

13 January 2023

Department of Planning and Environment
Major Projects
NSW Government

Subject: State Significant Development 353570706 – Uniting Charlestown

We seek to put forward this submission to the NSW Government to express our opposition, in principle, to the Uniting Charlestown Seniors Housing and Residential Development. We are not opposed to local development, nor the development of the site at 27 Tiral Street Charlestown, however we are not supportive of the scale and size of the proposed development and the impact it will have to our property, our lifestyle, and our financial position. Overall, we stand to be negatively impacted in the following key areas –

- Potential loss of house and land value including rental returns
- Loss of privacy
- Impacts from overshadowing
- Impacts from increased noise
- Impacts from increased artificial lighting.

The below table addresses the Environmental Impact Statement, and appendices where appropriate, and includes commentary, queries, opinion, and requests. Our interest is specifically Building A (RAC Building) which is designed to be 6m off the lot boundary and 8m off our property boundary.

SSD-35370706

Item	Comment
Declaration	
Declaration	It is understood an EIS for a State Significant Development requires a registered environmental assessment practitioner (REAP) to review/authorise the EIS. Can it be confirmed that the author is REAP accredited or the EIS has been reviewed by a REAP accredited person, and if so is there any reason that information has not been placed on the Planning Portal.
Project design	
3.1.9 – Building height	<p>The lift overrun and roof of the RAC exceed the zoned maximum build height by 4.05m and 2.2m respectively. We query the justification that suitable setback distances were required for eastern and southern boundaries and that exceeding the maximum building height was necessary to meet the strategic objectives of increasing residential density and therefore return on investment.</p> <p>We do not deem a 6m setback as excessive, nor reasonable enough to warrant exceeding the building height for the purposes of profit (we understand the Uniting Church to be non-for-profit). This exceedance will exacerbate visual impacts and loss of privacy to our property and neighbours to the east and cause additional overshadowing.</p> <p>Protecting the privacy of adjoining properties and the community is a key outcome of the intended design. The proposed setbacks seek to maintain the privacy of the adjoining</p>

	<p>residences. However, by building an additional floor the outcome will be reduced privacy thus inferring that the previous statements are misleading.</p> <p>We seek to see the building height maintained and the development limited to four storeys. We would seek further clarification and understanding on the financial implications to the development and the Uniting Church if this is rejected.</p>
3.1.12 – Vehicular access	<p>The RAC building has a proposed access drive adjacent to the eastern boundary running between James and Tiral St to the RAC carpark and loading dock. This will result in increased lighting and noise impacts from traffic flow to our property throughout the day and evening.</p> <p>We believe better options are available. Our preference is to see a redesign and relocation of the vehicle access directly into the side of the RAC either from James St or Tiral St. We request a review of this design and further consultation from Uniting Charlestown on this matter.</p>
Environmental assessment and mitigation of impacts	
6.1.3 – Built form (overshadowing)	<p>The shadow diagram and EIS state that the north of the property, and as such our dwelling, will not be impacted by shadow effect until after 3.30PM. We seek assurance of this due to the recent installation of west facing solar panels. Further, we seek assurance of adequate compensation if the shadow diagrams are inaccurate resulting in a loss of solar derived power to our property.</p>
6.4 – Arboriculture	<p>The proposed development seeks to remove all vegetation along the eastern boundary, in particular Tree 25 <i>Ficus rubiginosa</i> Rusty Fig and Tree 293 <i>Melaleuca bracteata</i> Black Tea-tree. We are strongly opposed to the removal of these trees. We note the following:</p> <p><i>The proposal includes preserving as much of the existing natural environment as possible. Creating new landscaping and enhancing the current vegetation is important for wildlife and ecological corridors and for the enjoyment of residents and the community. The Concept Landscape Design seeks to maximise the retention of significant existing vegetation within the site.</i></p> <p>The retention of these two trees form an important mitigation measure against the development, both during construction and in completion, and support the statement above that is provided in the EIS. We stress the following points:</p> <ul style="list-style-type: none"> • They will provide us with necessary screening and privacy which is particularly important when utilising our back deck outdoor area. • They will provide screening from light pollution. • They will provide a noise buffer during construction and in completion from activities such as vehicular traffic and the loading dock. • The arborist report states Rusty Fig is in good health, and the Black Tea-tree is in fair health. These trees pose no threat of failure or risk to persons or property. • The Rusty Fig is a high value food tree for numerous species; in fruit currently, over 30 species have been recording utilising this tree over the last two months (species records available). We note that the proponent seeks to maximise the retention of significant trees of which the Rusty Fig can be considered Significant. The Black Tea-tree is an important food source for urban nectar-feeding birds and native bees. • The vision of the Hunter Regional Plan 2036 is a biodiversity rich natural environment (Section 2.2.3); the Greater Newcastle Metropolitan Plan 2036 aims to enjoy a biodiversity rich natural environment (Section 2.2.5). The Rusty Fig supports these Plans. • Both trees are positioned within the eastern boundary landscaping garden that is to be planted with locally native species. These species are both locally native species and important food sources for urban wildlife. Pruning of the Rusty Fig would be sufficient to not impede any access driveway. <p>We request this decision is reviewed and amended to retain both trees. We request to be informed of the decision and further consultation from Uniting Charlestown or mediation if this is not considered.</p>

