*

Every other existing property developed adjacent to this proposed development is likely compliant within 10% of exceeding any height restrictions. This should be the standard by which this proposed development also be required to comply. No matter how well an argument is presented, it does not change the standard. Furthermore, neither should crafty reasoning be considered as an excuse to maximise developers profits in exchange for complying with standards which every other development in the JWD Precinct has had to adhere to.

This argument of the controls being **unreasonable and unnecessary** because it may impact the developers bottom line, will most certainly affect the lives of the several hundred residents of neighbouring homes.

5. Visual Impact Assessment.

- a. We **object** to the fact that the developer continues to reference other proposed developments, whose application processes are not yet concluded, as examples of how these developments will impact the visual amenity, and so can thereby validate their own contravening the controls.
- b. We **object** to responses from the developer using other approved and built developments which failed to comply to the constraints, as an argument for why they should not have to comply.

6. Main entrance.

- a. We strongly **object** once again to the positioning of this entrance at the Southern end of the site for the following reasons, to which no reasonable response has been provided:
 - i. Contrary to what has been stated, there is a line of sight problem that will not only be dangerous for motorists approaching from around the sharp corner below the site, but for those drivers exiting the site at this point.
 - ii. The sharp corner is also on a steep rise adding to the line of sight problem.
 - iii. The sharp corner and steep rise will result in drivers approaching from below the site to accelerate, thereby introducing even further safety problems with the positioning of this entrance/exit.
 - iv. This proposed entrance is directly opposite that of another large block with many vehicles entering and exiting at peak times, creating their own congestion. Adding another entrance/exit opposite to this will create further congestion and safety problems for residents who live and travel on this road daily.
 - v. The applicant's documentation only considers intersections beyond John Whiteway Drive and does not consider the impact of traffic volumes on John Whiteway Drive for existing residents. It also does not consider the impact of traffic volumes of already approved and other future developments on John Whiteway Drive itself.
 - vi. Access to the property and entrance to basement parking. The applicant has continued to ignore what is the most common-sense placement of access to the site. This should be on the Eastern side of the property for obvious reasons, viz:
 - It would be approximately mid-way between existing accesses to two developments which are on the opposite side of the road. This would alleviate any traffic congestion during peak times on John Whiteway Drive and any of the neighbours.
 - This is a straight, flat section of road where sight lines are better than those of the proposed access, which due to the vertical slope of the proposed portion of road impedes sight lines.

Your faithfully,

BT & HC Steyn.