

## Objection to the Uniting Kingscliff Redevelopment (SSD-47105958)

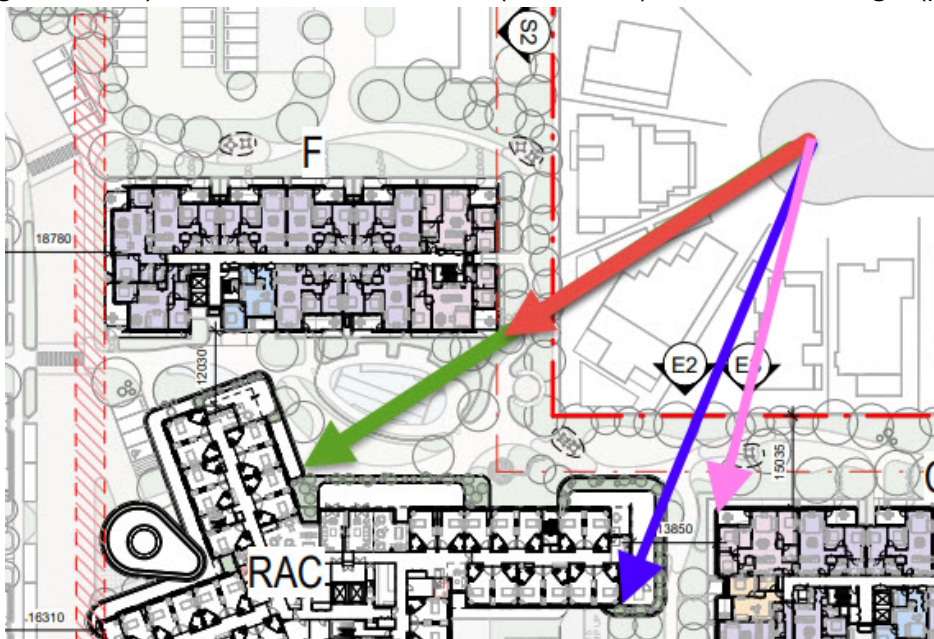
### My concerns with formulating my objection are as follows

Our street in Drift Court and for those houses that back directly onto the Uniting Redevelopment there are either single or two storey properties. Uniting intends to build 4 storeys that will tower over all the existing residences. Putting it in reality, for those 2 storey homes that surround the development Uniting will have 2 floors above those and for those single storey residences the uniting buildings will be a full 3 floors above them. Its gross overdevelopment of the site.

The first image is of my own house that has been misinterpreted and this image is taken from the DA.



If standing in the street not only do you see building F (red arrow) , you should also to be able to see RAC building (green arrow) to the north west and west (blue arrow) as well as Building C (pink arrow)



Surely such an important image where not only one building, but two other buildings be also seen in the photograph and below is what should be able to be seen



Next we look at Beach Street for a photo in the Development Application where in the original presentation there is a photo that shows 2 buildings located at 18-20 Beach Street, Kingscliff and each of them have a driveway down the middle to each building and behind the rear fence is the existing Uniting nursing home building.

I also note that looking at the other photomontages in the DA the illustrations many are hidden by either trees or buildings which is not a true representation of an image.





Yet for the photomontage photographer deceptively selects another building two doors up that is heavily treed with tall palms and other shrubs



The photographer, instead of standing right in front of the driveway where there is a clear view of Uniting's Building D and as it is the location for the spacing of building D and E they have lessened the impact of the proposed buildings through the photomontage by not only the trees but also the massive truck in front.

It is evidently clear that the reason why they don't take a photo of the possible site up the driveway is that the slab for the Uniting's Building is considerably higher than those on Beach Street and a retaining wall will have to be built with a fence on top of that and then the four storeys will start from the top of the retaining wall, towering over this property by over 12metres from the top of the retaining wall, depending on proposed site ground level. In this document I have taken it to be 3.8 metres however if it is higher than that it will be higher.



Above is the photomontage, showing the development.

Then when we look at Lorien Way we see this photo in the DA that shows a row of single level duplex homes, in fact 18 single level duplexes.



The impact of the landscape of the duplexes above by Uniting's project is then misrepresented by the photographer choosing another location, in fact another location where the photomontage of the completed development is hidden behind not just one storey buildings but two storey townhouses down the end of the street that has lots of trees blocking the impact of four storey buildings.

