

## **Uniting Aged Care Development Kingscliff**

I write in objection to Uniting Kingscliff Redevelopment SSD- 47110 5958

### **41 Drift Court**

My property at 41 Drift Court, backs onto the development. Below is the list of my objections.

- Privacy Concerns
- Solar Access Analysis
- Bulk and Scale of the Development
- Flooding of surrounding properties
- Landscaping
- Traffic concerns
- Construction fatigue
- Light and Noise Pollution

#### **Objections:**

##### **Privacy Concerns:**

Building F, located directly behind our property, and Building E, located to the north of our property, are our primary concerns from a privacy perspective. These two buildings features extensive floor to ceiling windows and balconies with glass balustrades all with clear uninterrupted views into our house and backyard. Our alfresco area, lounge room, bedrooms, and pool all face north, where Building F, a four-storey building, is planned to be constructed. The windows and balconies from this building will compromise the privacy of our master bedroom, two upstairs bedrooms, living room, alfresco area, and pool, impacting all our indoor and outdoor living spaces.

The proposed design of Building F includes floor-to-ceiling windows and glass balustrades, further exacerbating our privacy issues. The suggested use of planter boxes by the developer on the top floor balcony to provide privacy, is inadequate as a privacy measure.

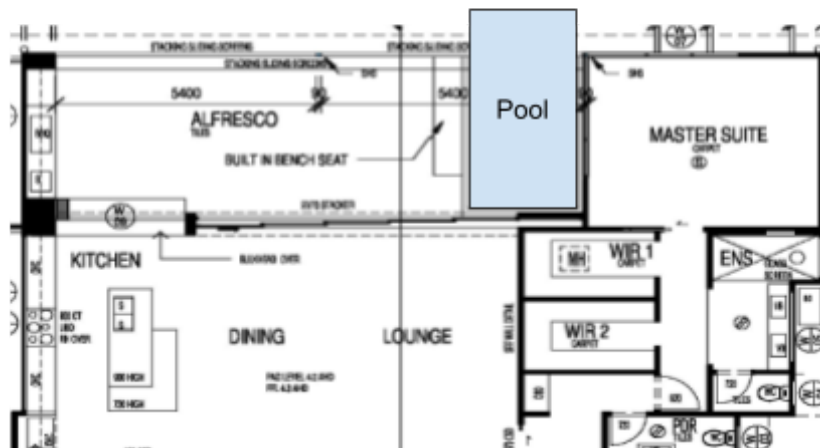
During the community consultation process, I made my concerns regarding our loss of privacy known to John Martin, the Development Manager at the time. I was encouraged to provide plans of our house and pool and request in writing a full cross-sectional analysis for sight lines from Uniting. I submitted PDF copies of our floor plan and invited the Development Manager to visit our property. Although I was promised in writing that this analysis would be provided within a month, my follow-up inquiry was met with the information that the community consultation had closed. To date, I have not received any analysis addressing our privacy concerns. As a part of the development application, I would

expect that a detailed report showing the sight lines from all windows and balconies into existing neighbouring properties would be a requirement.

**Image 1** below shows the ground floor plan for 41 Drift Court and the position of Building F. The alfresco, pool and master bedroom face north. The proposed Building F building has many windows and balconies that will look directly into our alfresco, pool and master bedroom.

**Image 1**

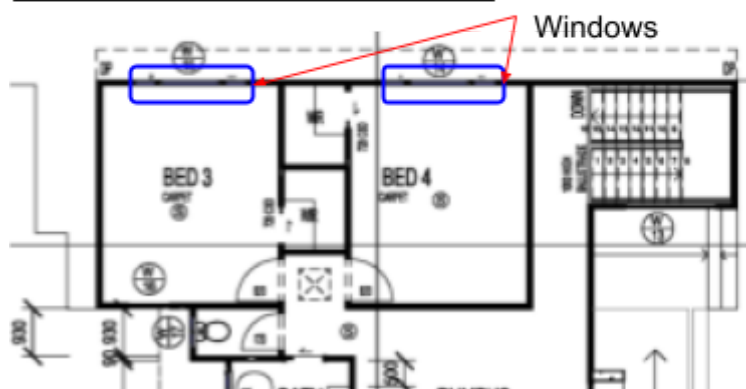
Proposed Uniting Development - Building F



**Image 2** below shows plan for the second floor for 41 Drift Court and the position of Building F. Our two daughter's bedrooms face north. The proposed Building F building has many windows and balconies that will look directly into these two bedrooms.

