

Objection To :- The Uniting Kingscliff Redevelopment (SSD47105958)

I live at 37 Drift Court Kingscliff and am a direct neighbour to the proposed Uniting Kingscliff Redevelopment (SSD47105958). I object to the development in its current form based the items listed below.

I have closely followed the project throughout the Community consultation process and formally commented with the same issues repeatedly. The documents and design submitted does not listen to the community, but prefers to justify the design rather than integrate into the built environment.

Reading through the reports and tables in the application, it appears Uniting have misrepresented and falsely presented certain parts of information in the Developers submission. The EIS also cherry picks beneficial points at will, and ignores other aspects, guidelines and concerns in order suit a particular outcome. We need a more responsible development than that which has been proposed, that will not impact the liveability and amenity of the existing residents.

I understand and appreciate the need for additional senior and affordable housing in our region but believe that the issues stated at the first community meeting still remain and have not been resolved.

The issues that affect **my** way of life and the liveability of my house have been outline below.

These issues are:-

- **Loss of View / Severe lack of Privacy / Shadowing**
- **Bulk and Scale height, bulk and length.**
- **Flooding to Existing Properties**
- **Increase in height above Tweed Local Environmental Plan height 13.6m**
- **Noise and Acoustic**
- **Light Pollution Issues**
- **Traffic and Deliveries**
- **Poor Community Consultation and Bullying Lack of empathy**
- **Fencing, Landscaping,**
- **Construction Period / Noise / Vibration / Dust / Construction Parking**

1. Loss of View and Outlook and Privacy

The Environmental Impact Statement - Revision C, is deficient in Clause 4.6 where the request is made to vary the building Height Limit. What is the justifiable reason other than the want to add an extra floor to floor levels that will increase the developers yield.

Within the EIS, a detailed consideration of the entirety of the Seniors Housing Design Guide 2023 does not appear to be present. For example, at page 91 of the EIS, Table 4-2: Part 5 Compliance table provides the following single line commentary '*The Uniting Kingscliff Development has been designed in accordance with the Seniors Housing Design Guide 2023*', while in other locations through the EIS document it references assessment of the Seniors Housing Design Guide 2023 as being contained within the Architectural Design Report within Appendix C of the EIS. A review of the Architectural Design Report only reveals a broad consideration of Part 2 - Guidance Chapter and no consideration of Part 3 Density and Related Design Principles is included.

Part 3 of the Seniors Housing Design Guide 2023 deals with how to identify an appropriate development density and building heights. These provisions have not been assessed or discussed anywhere within the documentation. This could be an oversight or possibly a purposeful omission as Part 3 of the Seniors Housing Guide 2023 would appear to indicate a medium density outcome (3 storey or less) rather than a high-density outcome (more than 3 storey) would be more in keeping with the requirements of the Seniors Housing Design Guide in this location.

1.1 The Impact

- Loss of any outlook other than Uniting Buildings, with Balcony and Living Areas.
- How do we maintain any view whilst giving ourselves privacy. Approximately 100 full glazed panels will view my house from living spaces.
- Due to constraints because of the shape of our land the only option to get any outlook is towards the northwest and west
- We will lose more than 95% of the horizon and sky we currently see
- The landscape design intent presented by the developer, (Appendix AA) shows planting along my boundary and future canopy diagrams appear to have been drawn OVER my boundary.
- The value of our views are important to us because of the orientation of the pie shaped land our house is positioned upon for privacy and solar access. Value of the view can only be calculated by the unique aspect of each dwelling. The option presented by the impending development will de-value any outlook, and make any remaining view value-less; forcing us to and other neighbours to screen out any outlook for privacy.
- Full length Windows , verandahs with glass balustrades look directly into our property with limited to no attempt to protect our privacy.

