

Objection To :- The Uniting Kingscliff Redevelopment (SSD47105958)

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

I have closely followed the project throughout the Community consultation process and formally commented with the same issues time after time. Reading through the reports and tables in the application it does not appear Uniting have listened to us, the direct neighbours and have misrepresented and falsely presented reports as included in the package for comment.

Each aspect of my concern will be detailed below;

1. Privacy and Overlooking

The design is not appropriate from a privacy perspective and is not responding to the atypical constraints of this site, which sees a significant number of low-density residential properties interfacing at all property boundaries.

The EIS contains little actual analysis for overlooking. It seeks to rely simply on the setbacks provided and the odd planter box to some balconies as measures to stop the third and four levels of the buildings from looking into adjoining properties. This is insufficient, especially when the proponents are relying on the claim the development *provides an appropriate privacy outcome as part of the justification of the height of the development*. The view loss assessment provides the best example of this. The images provided in this document, where the development is being super imposed into existing photos clearly shows floor to ceiling windows and balconies with glass balustrades all with clear uninterrupted views into people's backyards and living spaces.

Due to constraints because of the shape of our land, our home is designed to maximise the natural benefits of light, warmth and air is towards the northwest and west. The proposed development will look with more than 100 large windows and verandahs back into our living, entertaining, pool and open spaces (Refer to photographs below)

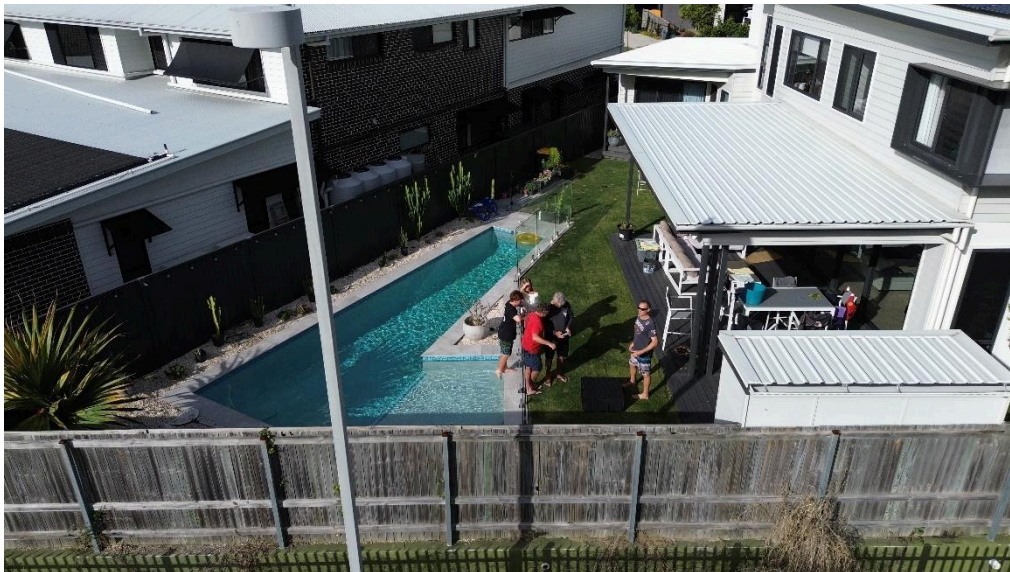


Figure 1: The view into my backyard living space from Building D



Figure 2: View into Pool, yard and living spaces from RAC Building

I have a teenage daughter who uses our outdoor space on a regular basis with her friends, and this will potentially see a number of people looking INTO our personal space.

The intent is to use trees on our boundary to soften our outlook. There is a fine balance between privacy of such a HUGE building and the proposed trees blocking any outlook, shading our open space and pool and making our house damp and cold. Our house is designed to passively absorb warmth in colder months and remain cool in hotter months (in line with the Tweed Shire Council Design Guidelines and best practice for energy efficiency).