Existing view



Proposed development



Uniting also states in their DA that

*"Buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape."*

There is definitely no gradual change between one storey and four storeys above for the single storey duplexes or below from the double storey houses to four storey buildings which will dwarf these properties. From 39 Drift Court rear patio or pool, there are three, four storey buildings can be seen from the rear patio- Building C, Building F and RAC, That is NOT GRADUAL BUT ABRUPT, poor design and poor taste.

Then when we look at the backyard photomontage of 37 Drift Court at first sight it seems that this property is only affected by one building.





However its misleading for the image has the second building hidden mostly by the outdoor verandah roof. It is not co-incidental; its just wrong and its deceiving.

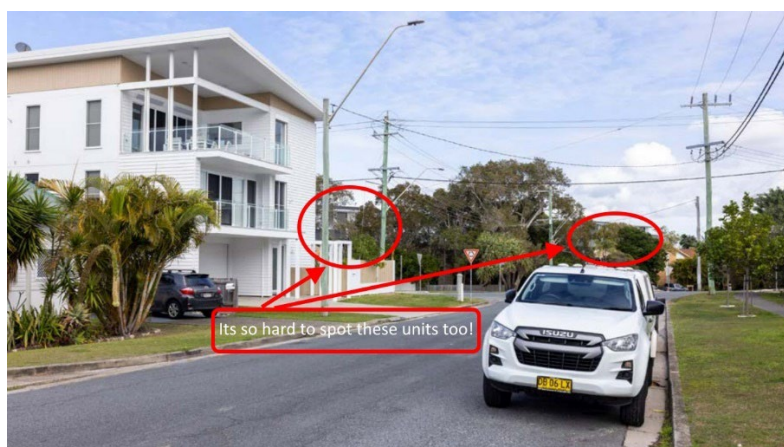


Surely the photographer should have taken it from the glass pool fence if they weren't to deceive the public of the real impact of both buildings.

Then there is this view taken from Beach Lane, however between the photographer and the Proposed development is a 3 storey Duplex, mostly blocking any view of the proposed buildings and once again the units are hiding behind established gum trees that have been there for 50 years.



When I study the photomontage closer you can actually see once again Uniting have hidden the proposed building not only from directly in front of the camera but well down the street and the buildings not only hidden in the trees there is also a 3 storey duplex hiding other parts of the building. Unprofessional.



Then another diagram is the proposed building C at the back of 37 Drift Court below

Existing view



Proposed development



For the images above for the “proposed development” image, it is missing the whole top floor for this is a four storey building, not 3 storeys as the image shows.

That's 6 images or street views of properties that have been manipulated in some way or form in the DA documentation or hidden by trees or buildings and when lodging a DA you cannot do this. Uniting, I would be ashamed of this.

The impact is obvious of the Uniting's redevelopment, and that is to deceive the residents of Kingscliff and make lessen the visual impact that a four-storey will have which will tower over existing residences.

Uniting should have to reproduce ALL THE ARTIST IMPRESSIONS so that it is a true and correct image of the finished development and views from every street surrounding the project to show the Kingscliff population of how dominating your buildings will be over the surrounding landscape, not just hide them behind buildings or trees and of course redoing ACCURATE shadow diagrams for every hour of the day for every property affected from 9am to 5pm for EVERY ADJOINING OWNER as well as cross sections for loss of sun in every property for those properties that are affected. Surely this would be the minimum requirements before resubmission.

The Uniting development will not only dwarf our house but every other house backing onto the Uniting redevelopment. Your building will affect the amenity to numerous properties along Drift Court, Beach Street, Lorien Way and Blue Jay Circuit, in fact most of the streets bordering your property. It will be an ugly and overpowering view when driving down the streets.

We don't want this gross overdevelopment of the site and to our back and side boundaries, where from our backyard and living-room I will be confronted with 3 massive buildings all of which are 4 storeys.

### Light and Noise Transmission

No indication in plans to prevent light transmission to surrounding properties.