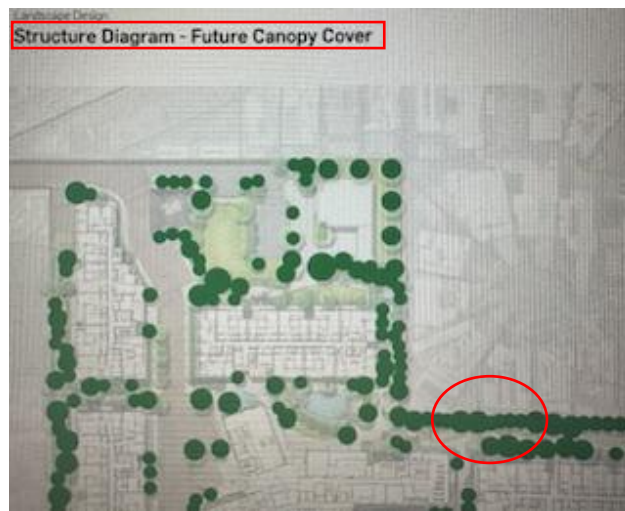


Figure 1 Planting along and over Boundary Causing over shadow and View loss

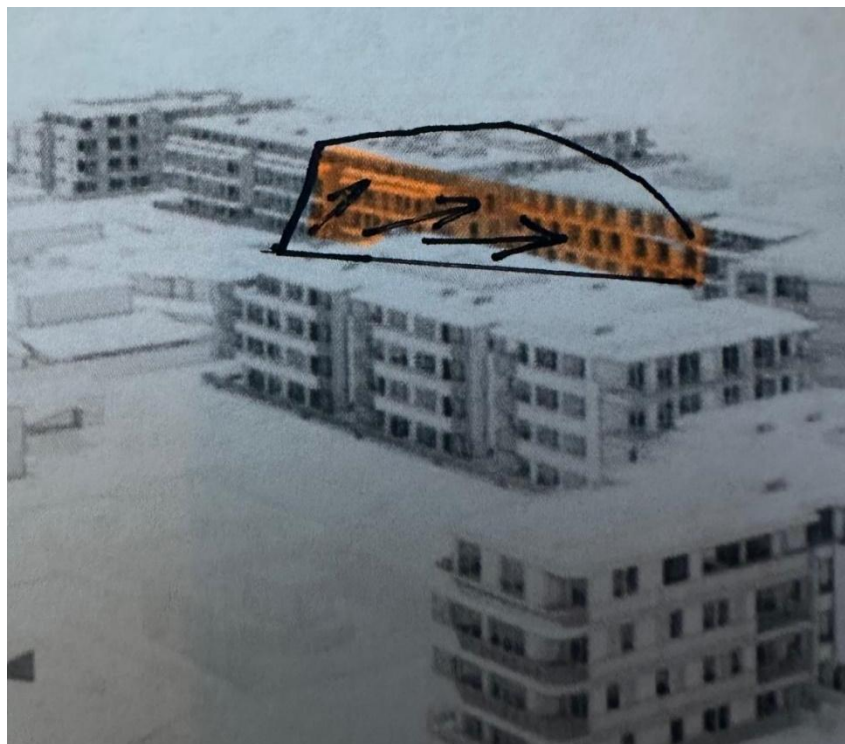


Figure 2 View From 37 Drift Court Living Spaces

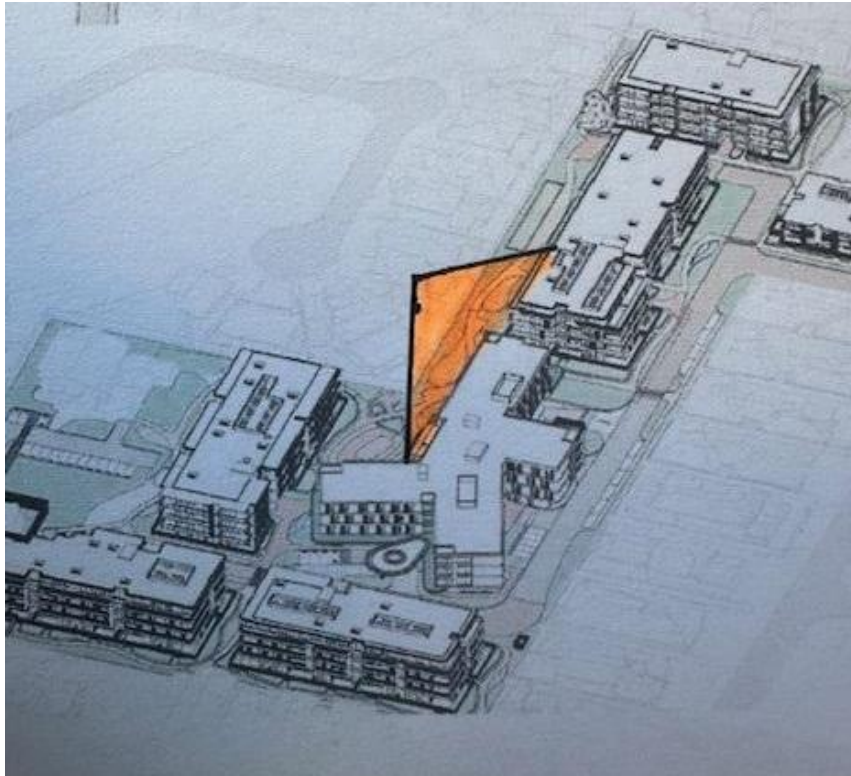


Figure 3 Outlook and from 37 Drift Court

Figure 12 Outlook From 37 Drift Court Little articulation and not break in built form

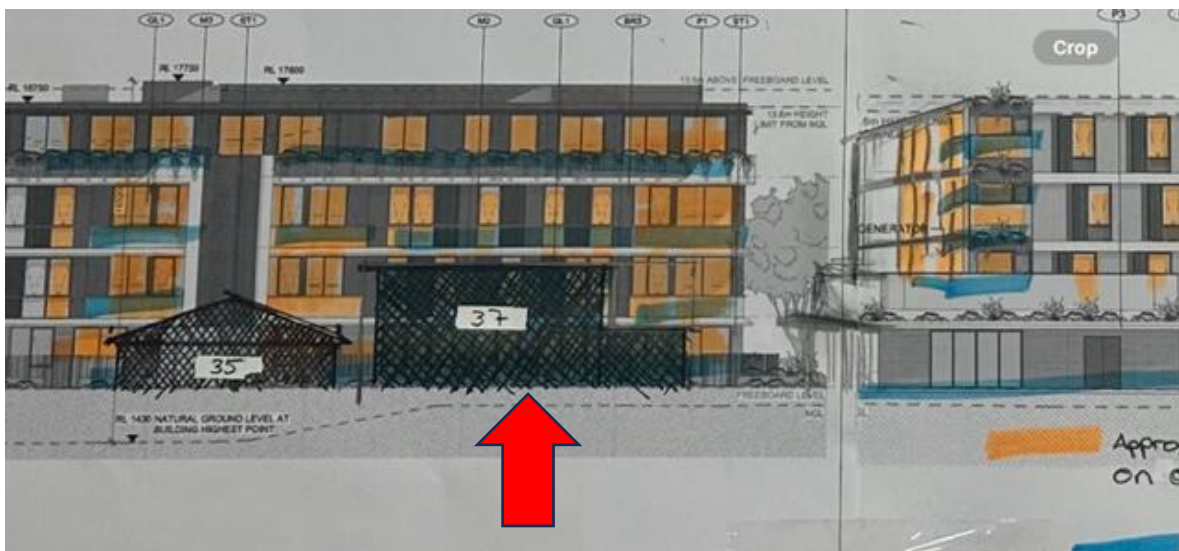


Figure 4 To scale silhouette of 37 Drift Court facing to west as indicated by the architects. Approx 100 large glazing panels overlooking our house.



Figure 5 Main Bedroom will be completely compromised Main View to west



Figure 6 Picture from outdoor entertaining privacy, view and shadowing not considered.

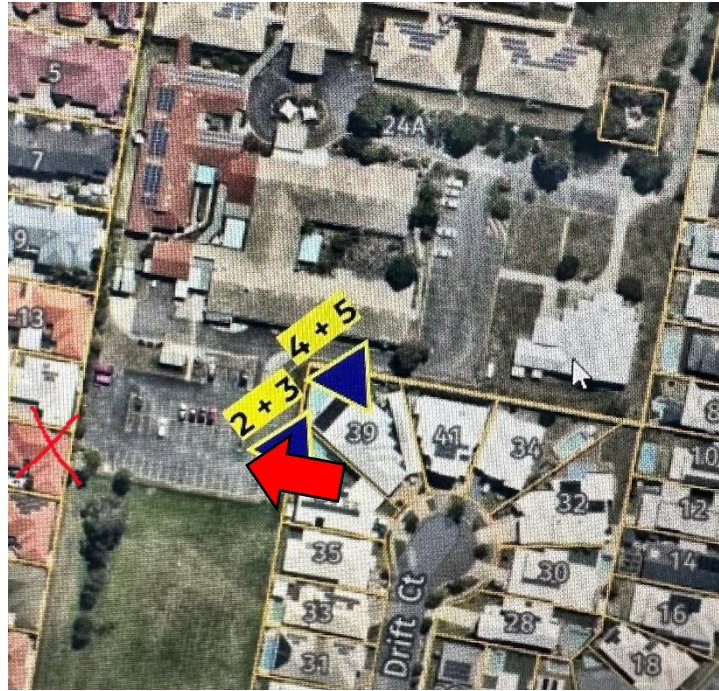


Figure 7 Not showing main view to west which is our outlook from main bedroom, living areas and out door entertaining area

1.2 What we need to know: -

- How they intend to give us privacy
- A true development to the west north west that will accurately show 'building C', not the deceptive presentation from an un-natural view point presented within the View Loss Document.
- Further investigation that shows what we will be looking at west of where our views lie. There is currently a complete out of context picture that that creates an un-natural viewing position.
- A view from all floors back into our property from building C and the RAC. From this, we can see the true effects of view over our property.
- How the use of trees as shown in the Landscape design report will not shade our property nor block any views that may still exist if any.
- Better and more detailed shadow diagrams to show true effects of building in living room, bedroom, entertaining and back yard
- What are the Fence details; height, style, acoustic resilience.

1.3 Conclusion – View Loss and Privacy

The view loss report presented by the developer uses words and terms in the report; "**view sharing', not to dominate the view.**" The developer has designed a four level plus basement construction, on a narrow site, that does not allow articulation to break up bulk and scale. The variation to the local maximum height limit of 13.6 from existing ground will have three bedroom (with study) units, with water and hinterland views, result in the removal of any outlook from the existing residence's.

How is this proposed view from our property, sharing and how can we enjoy any view, whilst trying to provide ourselves any privacy.

I therefore object based on view loss, scale and privacy.