**Image 2**

Proposed Uniting Development -  
Building F

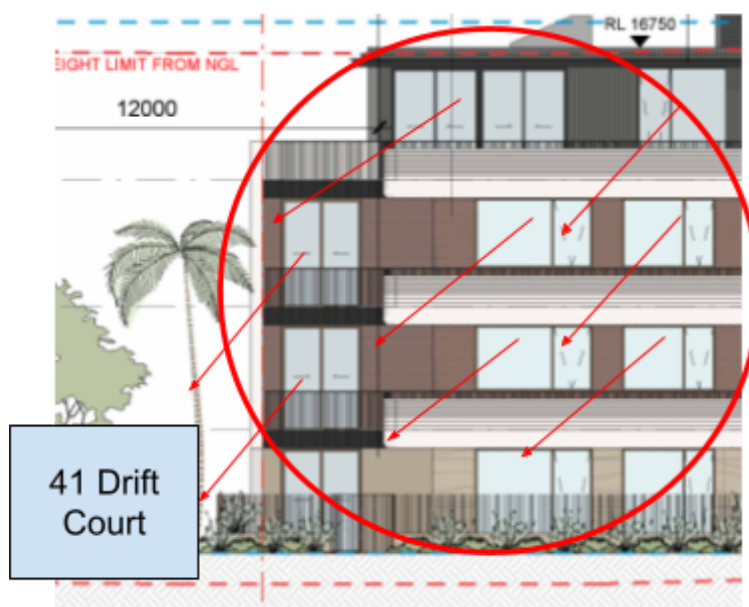


**Images 3 and 4** below show the proposed Building F (back of the building and the side of the building) in relation to 41 Drift Court. There are more than 50 windows and 30 balconies (Building F and Building E) that will look directly into the alfresco area, pool, master bedroom and the two second level bedrooms. The top floor balcony has planter boxes for privacy which will not provide adequate privacy to our house. During the consultation process I requested a cross section diagram showing sightlines from Building F into our ground floor and second floor. I was promised this would be sent, however it was never received.

**Image 3 - rear view of Building F**



**Image 4 - side view of part Building F**



The proposed use of podium planting raises further privacy concerns. Images 5 and 6 below show that most of Building F is surrounded by plantings/gardens that are not at ground level. The proposed plantings/gardens are on podiums/mounds elevated from ground level between 500-1200 mm. Elevated mounds will exacerbate privacy issues by raising the height at which people will be standing when using the gardens, allowing visual access into our alfresco area, pool and master bedroom. Additionally, the fencing details are inadequate; a solid acoustic fence is necessary to address privacy needs and mitigate noise from foot traffic and communal games areas.

**Image 5**



Planting mounds  
500 - 1200 mm high

**Image 6**



41 Drift  
Court

Light orange shows  
proposed planting on  
podium with mounding  
500-1200m high

## Solar Access

I have concerns that the proposed Building F will cast significant shadows over our house, alfresco area, master bedroom, two upstairs bedrooms, backyard, pool and clothesline. Our house is orientated towards the north, designed to maximise the natural benefits of light, warmth and airflow. Building F will significantly impact the natural light our property receives. I have requested shadow diagrams from Uniting for our property that would show in detail the impacts on the amount of natural sunlight our alfresco area, living area, main bedroom, and pool will receive if the development goes ahead in its current form. The current shadow diagrams are inadequate to determine the loss of northern sun access, they are misleading, they show that our backyard currently receives no sun. It is also stated on page 50 of the Architectural Design Report that 41 Drift Court will receive “no overshadowing from 9 am to 1 pm.” I request further detailed diagrams to support this statement as I believe a four-storey building located 9m from our back boundary will definitely provide significant shadowing to our backyard, alfresco area, pool and bedrooms. Appendix 1, shows the current sunlight received in the backyard, alfresco area, pool and main bedroom at different times throughout the day.