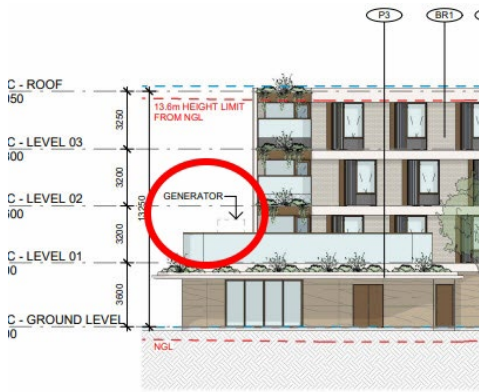
Directly behind my property there are 36 individual high care rooms (12 units per floor x 3 floors) plus dining and lounge rooms and 3 large terrace style balconies. It will be common of a night time for lights to be turned on as the elderly are cared for 24x7 and accessing bathrooms as well as receiving care during the night as well as lights turned on balconies. No provision has been given to preventing the lights in these rooms to be suppressed onto the surrounding homes, particularly my home which is the most affected

Not only will I be affected by loss of sun during the day, however I too will also be affected by light transmission from multiple rooms all night, its like getting king hit from 2 sides.

Light transmission has been a concern for some time on the current Uniting site and when we look across to the current carpark there is only two carpark lights in operation (from the 6 light poles) for Uniting are unable to shield the light from transmitting onto neighbouring properties. Whats the plan for preventing light transmission for the new project to surrounding established homes?

What about noise transmission from the dementure ward that will be directly over our back fence in the RAC Building? What about noise from deliveries and traffic on site both road traffic and underground carpark noise? Currently our only avenue to address noise and lighting currently is to send our complaints for lighting and noise to Council for Uniting has never met with us, nor indicated a contact either on site or someone from Uniting head office for the whole time we have lived here for the last 6 years.





There is lack of evidence to support a reduction in noise on the site from the multiple banks of air conditioning systems that are on the roof. In the past there has been a constant complaint process undertaken for constant noise from conditioner motors and a laundry exhaust fan for years now and only after multiple complaints is it finally addressed. Current plans also indicate that there is no plans to build a permanent structure around the generator in times of a blackout to prevent noise transmission which is directly over my back fence and our closest room to this is our Main Bedroom. In the viewpoint position 04 the Generator is not even shown and balcony rail too is again missing data.

### Floodwater concerns

A large concern is the proposed building height for the redevelopment of the buildings and what will happen to the stormwater on site. In the rain event of February 2022 the current site flooded.



From the proposed plans the RAC puts the ground floor level at a height higher than our houses in Drift Court which will mean that in times of a rain event (flooding) their site will be flood-free however at the expense of the properties around it which, post development will be lower. Beach Street and Lorien will be considerably lower with retaining walls at the rear of their properties and will only exasperate the flooding issue.

Drift Court did flood, yet the level of Drift court is 1-2 m higher than the current Nursing Home, however the flooding water was not surface water; it was water coming up from stormwater drains.



Of great concern is where will the water go once the development is complete if Uniting is going to build not only higher than Drift Court but also way higher than Beach Street and Lorient Way? No doubt more flooding on local streets because that is where it will go if stormwater retention pits are full'.

## Shadowing

It is a certain assumption that my property at 39 Drift Court is the MOST AFFECTED PROPERTY by shadowing in Drift Court, with being affected by overshadowing not only on just one side, but two sides, both to our rear yard area and living area to the north east aspect and also our pool area and sun entering out living room to our north-westerly aspect to our main living room.

Both aspects currently receive sun all day, from sunrise to sunset.

Back on 21 July 2023 we had to supply John Martin from uniting plans of our house where he was to perform a cross section analysis of the rooms that were potentially affected by Uniting Development and as well we also supplied him current sunlight that we received at the time into our house and yard. This was a detailed report that took many hours to document and complete and after it was sent to Ethos Urban and we were sent a reply that it will be addressed and then it went no further.

As part of the community consultation we requested sightlines privacy concerns and I received a reply email to say that :

*David,*

*Thank you taking the time to respond to our community consultation sessions ... we will review the information and questions provided and get back to you shortly*

**John K. Martin**

*Development Manager*

Nothing was addressed or sent back.