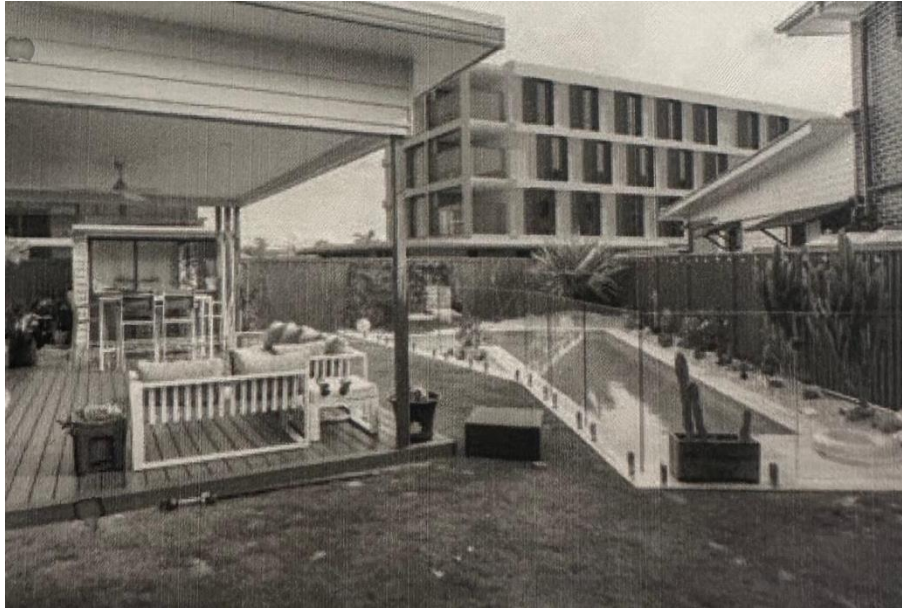


Figure 8 Misleading as to the impact as it only shows the Rac and Not Building C. Photo is also taken from a location that is least impacted at our house. How does this meet Land and Environment Court's photomontage policy standard?



Figure 9 Expected visual effect

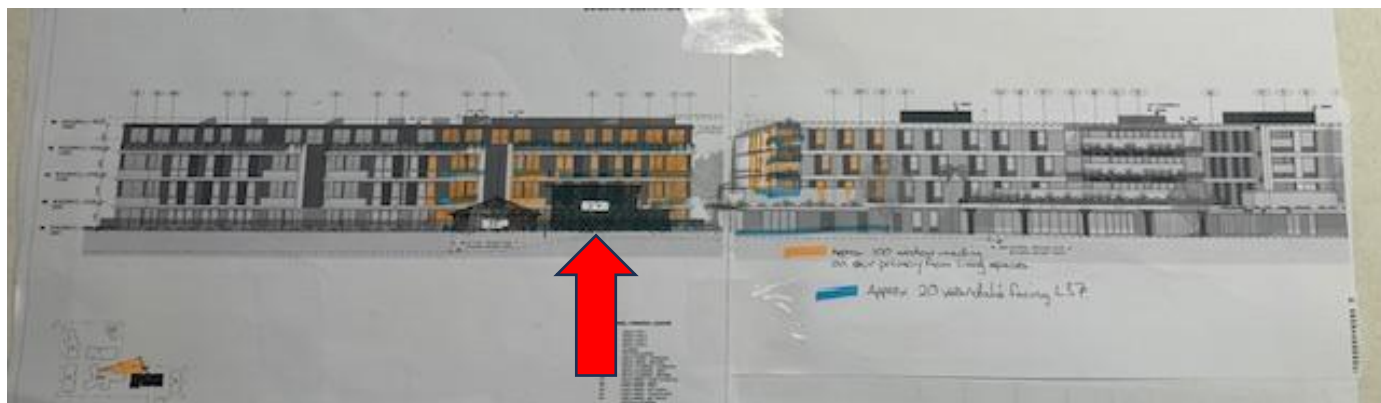


Figure 10 This image shows the outline of House numbers 35 and 37 and will be viewed as one 4 storey, 180 degrees across their western aspect and dominate all views. Note no articulation in buildings.

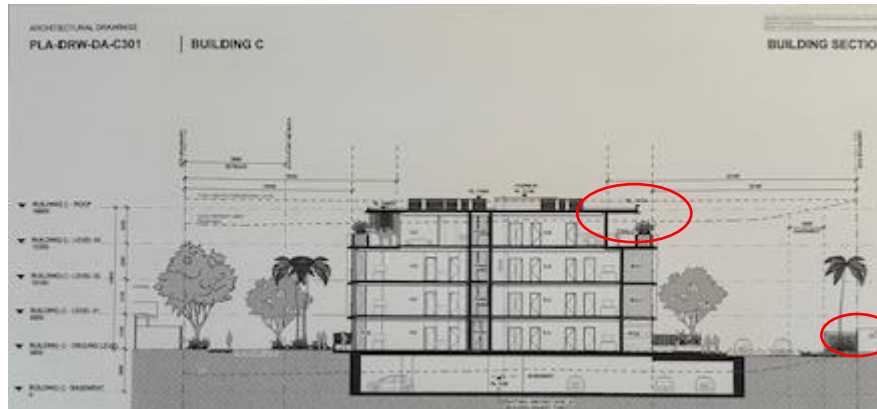


Figure 11 Overhang of Eave Only Reduced by 450mm How does the developer justify setting back upper level over my property



Figure 12 Image from report Visual Loss Assessment Report by Uniting does not show building in the background. We would like to see the elevations shown on the more typical photo not hidden behind a tree

2.0 Shading and Shadow

Shading will have a major effect on my property throughout the year. At the winter solstice, we will be most affected due to the length and height of the building. My house has been built to take in the heat from the sun in winter as per the SEPP guidelines for good design and to reduce energy use.

I therefore do not see justification for height increases above maximum height limits as this will negatively affect my house.

2.1 The Issue

- **Intent to use trees** on our boundary to soften our outlook
- **Trees need to go in deep soil zones** that due to the basement **only exist on our boundary**
- The trees will **block any outlook** we may have and shade our open space and pool making our house **damp and cold** when our house is of passive design designed to absorb warmth in colder months and cool in hotter months.
- Due to constraints because of the shape of our land the only option to get any outlook is towards the northwest and west. The proposed development will **look with more than 100 windows back into our living, entertaining, pool and open spaces.**

2.2 What We Need:

Existing shadow diagrams are not detailed enough for us to full see the full impact of shadows, and are inaccurate.



Figure 13 An important location outside 26 Drift Court on approach looking west ignored. We Would like to see images from this location. The Red should be the approximate location of the proposed development.