	<p>Further, we query the removal of Tree15 <i>Corymbia citriodora</i> Lemon Scented Gum. This large healthy and locally iconic tree is highly utilised by wildlife and a prominent eucalypt of the area. It does appear to be retained in the architectural drawings. We seek the retention of this tree and incorporation in to the design.</p>
<p>6.5.1 – Visual impact</p>	<p>The EIS states that <i>Due to the proximity and size of the proposed buildings, there will be a high visual impact to viewers within James Street, immediately adjacent to the site.</i> Evidently there will be a higher level of visual impact to properties immediately to the east where the proposed development borders. The visual impact assessment does not include a viewpoint from the eastern properties, the only viewpoint from the east (Viewpoint 4) is taken at distance down Tiral St. we seek to understand if this was considered and if it should be included in the EIS.</p> <p>Notably, there is good tree retention to mitigate against visual impact to the south and to the west, and moderate tree retention to the north. Critically, where the visual impact is at its highest (east), all trees are scheduled to be removed. We question this decision and in line with the above request this decision to be reviewed and amended to provide better mitigation against visual impacts; maintaining as many trees as possible is a recommended mitigation measure within the EIS. We do not believe the building design to construct rooms with a NE and SW aspect is sufficient in itself and in fact provides no mitigation to local residents to the east.</p> <p>Further, we would request financial support to establish a fast growing green boundary along our property at a minimum, an action supported by our James St neighbours; we note this is a mitigation measure of Section 6.9 Social Impact (specific to James St and Tiral St and questionably the eastern properties have been overlooked), along with ‘retaining as many trees as possible’ (again only along James and Tiral St).</p>
<p>6.10 – Noise impact</p>	<p><i>The NIA confirms that Project Trigger noise Levels will be exceeded at the nearest affected receivers for trucks utilising the loading bay and mitigation measures are required to be applied to the Building A loading dock.</i></p> <p>This includes 28 James St.</p> <p><i>The possibility of sleep disturbance at the nearest affected residences at Tiral and James Streets has been assessed for the loading docks. Results indicate that without mitigation (refer below mitigation measures), exceedances of sleep disturbance criteria may occur at the nearest affected residences to the Building A loading dock for all truck sizes, and at the Buildings B/C and D loading docks for medium and large trucks only.</i></p> <p>This includes 28 James St.</p> <p>Mitigation measures are soft (non-measurable) and do not sufficiently minimise noise. Our preference and request is to see a redesign and relocate the vehicle access directly into the side of the RAC. Secondly, we would like to see the loading dock deliveries strictly confined to between the hours of 8am and 5pm as opposed to ‘preferably’. The retention of the trees along the eastern boundary, as addressed above, has not been considered and would provide mitigation against noise impacts during both construction and in completion.</p> <p>Construction noise mitigation, dot point six, states limit noisy activities to between 9am and 12am (assumed to be a typo).</p> <p><i>Residential receivers at 28 James Street and 29 Tiral Street are within the buffer distances of CFA, excavator and jack hammer when the work is conducted at the boundary.</i></p> <p>We express concerns of potential impacts to our dwelling. We seek confirmation that vibration will be monitored and appropriately managed and that we will be consulted prior to any construction/excavation that is likely to be excessive and within the minimum buffer distance. We also seek confirmation that demonstrable damage will be appropriately compensated.</p>

Other	
Financial impact	<p>Potential financial impacts to neighbouring properties have not been considered in the EIS. We believe the value of our property is likely to be negatively impacted by the proposed development. Further, with construction anticipated to take several years, selling of the property will be likely unfeasible during this time (for an appropriate value), and the intended opportunity to rent the property will result in a lower return.</p> <p>We seek further consultation and discussions with Uniting Charlestown on this matter. Given that the impact is unique per property, it is considered that such matters should not be considered in general context and are best addressed outside public forum. We request a direct response to this item.</p>
Mitigation measures	<p>In general, mitigation measures within this EIS are generic in nature and provide no site-specific details or context. We believe such measures can be strengthened and given more dedicated thought. Due to the significance of this development, and the intended length of construction, we seek to have this document made public prior to approval for response and input, or at a minimum made available for review and comment by those households directly affected, in order to sufficiently represent the local community.</p> <p>We seek further consultation and discussions with Uniting Charlestown on this matter.</p>

We look forward to hearing from Uniting Charlestown or the Department of Planning and Environment on these matters. We may be contacted through the details provided at the top of this document.

Sincerely,

28 James St, Charlestown.

Dallas Milburn & Mindi Willis