Currently with the north east aspect we enjoy sun streaming into not only our yard but also our house. The sun rises, in winter around 7am and we enjoy sun streaming into our north east facing yard and also into our dining, outdoor entertaining patio and also our lounge all the way till around 2pm. With the Uniting proposed redevelopment we are highly impacted by overshadowing.

Building F has been truncated to the top floor however with no roof covering to the southern balcony the residents may even erect a permanent shade structure further adding to the shading. Therefore there should be no balcony to the south and the building should also be moved further back so there is no overshadowing to our property.

There is also a lack of data on shadowing to our yard and more information on shadowing to our property.





The image above is my kids in our dining room on 19/5/2024 at 8.16am with sun streaming in. If building F is built to current plans we will have no sun at all in our dining or living or patio at this current time. Full shade.

After RAC and Building F is constructed our house will lose considerable amount of sun and Uniting has not addressed this and will have an impact on our daily life.

Looking further into the above prescriptive measures we note:

- That no shadow diagrams are attached for summer solstice
- The winter solstice diagrams are not to scale and they have to be
- There is no detail of shadows caused by fences and roof overhangs
- There is also no difference in detail between current and proposed extent of proposed overshadowing

There is no detail of shadow diagrams to ANY internal property living area.

Then it further annotates on the shadow diagrams

***“... Property Number 39 from 11am to 2pm more than 90% of principal area of private open space get sunlight”.***

Yet there is no factual data on this and Uniting must address how much sun we lose to our yard and inside our living areas before this development goes forward.

You would expect that if a development was going to be constructed right next door on not one, but two boundaries backing your property and if that development was going to cast shadows on your property that there would be very detailed shadow diagrams of your block showing how much sun you would be getting, or how much sun you would be losing at any time of the day. But there is not.

There are a massive 35 lots backing this development, well actually way more individual residences than this for I have counted each strata plan as one lot. There is no detail at all, there are just poorly represented shadow diagrams that are not to scale of the adjoining residences with most properties being represented as 1cm2. The shadow diagrams included in the DA are in my opinion, unacceptable and must be re-done.

I would like to ask from the developer that a more detailed analysis be undertaken and re-issued before this development be considered. THIS IS SO IMPORTANT as it affects so many adjoining residences for multiple buildings with a 4 storey height build in this area is totally out of character for Kingscliff.

I have received confirmation it were any standard DA going through Tweed Shire Council for development approval then these shadow diagrams would not be acceptable. Why are they then included?

Of course all this should have been supplied in detail in the original development application, and I can only make out that their shade mapping pathetic, probably again trying to hide under the disguise as a state significant development instead of working on facts.

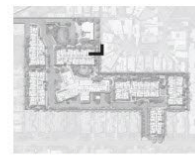
### **Inconsistencies with the Uniting Development application**

There are not just one or two, but many:

Lets start with the drain at the rear of my property boundary where there is a 1m wide drainage easement over the back of my fence line however that drain is within our property line. As the drain is made of concrete nothing will grow, and in fact in diagrams it is also depicted as being of 1m from finished ground height of Drift Court residences. It is in fact 1250mm drop from the top of the retaining wall of my property to the concrete of the drain floor, and lower in the middle how it drains away water to the drain.



04.2 Section & Elevation  
Section 02 - Building F



GROUND LEVEL | Key Plan

LEGEND

- 01 Private terrace
- 02 Security screen
- 03 Endemic Planting - Guided by First Nations' knowledge (mounded)
- 04 Dense Screening Planting to Boundary
- 05 Boundary fence

Then we look again at the cross section close up and its on the plan above but not indicated on any cross sections of buildings. Admittedly its right on the boundary however the plans show the subdivision on the other side of the concrete but not the height of the drain.



Above is the difference in height between the rear of 39 and 41 Drift Court with a drop of 1250mm to the drainage easement and the fall is greater as it goes to the lowest point behind

Then there is no detail at all in this cross section. There is a lack of detail on what sort of fences is Uniting intending on installing? It should no doubt be an acoustic fence for if there are people