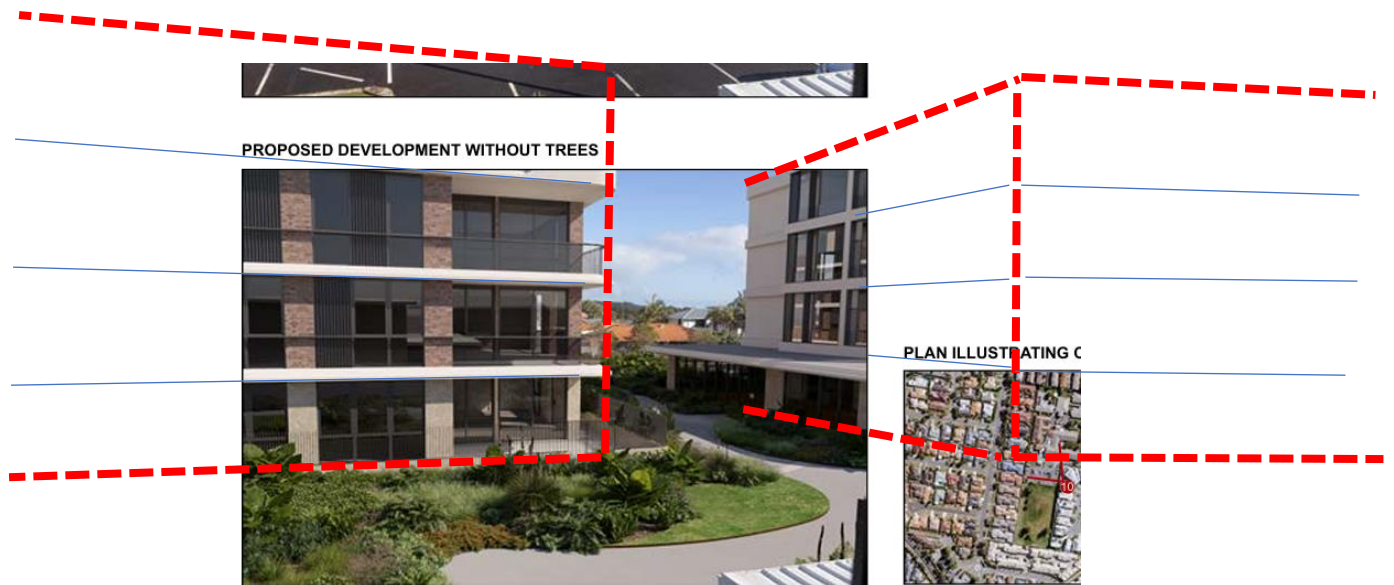


Figure 14 Artist Impression from bedroom not showing entire perspective

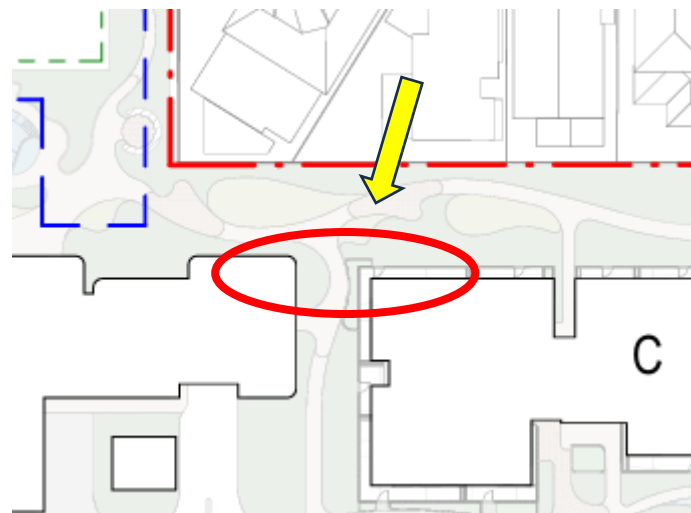


Figure 15 Location of Above perspective



Figure 16 Use of our backyard

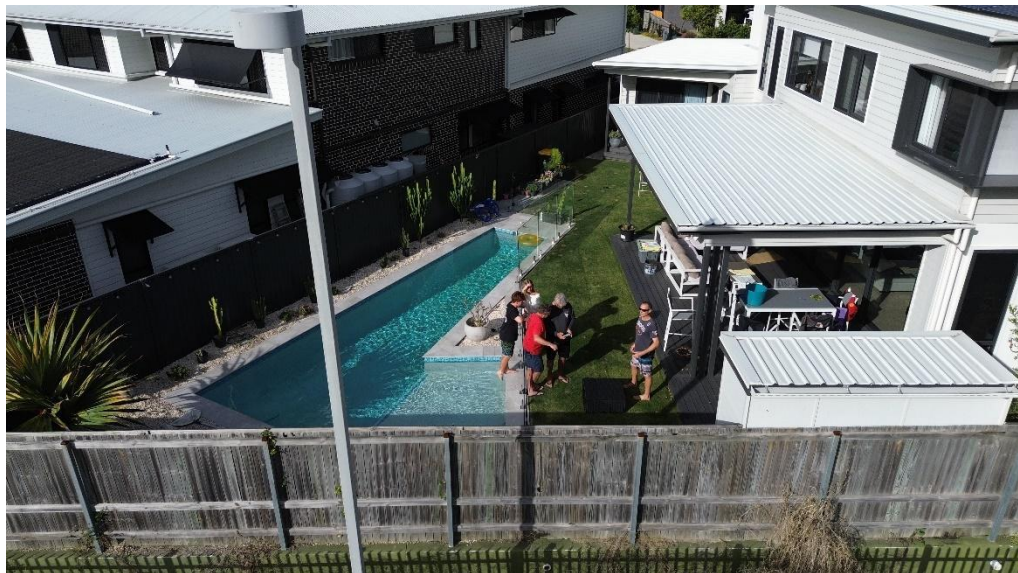


Figure 17 View into our backyard from building D

Figure 25 View From Proposed Uniting into yard and living spaces Building C



Figure 18 View into Pool, Yard, Living Spaces and bedrooms from RAC Building

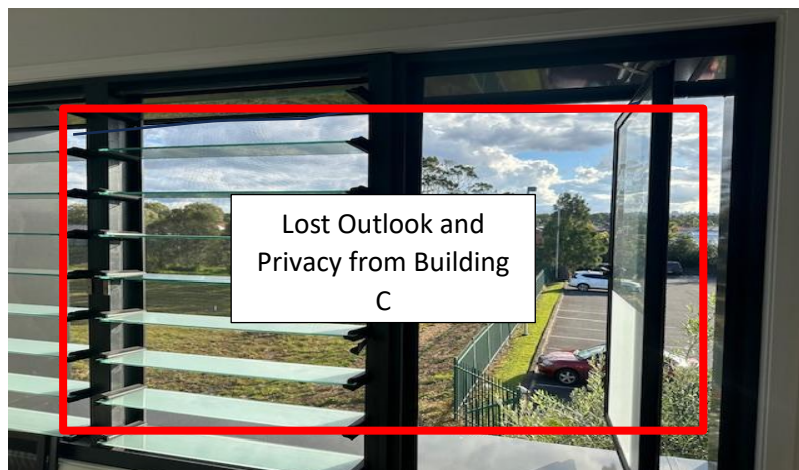


Figure 19 Views straight into our main bedroom

2.3 What we need to know :-

- How do does the developer intend to maintain any of our view and privacy without creating shadow?
- How doe the developer intend to maintain any privacy without creating shadow?
- How will this not effect the amenity of our home?

- How will the developer's landscape cause shadowing into our living and outdoor spaces?



Figure 20 My House

2.4 In Conclusion – Shading and Shadow

Our property will have approximately 100 large glazed panels looking into our private space severely affecting the amenity of our private home.

3.0 Landscaping

- **Intent to use trees** on our boundary to soften our outlook
- **Trees need to go in deep soil zones** that due to the basement **only exist on our boundary**
- The trees will **block any outlook** we may have and shade our open space and pool making our house **damp and cold** when our house is of passive design designed to absorb warmth in colder months and cool in hotter months.
- Tree coverage has been densified and calculated as tree coverage across my boundary.