Additionally, I am in the process of obtaining quotes to further increase the solar energy on our roof and need to understand how much of our roof area will be shaded by the proposed development. Despite numerous requests, I have not received any information and am very concerned that our proposed solar installation will be worthless due to our roof being shaded by the four-storey building.

The shadow diagrams provided in the Architectural Design Report are inadequate to determine the loss of northern sun access. I believe that my property will lose a significant amount of sunlight throughout the day due to the proposed Building F. I request further information to show a detailed report of how our dwelling will be affected by the development.

The landscape plan for the development indicates that tall trees will be planted on the back fence/boundary of Building F and our property. I have serious concerns that this planting is going to further add issues to the amount of sun our alfresco, backyard, pool and main bedroom receive. Due to the size of the proposed development, there is not a lot of room available to plant trees and gardens, hence why most of the planting is against boundary fences. Since our natural light comes from the north, planting tall trees will block this light from reaching our indoor and outdoor living spaces, casting further shadowing. Unfortunately, these plantings will not provide shade to the residents of the development due to their location. The size of the proposed development should be reduced to allow more garden space and outdoor green areas in the main part of the facilities for residents to enjoy, rather than against boundary fences.

The shadow diagrams provided in the Architectural Design Report do not include the tall trees that will be planted against our back boundary, hence the diagrams are inadequate and do not show a full and accurate picture of the shadowing cast by the complete

development on our property. I request that a full and comprehensive shadow diagram be provided, one that includes the future planting of tall trees against our boundary.

**Solar Access Analysis – Adjoining Properties:**

I reference the appropriate guidelines that apply to a development of this nature, in particular the following Design Guide. The following controls are applicable in terms of solar access required to adjoining properties. 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 below:

Overshadowing of neighbouring properties is minimised during mid winter
<b>Design guidance</b>
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