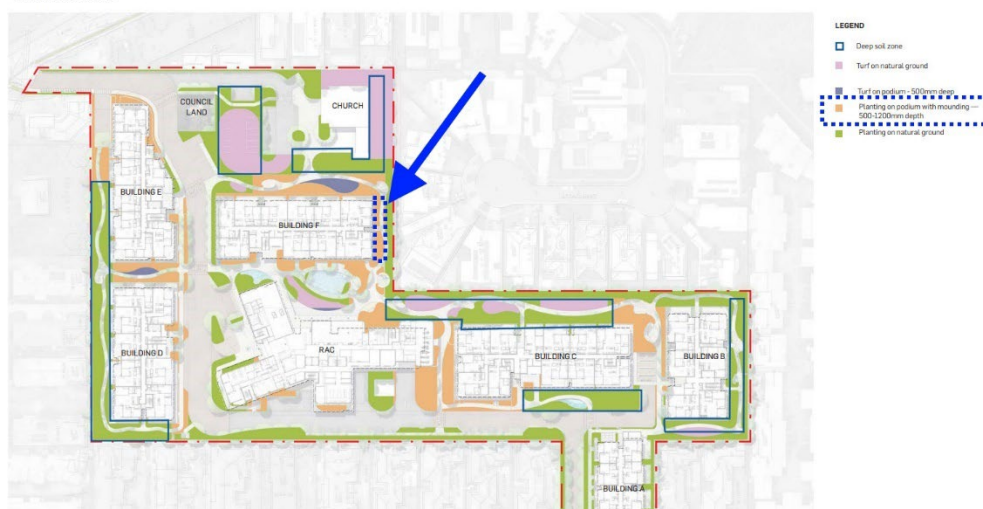
walking on the other side of the fence', we should not be able to hear them. And no doubt it will not be one or two people walking there, it could be hundreds of a weekend when you not only consider residents but also visitors and friends and family to not only the high care building but also to the residential buildings and pool area/ grounds and gardens all of which are centered around the rear of Drift Ct cul-de-sac. Then there are 120 people using the pool area as well that have to return to their apartments most likely along the pathways directly behind our property.

Furthermore the landscaping plan details 6245m2 of future canopy cover and I object to the fact that a high portion of the future canopy cover is not on Uniting's site but rather overhanging other properties. We will already be losing sun through overshadowing of buildings and now Uniting plan to rob us of more sun.



The red dashed line is where our boundaries are and many bordering properties will have extensive plantings of high trees right on the property line. That's a real extensive amount of trees. On my back boundary there are 10 significant trees and they all grow over the boundary. Really? I will be getting no sun at all. I have already got 22 mostly dwarf trees in my backyard and I don't want another 10 massive ones over uniting's side of the fence, dropping leaves in my pool and yard. If the yard doesn't die from lack of sun due to building F it will because of the 10 trees that Uniting intends on planting. Uniting have only done this to satisfy their site shade percentage. Put them elsewhere just not on the boundary.

03.11 Landscape Design  
Structure Diagram - Planting  
Common area Lawn: 1438m<sup>2</sup>  
Common Area Garden: 8832m<sup>2</sup>