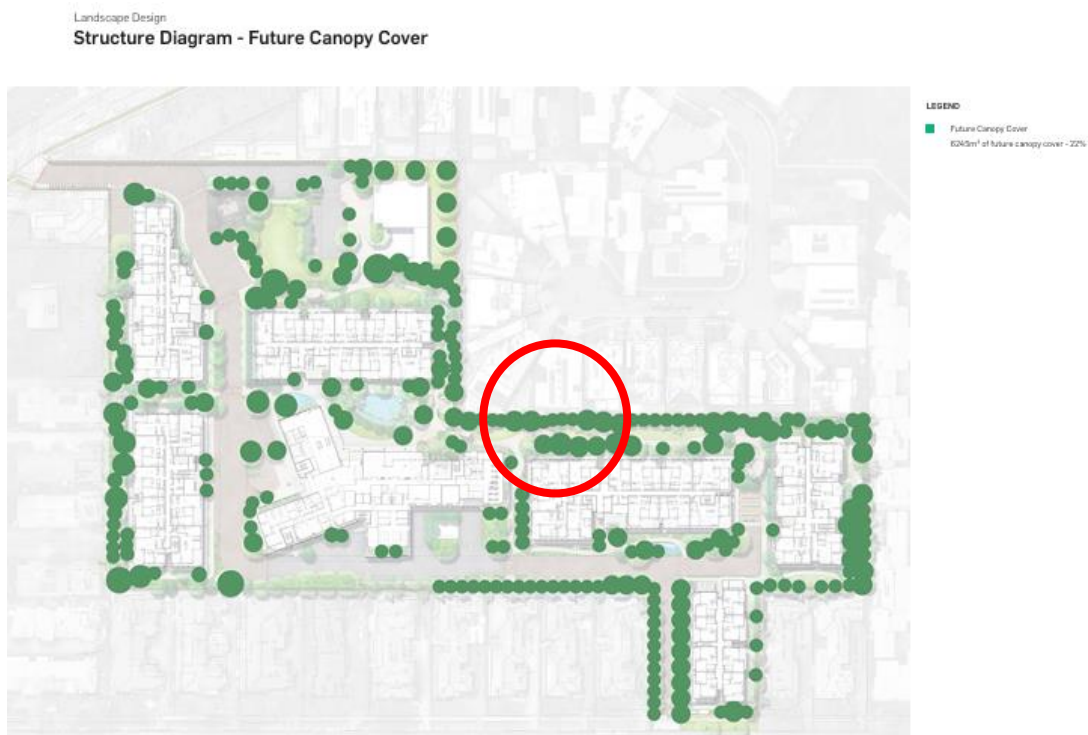
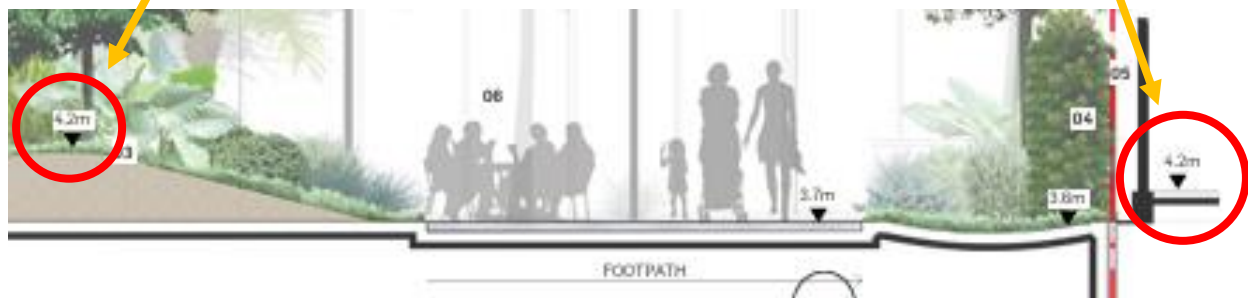
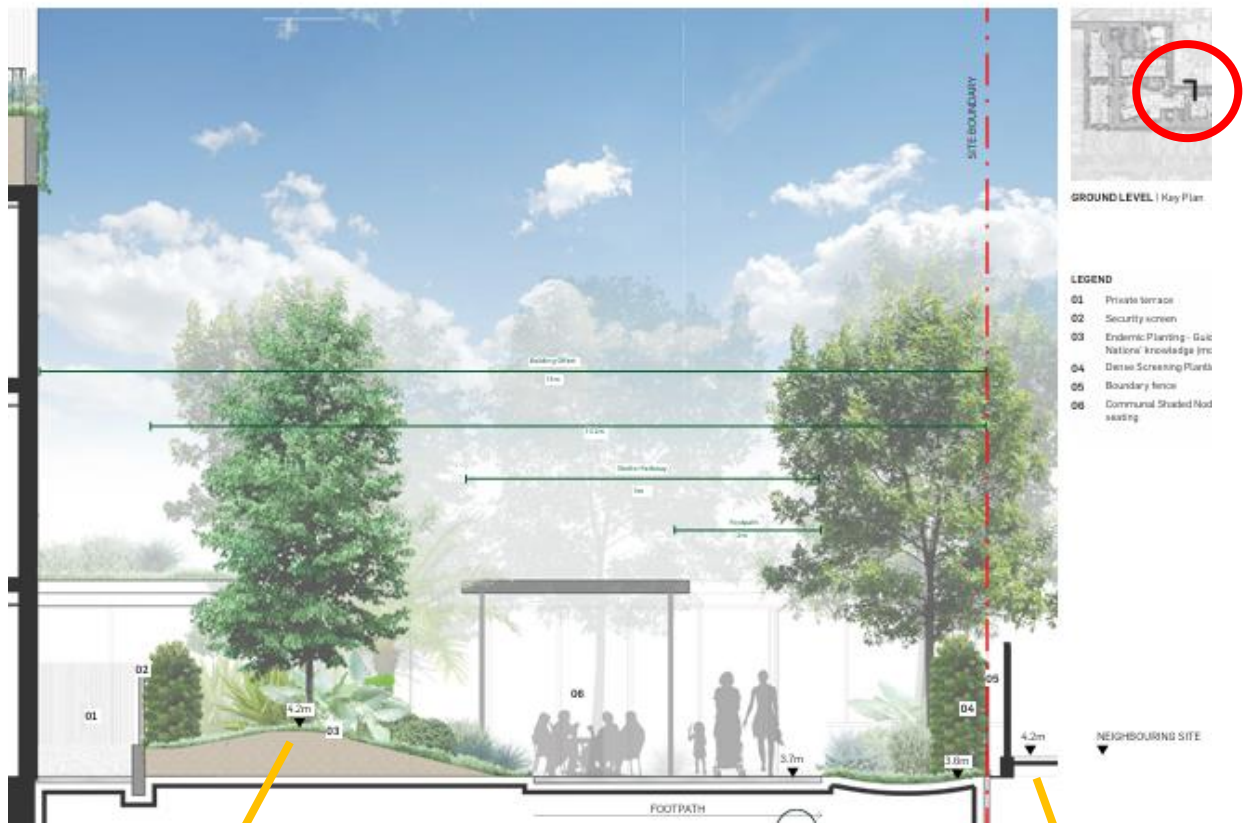


Figure 21 Coverage calculated across my boundary

3.1 What we Need to Know:-

- What are the trees
- Will they create shadow
- Will they block any outlook
- Are these allowed to be used to legally provide privacy.
- How will mature trees grow above the basement

Section 04 - Building C North



3.2 Conclusion - Landscaping

Any future landscaping (trees) can have additional impact on our properties with respect to view and outlook, natural light, dampness, drainage and flooding and will and can severely affect the amenity of our home. Too much manipulation with trees grown over basements can force water outside onto neighbouring properties.