2. Justification of Proposed Building Density and Built Form

Town Planning

My understanding of Clause 4.6 is that Uniting seek to vary the development standard and that development consent may only be granted for a development that *contravenes a development standard if the consent authority is satisfied that the written request has adequately addressed two factors;*

1. *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
2. *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The language of clause 4.6, in requiring that an application 'adequately address' these two matters, means that the consent authority needs to be satisfied that those matters have, in fact, been addressed in the request documentation. I would like to state that I do not believe that the supporting documentation in this case has been accurately represented and addresses these factors to recommend approval.

Clause 4.6 is seeking to leverage the need to fill the site to comply with flood requirements. This building height bonus would apply under SEPP (Housing) 2021, if not for a technicality as reasons to vary the development standard. Clause 4.6 then goes on to attempt to justify the variation based on the objectives of the building height standard being met notwithstanding the variation appendix presented by Planit Town Planners.

It's very clear the primary driver of the need to vary the development standard is resulting purely from the **development yield being sought** by Uniting and the fact that the development is seeking to achieve this yield by using four storey-built form. Attaining development yield is not sufficient environmental planning grounds on which to vary a development standard.

Filling

The need to fill the site is a development constraint that must be factored into the potential yield of a development when dealing with building height. Four storeys are not **as of right on the site** and if a three storey height was adopted, the development inclusive of the filling would comply with the height limit also present in the Kingscliff Development Plan. Refer to Figures 12 and 13 below on how a four storey to three storey would change our immediate outlook.

Height

Further, Clause 4.6 in my opinion has not satisfactorily addressed the objectives of Clause 4.3 of the Tweed LEP 2014, particularly objective (b), (e), (f) and (g). The objectives of Clause 4.3 are provided below for reference. The proposal has not satisfactorily addressed or provided documentation to clearly demonstrate appropriate privacy, solar access and built form character.

The objectives of this clause are as follows—

- (a) to establish the maximum height for which a building can be designed,
- (b) to ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity.
- (c) to ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities,
- (d) to encourage greater population density in less car-dependant urban areas,
- (e) to enable a transition in building heights between urban areas comprised of different characteristics.
- (f) to limit the impact of the height of a building on the existing natural and built environment.
- (g) to prevent gross overshadowing impacts on the natural and built environment.

The EIS appears to selectively focus on the elements of planning controls that would seem to indicate a four-storey outcome is ok in this location, while ignoring the provision which would indicate a built form of less than 4 storeys would be more appropriate.

Senior Housing Design Guide 2023

SEPP (Housing) 2021 at Clause 97 – Design of in-fill self-care housing requires the following:

97 Design of seniors housing

(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.

(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.

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 that I can see 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.

Character of surrounds

As seen in the photograph below, the proposed development is completely out of character with the surrounding built environment which is made up of low rise single level and 2 storey houses. On every boundary, these existing dwellings will be dwarfed by the proposed buildings.



Figure 3: View south west from our house toward Lorien Way, which are ALL single storey dwellings

Overall justification of the built form outcome is significantly pinned on a need to meet a broad need for seniors housing places. Such a requirement is not sufficient justification to simply push aside the need for such a development to;

- ensure an appropriate built form outcome that meets building height limits,
- does not result in overlooking of adjoining properties, and
- achieves compliant solar access to adjoining properties.

3. Solar Access Analysis – Adjoining Properties.

I have large concerns for the alteration in solar access that will happen to ours and neighbouring properties due to this development.

Solar access to adjoining properties is to be consistent with 4A Solar Access and Daylight Access of the Apartment Design Guide. This is established by Objective 3B-2, Design Guidance 1. See screenshot below

Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter
Design guidance
Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access
Solar access to living rooms, balconies and private open spaces of neighbours should be considered
Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%
If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy
Overshadowing should be minimised to the south or down hill by increased upper level setbacks
It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings

As the Apartment Design Guide applies to the site, the following Solar Access and Daylight Access controls are applicable in terms of solar access required to adjoining properties.

Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space
Design criteria
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter

The solar access documents provided are simply not detailed enough to demonstrate compliance with Design Criteria 2. Noting that the control would require the location of living rooms and private open spaces of each adjoining dwelling to be identified and provide detail to demonstrate the 3 hours is being achieved to these areas.

4. Flooding and Drainage

I have grave concerns for how the increase in floor level and significant increase in impervious area will impact on the flooding and drainage of the immediate area, in particular the stress adjacent to the proposed development.

The flood modelling conducted within the EIS seems particularly vague and referred to 'other projects'. The timing and nature of what these 'other projects' were, would clarify the validity of the data modelled for the Uniting EIS. It seems to me that aged rainfall data, vague modelling combinations and unclear impervious area (or percentage) combinations makes the regional flooding information very unclear, and questionably relevant for a local scale (for the direct neighbours).

I agree that filling the site, and significantly increasing the impervious area, will have only minor impacts regionally, but I am disappointed that those in the immediate vicinity once again have not been heard and considered by this information and relevant studies.

The flood assessment included in the EIS, in my opinion (as a qualified and experienced Engineer) is grossly inadequate. The diagram below depicts the flooding impact within Drift Court as a result of the February 2022 rain, supported by the photographs below.



Figure 4: Extent of 2022 flooding in Drift Court



Figure 5: Flood level in the vicinity of 27 Drift Court



Figure 6: Residual evidence of flooding in front of 35 and 37 Drift Court

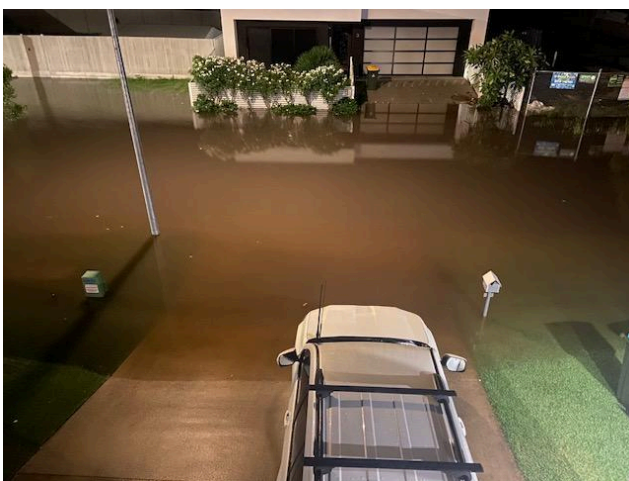


Figure 7: Water level in front of 3 Drift Court

The following photographs show the depth of water that was stored and retained by the Uniting site during these February rainfall events.



Figure 8: View south west from our bedroom across the currently unfilled/undeveloped portion of the Uniting site



Figure 9: View west from our bedroom across the existing uniting carpark

5. Noise

We already live with background noise from the existing structure. We have made numerous complaints regarding this over a number of years in an attempt to have baffles improved and simple aspects like better wheels on trolleys and fixing boom gate unnecessary noise.

We are concerned that the mechanical ventilation and exhaust, in particular will significantly increase the background noise in our bedrooms and living spaces. The air conditioning systems associated with such a large number of units in such close proximity to our bedroom.

We already have had significant issues with delivery's taking place at unreasonable hours at the existing facility. Increases in garbage collection, delivery and general traffic movement for a proposal of such density will also generate significant additional noise for us.

Shift changeover, vocal noise. With 100 windows looking into our private spaces, it is inevitable that significant living and outdoor areas associated with the development will result in additional social noise.

6. Light pollution

Light, as with noise, has already been an ongoing issue for us in the past. In particular the balconies, veranda's and external areas will generate significant additional light after hours into our living and bedroom spaces. Below are photos of the EXISTING light that spills into our spaces.