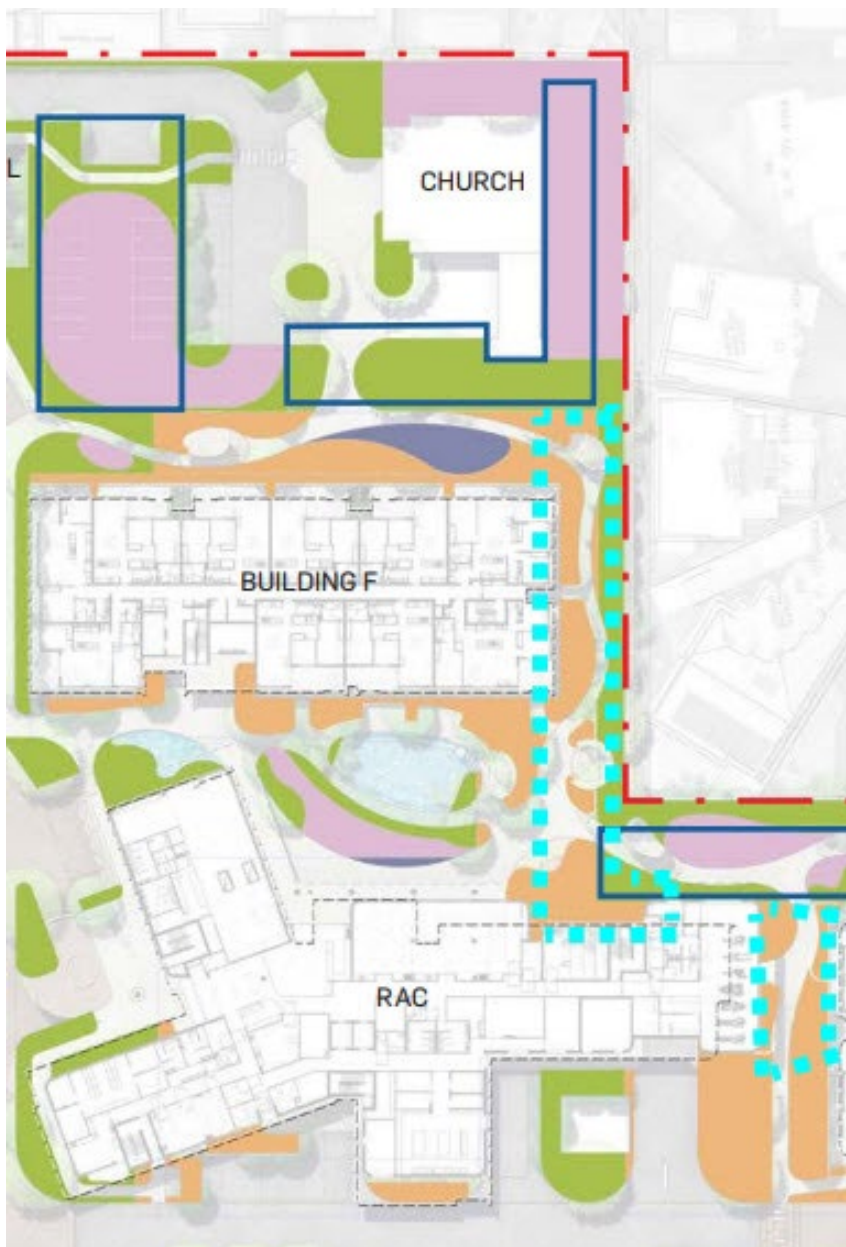
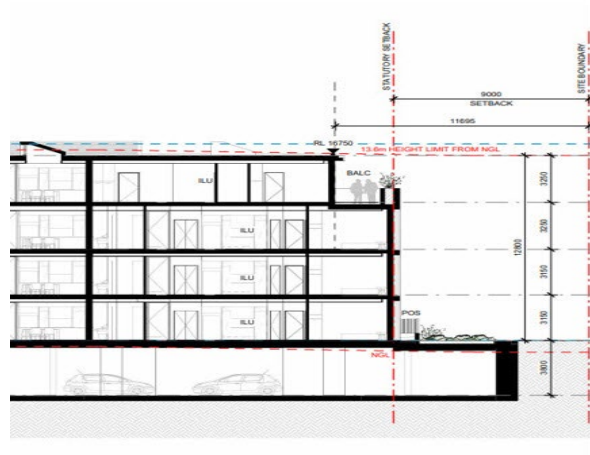


Then when we look at the planting structure diagram there a lack of data surrounding the trees being able to survive in only up to a mound of dirt on the southern side of block F that will be in full

shade with no drainage underneath that is on top of a carpark. The image below shows that the orange section will have planting on podium with mounding 500-1200 depth

Below is the cross section of the same building showing no mounding at all and no drainage to the basement carpark below.

ground level for building F below



If trees of over 6m in height that will be a part of the high canopy cover will not grow with a basement carpark directly below. If they mound the dirt to 500-1200, why is the mounding not in the cross section below because that is a significant tree and mound. I have indicated where these mounds are that affect 39 and 41 Drift Court in Light Blue. They have plants shown on the top floor balcony, yet no advanced planting of trees or mounding. The evidence is inaccurately presented. And again, no drainage easement not shown in the site boundary. More missing data

I can understand why they have documented the mounds for as Uniting have pushed for the fourth storey this has increased the need for more carparks and instead of having those extra areas of deep planting zones for all the tall trees, they have had to instead revert those areas back to carparks then having to mound the dirt on top of the carparks. I say they should instead do what is right and remove the top fourth storey, therefore eliminating one quarter of all the carparks and putting those areas back to deep





planting zones. If they leave the moundings they follow (blue dashes) are all over my back boundary. As there is no where for trees to grow these moundings continue all down No 41's back fence, and also behind 39 back fence and also between the RAC building and Building C. All someone has to do is to stand on top of the mound and there is no privacy for us on the other side for if the mound is 1200 high, then its only 600mm to the top of the fence so even a child could see over into our property. We are losing enough from all the apartments, yet now anyone

can walk into the Uniting grounds and anyone just walking in the grounds can see over and into our yards.