4.0 Out of Scale With Surrounding Housing

- The proposed development is **out of character** with the built environment
- The proposed development is completely **surrounded by low rise ,1 and 2 storey houses** and will be **dwarfed** by the proposed buildings.



Figure 24 Surrounding house to south and west all single storey. Proposed building will sit more than three full storeys taller than all surrounding properties.

4.1 What we need to know :-

- How is this in context with the surrounding built environment.
- Minimal set back of upper roof. Was this section omitted and overstated in justification of height increase.

4.2 Conclusion (Scale)

This is completely out of character with the built form and will have a negative affect on the town and neighbours and therefore object based on the grounds of out of character with the built environment.

5.0 Flooding and Stormwater

The use of the SEPP Housing 2021 to comply with flood assessment on an infill site could have considerable impact on surrounding existing developments.

In flooding periods consideration must also be made as to the effect of stormwater locally when drainage backs up due to tide and downstream flooding, upstream stormwater and stormwater overflow from hard surfaces.



Figure 25 February 2022 Floods looking west from my Bedroom over proposed site



Figure 26 Also looking West over proposed site



Figure 27 23 Drift Court Flooding February 2022. See sand bagging in front of garages.




Figure 28 One of our properties in Drift Court Flooding 2022

5.1 What we Don't know:-

- Will the proposed fill site force buildup of water.
- Have all of the hard spaces, paths, roofs, carparks create more overflow into the community.
- What are the impacts of filling down stream



Figure 29 Extent of Flooding in Drift Court 2022 Not shown on Flood report by Uniting


N.C. WHITE & ASSOCIATES
 LAND & ENGINEERING SURVEYORS
 ABN 83 594 642 857

NIGEL WHITE
 REGISTERED SURVEYOR
 Our Ref: 20221 FL1

P.O. Box 35
 MURWILLUMBAH N.S.W. 2484
 Phone: 02 66726261
 Mobile: 0412 772566
 Email: newhite1@bigpond.com
 09th December, 2020

Matt Sands Building Services
 PO Box 120
 BANORA POINT NSW 2486
 msd@msdprojects.com.au

Re: Level Survey - Lot 20 in DP1214844 being No.37 Drift Court at Kingscliff

As instructed we provide a level report regarding the as constructed ground floor level of the residence on subject land.

Our field survey indicates the as constructed ground floor level of the building is RL 4.20 metres AHD.

This relates to origin of levels bench mark PM 42096 RL 4.14 metres AHD vide scans.

No further report is made in regard to subject land.

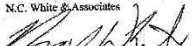
Yours Faithfully,
 N.C. White & Associates


Figure 6 Floor Level 4.2m

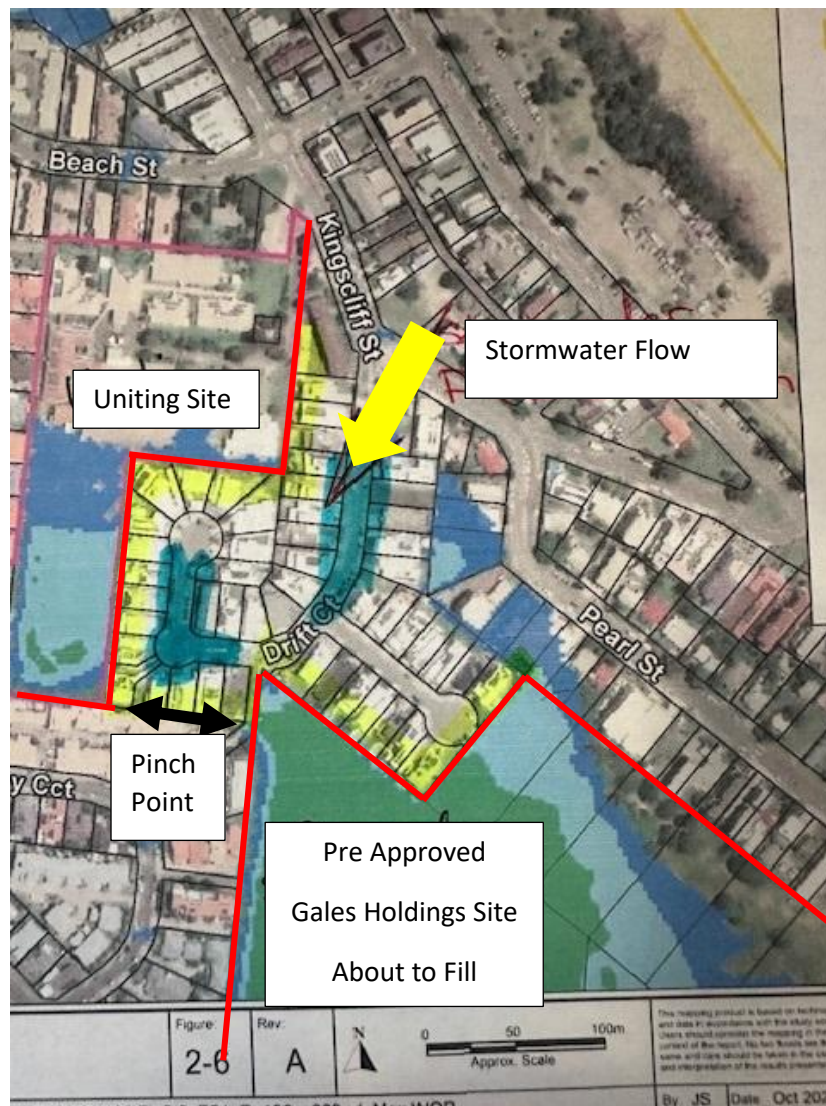


Figure 30 Area showing how Drift Court will be affected by flood water backup and run off when The approved Gales development site above the proposed Uniting site are filled to equal and above Drift Court

5.2 Conclusion - Flooding

The Community is extremely concerned that another serious rain event that flooded and threatened to flood many properties to the west, east north and south of the proposed site will be further disadvantaged due to increased ground height on the Uniting site. This is likely to impede the natural dispersion of water and the damming effect worsening, due to the over development. We also see pinch points that will cause further buildup of water and probable flooding of houses in the future.

6.0 Noise and Sound Disturbance

- Across the existing Uniting Site we have had ongoing issues with **mechanical and exhaust noise** coming from the building 7 days a week. This issue has been on the books for more than 2 years with Tweed Shire Council finally intervening and forcing uniting to improve the current situation.
- **Delivery vehicles** remain an issue with noisy delivery trucks early and late 7 days a week outside our bedroom causing interrupted sleep. We are concerned this will increase due to increased density.
- **Shift change over** of staff throughout the night is a current disturbance with vehicles entering the site throughout the night past our bedroom. Causing disturbed sleep.
- Moving to the proposed development we are concerned that **the increase in the number of units** and the presence of **air conditioning units** will not improve and in fact add to the issues we are currently experiencing from Uniting Kingscliff.
- We have approached Uniting directly formally and in person many times and asked to see if they could **rectify** the situation with **no change**. Council has since become involved and we are told they are in the process of having the works rectified. During the past 2 ½ years we have had many issues that never have been resolved and causing disturbance.