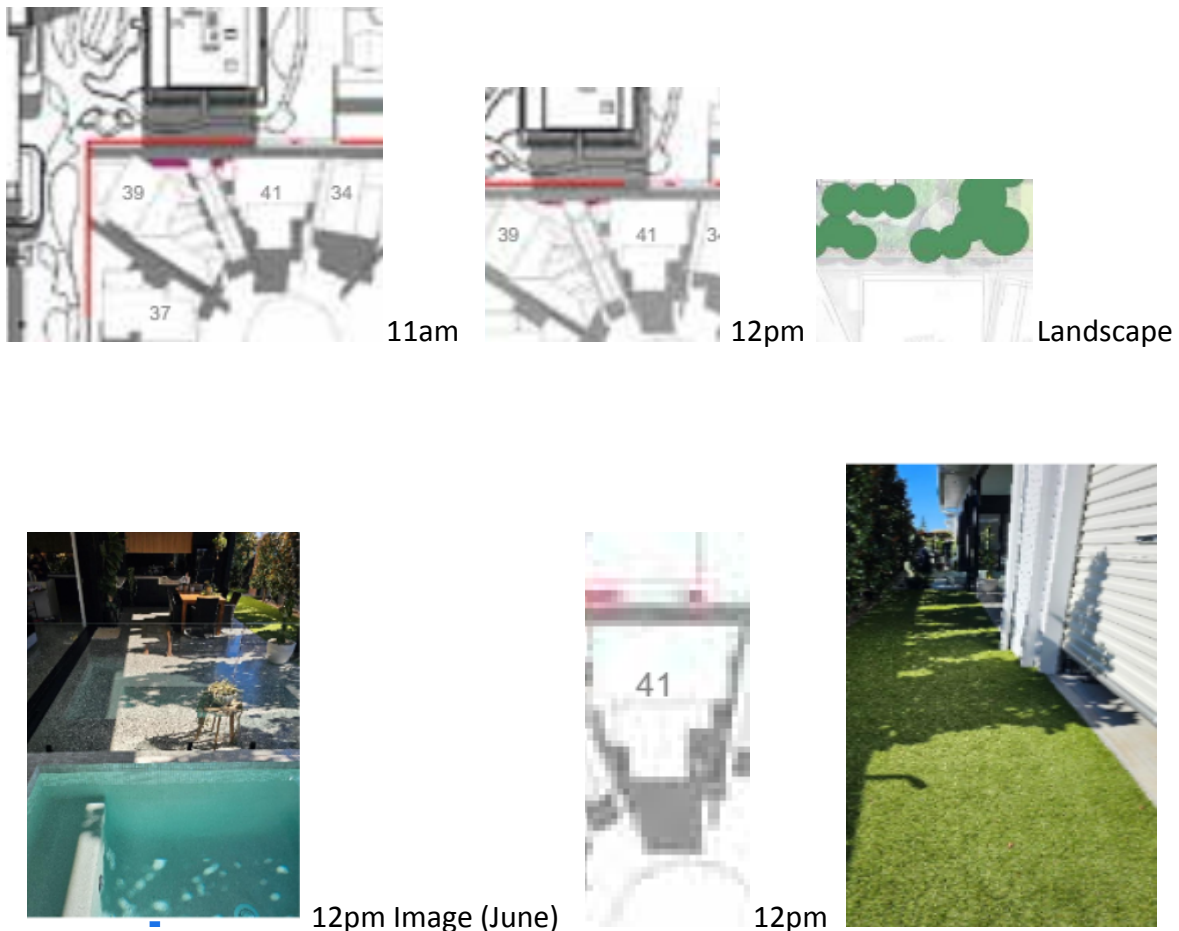
<b>Objective 4A-1</b>
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space
<b>Design criteria</b>
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am 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 included in the application lack sufficient detail to demonstrate compliance with Design Criteria 2. This criterion requires the locations of living rooms and private open spaces of each adjoining dwellings to be identified and detailed evidence must be provided showing that these areas receive 3 hours of direct sunlight each day. I provided Uniting with a PDF copy of our house plans, but at no point during the process did they attempt to understand or address the potential loss of solar access to our living room and private open space. Despite our invitation for an in-person visit and our written request for a report, I received only vague assurances that it would be provided soon. Now that the



Development Application (DA) has been submitted, I still lack answers regarding future solar access.

The images below are an example of the shadow diagrams from the Architectural Design Report. It is difficult to see the true effect of shadowing on our dwelling due to the scale of the images. I request a more detailed shadow diagram that shows the shadowing impacts of Building F on our private open space and living area.



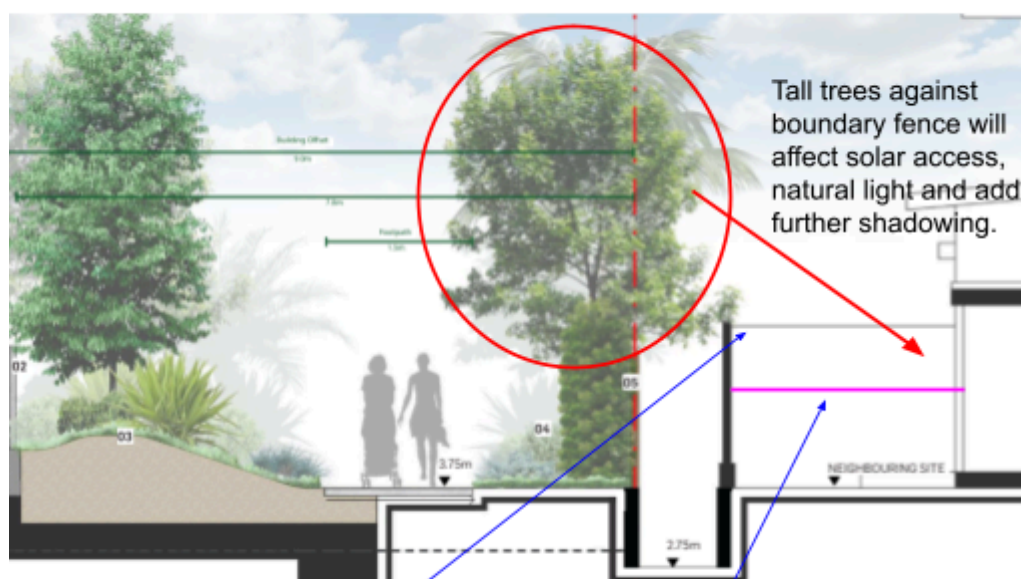
The above images depict our current sun levels in June, if you reference (middle image) from the architectural design report (page 49) it shows that 41 Drift Court currently receives no sun (backyard and private open space) which is very misleading and clearly not accurate.