Then there is another artists impression where it looks as if advanced pandanus plants seem to have been planted in the drain location (refer to section 02 building F illustration above) and that the plantings are actually so dense they are pushing up against our back fence. Another inconsistent property view, considering there is another fence on the other side the drain 80cm away.



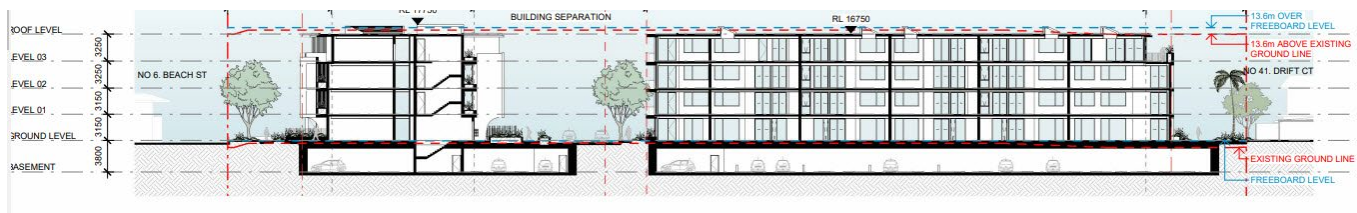
Then lets look into another cross section (below) and that is at our eastern most neighbour at No 8 Drift Court where the architectural views shows that the finished height of 8 Drift Court is as the same finished height of the church. Well It's not and you can see that the windows of the church are below the retaining wall height.

I wish also to point out that the Church is shown as a double storey church where the pitched roof is, however it is DEFINITELY SINGLE STOREY ONLY another inaccuracy on the images in the DA.



Then when we look at the survey it shows us that the drain at its lowest point is 2.43 and that the ground level is 3.0 (the grassed area) then why isn't the 3m line shown as the Existing Ground Level? More inaccurate information if required on this. There are just so many misrepresentation in

this DA and after I have had no building experience I am even flawed by the inconsistencies of the content.



Lets look at another cross section and the existing Ground Level at 6 Beach street is also a misrepresentation at its lowest point 2.91 yet on the plan it actually shows It as 3.8m and for such a big difference a retaining wall will have to be constructed so the information is inaccurate and misleading

The one fact that cannot be ascertained is that we cannot confirm what height limit that the ground floor slab will be. Although right through this submission I have taken it to be 3.8m, HOWEVER if it to be higher than this then all the comments I have made are going to be wrong. For instance, if the ground level of Buildings in the above cross section is 4.3 then that is another half a metre more for the height of the retaining wall and that will also be another half a metre that they are higher than our properties in Drift Court.

**Exceeding building height limit-** This development in its current form exceeds the Kingscliff Locality Plan height limit of 13.6m. The uniting development has a height limit of 13.6m from Natural Ground Level, however The Natural Ground Level they are taking is the filled height of the development once the property is filled. The bulk and scale of the building Uniting are proposing is not in keeping with current building heights of surrounding properties. Then taking into consideration the above paragraph if the slab is at 3.8 it is greater difference to affecting the 13.6 metre height limit as stated in the Kingscliff Locality Plan.

The community of Kingscliff are all saying they don't want the site developed or at least not overdeveloped to the current proposed 4 storey buildings for it will not fit in with all the surrounding properties and once finished it will be an eyesore to Kingscliff's character. Let's leave all the four-storey buildings in those blocks that are zoned for four-storeys like Marine Parade and Kingscliff Street and lets leave the residential zoned areas like this area of West Kingscliff one or two- storeys.

Yours faithfully

David Preston  
39 Drift Court, Kingscliff

There are just too many inconsistencies with the data in this report as explained in this