Figure 31 Photos show before and after hours deliveries mismanaged by Uniting outside our bedroom



Early and Late Deliveries causing disturbance

6.1 What we need is for further assessment is as follows:-

- The **location of the generator on top of the gymnasium in the RAC** is also of future concern as the location is near to our bedrooms.
- We are concerned the **mechanical ventilation will be noisy**.
- We are also concerned for voices disturbing our peace at night due to the high number of units adjacent our main bedroom.
- schedule of proposed delivery hours. (not early , not late not on weekends etc)
- How internal warning system will avoid disturbance to surrounding properties
- Will the generator noise cause disturbance and how will it be managed
- how will air changeover systems for basements be managed as not to cause disturbance
- How will air conditioning and mechanical ventilation noise be managed.
- How will waste management disturbance be managed as not to cause annoyance and disturbance.
- How the carrying of voices from many apartments including from 2, 3 and 4 storeys above our house will be managed.

6.2 Conclusion - Noise

Concerns are raised as to how future deliveries and waste removal will be handled. Past poor management by Uniting of deliveries, both before and after hours, have already been a cause of disturbance and annoyance to the neighbouring properties and need better management. Tweed Shire council has been called in for intervention and ordered Uniting to comply.

Mechanical and laundry noises causing disturbance that required intervention from Tweed Shire Council to rectify. Hence, the concern based on the fact the proposed development will be under the same management.

7.0 Light Pollution

- **Light pollution has been an ongoing issue** with the Current Uniting aged Care. Unfortunately we **had to complain** to council because of the light overflow from the carpark adjacent to our main bedroom. Uniting fobbed us off.
- We have during long periods had **to relocated to the spare room** to get sleep due to the light spill into our property.
- **We are concerned the lighting from the buildings, verandahs and external areas** will cause a lot of **light spill** and effect our liveability with larger building adjacent living areas. **Uniting have not managed this well** in the past.
- **How will lighting from top levels not cause a level of light pollution.**

I have attached correspondence to council for your information. Again you will **see Uniting not being able to deal responsibly with the neighbours.**

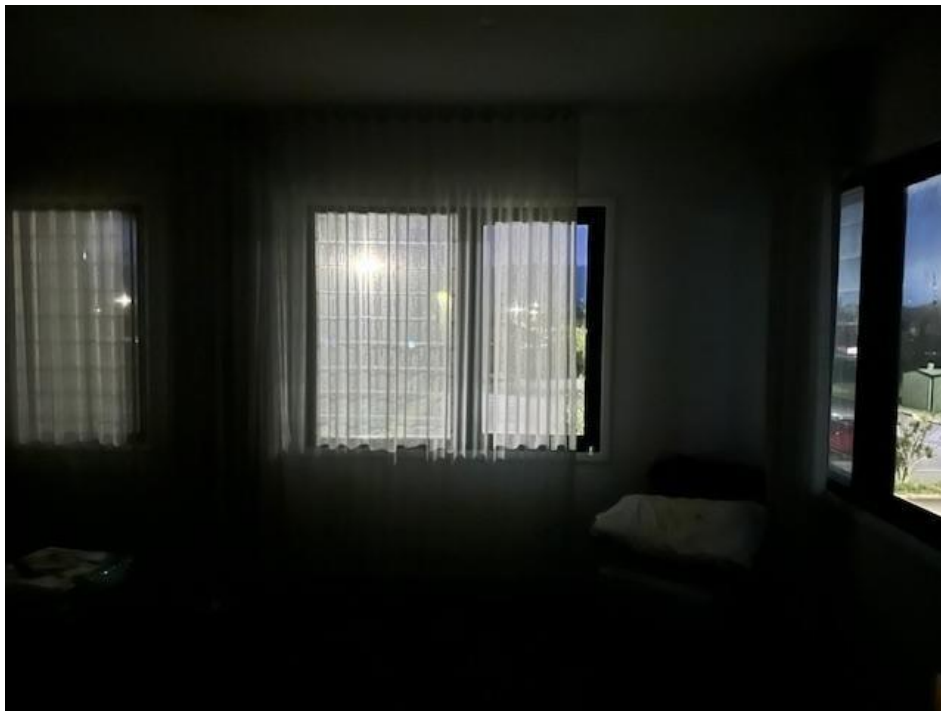


Figure 32 Lights shining into bedroom from Uniting Carpark all night. we cannot sleep in the main bedroom on our top floor

7.1 Clarification required for:-

- Management to stop annoyance of lighting.

7.2 Conclusion

Intervention from council officers was required for Uniting to rectify lighting onsite due to the light pollution reported and ignored by neighbours. Poor management of onsite lighting on current sight causes concern moving forward to an even larger development.



Figure 33 Light spill into our open Space from Uniting Aged Care Currently



8.0 Building Heights Increase from 13.6 Variation to Tweed Environmental Plan

Building Heights Locality Plan Natural Ground

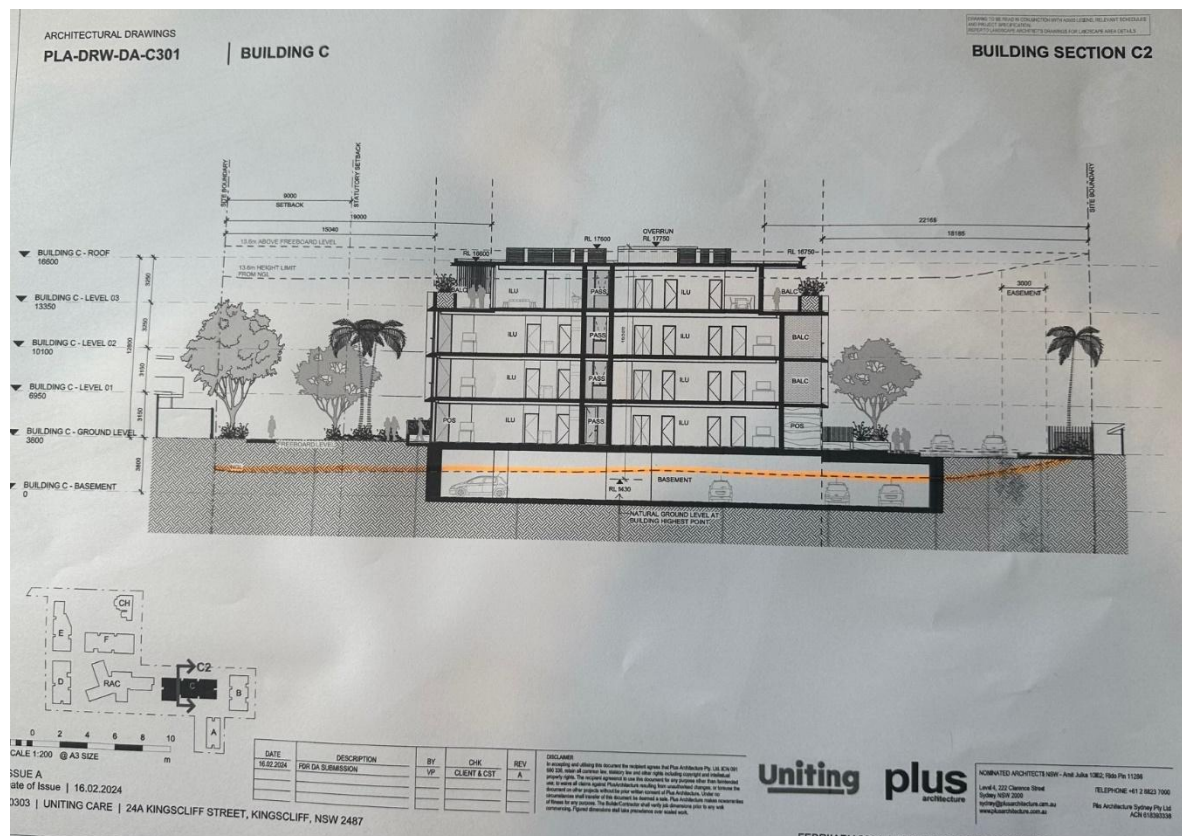


Figure 34 Orange line depicts Natural Ground Level. Local Environment Plan States No development over 13.6 from Existing Ground Level. This sits approximately in this section 1.3-2.0 m above the allowable height and by following the LEP drop off one Level