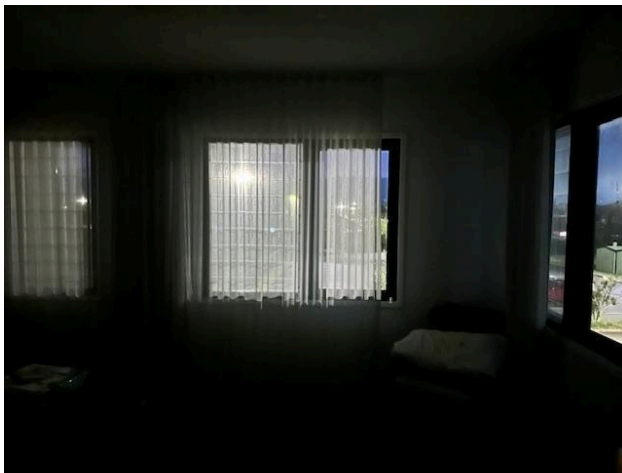


Figure 10: Light entering the master bedroom, even with curtains



Figure 11: Light spilling into our yard, at the edge of our outdoor living space.

7. Traffic

As an immediate neighbour who regularly walks her dogs in this area, I am concerned about the significant increase in traffic both during and post construction. Lorien Way and Beach St are not designed to cater for the increased traffic movement. I appreciate that the Lorien Way access will be the primary access point, but the Beach St existing access is far from adequate and quite unsafe. Increased initial traffic, until Lorien Way comes online would be disastrous and incredibly unsafe for existing road users and pedestrians in that area.

Damage to roadways and increased traffic are of concern for me.

8. Alternative

Below we have overlaid our homes against the project's building heights.



Figure 12: Existing 4 storey proposed development with 35 and 37 Drift Court in front

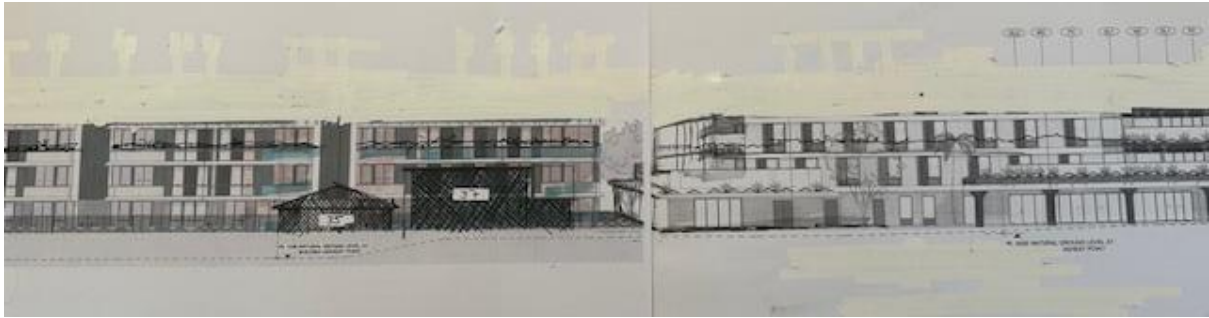


Figure 13: Revision to a 3 storey proposed development with 35 and 37 Drift Court in front

9. Conclusion

As a concerned immediate neighbour I feel that the proposal;

- is too big and too high
- is inaccurately represented by the documentation
- will create significant issues for the immediate neighbours from a privacy perspective
- will worsen flooding in our area, and
- create significant traffic and safety issues in the surrounding streets, both during AND post construction.

For me personally (and for the value and liveability of my own home), the additional light, noise and shadowing is very concerning.

In conclusion, I would like to state that I do not disagree that more aged care beds are required in the Tweed Shire. I do however, very much object to the sheer volume (size and bulk) that has been proposed on this particular site, in this location. I believe that for the reasons stated above that it is not appropriate or suitable.

Yours Sincerely

Allison Sands