Extract From Request to Vary Clause 4.3 Height of Buildings in Tweed Local Environmental Plan 2014

Despite this variation, the proposed heights and building form outcome is compatible with the adjoining-built form and broader urban character of Kingscliff. This has been discussed closely when considering Object (b) above and Objective (g) below. and allowing the Development to be under the allowable height

Objective (g) - to prevent gross overshadowing impacts on the natural and built environment. Although presenting an exceedance to the maximum height of building development the development results in acceptable levels of overshadowing and privacy to neighbouring residential land. This is achieved primarily through: • Building separation; • **Stepping in of the fourth storey**; If the developer was to refer to the Sepp Housing 2021 Clause 97 Design and and Self Care Housing and • Positioning of lift overrun and rooftop services away from property edges and screening these services. **Highlight not significant as roofs still sit within 450mm of building footprint. Token effort**

Objective (a) - to establish the maximum height for which a building can be designed. (Noted)

Objective (b) - to ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity. **This does not**

Objective (c) - to ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities. **This is irrelevant**

Objective (d) - to encourage greater population density in less car-dependent urban areas. **These people will be older and rely on vehicular movement in general**

Objective (e) - to enable a transition in building heights between urban areas comprised of difference characteristics. **This is out of character with direct neighbouring properties.**

Objective (g) - to prevent gross overshadowing impacts on the natural and built environment. **This will affect many of the houses that rely on passive design due to the application for additional height.**

Are the underlying objectives or purpose of the development standard not relevant to the development? The objectives of clause 4.3 of the Tweed LEP 2014 are clearly intended to manage the bulk and scale of buildings to ensure that future developments are compatible with the existing and envisaged Request to Vary Clause 4.3 Height of Buildings in Tweed Local Environmental Plan 2014 J7542 future character for the area and can contribute to the envisaged density of the site without creating adverse environmental impacts. These objectives are considered relevant to the development. **(Negative to the local built environment and Dwarfs surrounding houses Causing Bulk, scale, shadowing, Acoustic, view loss, privacy issues and social issues. With the reduction to a three level development with the same setbacks this resolves many of the issues.**

How can an uplift in height over the LEP be justified, at some places more than 3m above the maximum height above natural ground? To get the uplift that has been stated, words have stated that the top level will be stepped back – but this is NOT shown in the diagrams and is non-existent (refer to Figures 36 and 37)



Figure 35 Proposed 4 storey Development extends significantly beyond 13.6 Height limit as highlighted in red



Figure 36 Minimal setback of upper level roof

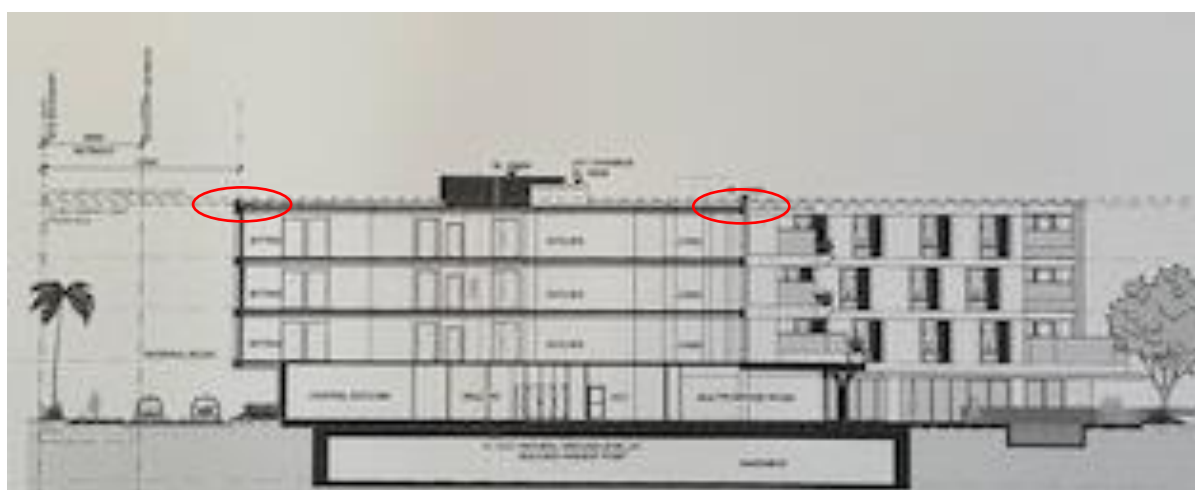


Figure 37 No setback on upper levee

9.0 Construction and Construction Fatigue

- Construction is expected to take 4 years of our home life from start.
- Construction will entail 4 years of dust to some extent in home life.
- Construction will be noisy for 4 years of home life.
- Construction will have 4 years of vibration to some extent over 4 years
- Construction will have 4 years of parking issues due to lack of site parking. Parking and transport will be an issue that will clog streets with 400 workers in a regional area. This requires a more detailed management to be presented.

9.1 In Conclusion

4 years is a long period considering the average person is in a home for 8 years on average. It is also a long period in retirement or as a child and family growing subject to construction.

My objection stands for the construction period because this could be reduced if the scale, bulk and height were to be reduced.

10.0 Community Consultation

Uniting's Consultations meetings with the community at the Kingscliff Bowling Club

Throughout the Process Uniting Kingscliff's Development team led by Adrian Ciano have been responsible for Poor Community Consultation, Bullying and Lack of empathy.

This has been evident across many of the communities this developer has trodden.

- Lacking in any detail that may be detrimental to the proposed project and withholding pertinent information.
- Dismissive and even downright arrogant towards myself, residents and many other interested parties.
- Changes made by the development team have been made on their terms for the sole purpose of being approved and not the wellbeing and benefit of the existing community.
- I am aware of numerous cases of depression and anxiety including myself triggered by this proposal by Uniting.
- We have listened to Uniting say they are compromising dropping a floor level on one of the buildings. The reality is that it the Kingscliff Locality Plans does not cater for 5 storeys anyway.

In Conclusion

Generally the size and scale and flooding issues are at the forefront of the community's mind. More than 95% of every house and dwelling that surrounds the site will be inadvertently affected by the developer's proposal by over shadowing, privacy, flooding, light and noise pollution and traffic and it would appear unfair and unethical to even consider the current proposal.

The general mistreatment from the Uniting and the arrogance shown towards community is ever evident. We are not opposed to development on the site and in fact want to promote it but with the premise of good design; not maximum yield. I therefore object to the proposed design based on the issues covered in this letter.