The shadow diagrams provided are on a large scale (possibly 1:500), resulting in very minimal details for each individual dwelling. Such a scale that does not adequately demonstrate the degree of overshadowing on our property. The shadow diagrams should be scaled at 1:100, this would provide detailed information to show compliance and impact on the open space of each dwelling, including hourly shadows on each private open space, alfresco and outdoor space, as well as indoor living and north-facing windows of habitable rooms. Floor plans/elevations should accurately portray the winter sun angles that apply to our property. The shadows should also be more accurate with current conditions, heights of

topography and fences (our current back fence is 1.8m high, not 2.7m as indicated in one of the drawings).

The current proposed shadow diagrams do not show the forms of landscaping and mature trees that are proposed within the setback, nor the heights of the trees. The landscaping plans mention canopy with very little details. Any trees are going to further impact properties (including ours). The accuracy of the shadow diagrams is questionable due to the boundary trees being omitted from the diagrams.

**Image 7**



Misleading diagram showing our boundary fence (1.8m high) provides privacy to a height of approx. 2.7m (nearly to the top of our outdoor ceiling which is 3m high). The pink line above shows a more realistic height of the fence and the line of privacy.

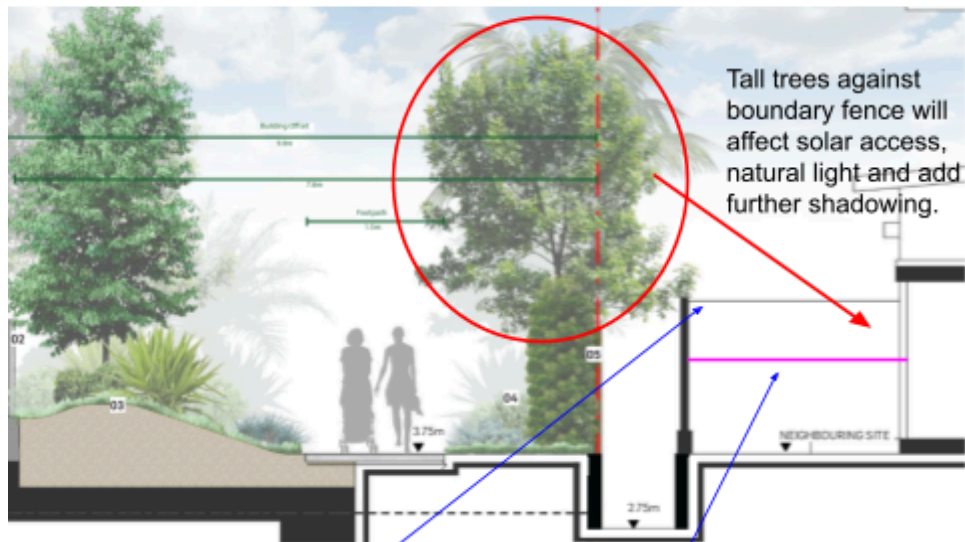


**Image 8**



Proposed tall tree plantings will inhibit natural light from reaching lower level indoor and outdoor living.

**Image 9**



Misleading diagram showing our boundary fence (1.8m high) provides privacy to a height of approx. 2.7m (nearly to the top of our outdoor ceiling which is 3m high). The pink line above shows a more realistic height of the fence and the line of privacy.

**Appendix 1**, at the end of this document, contains photos that show the current sunlight received in our alfresco area, living area, master bedroom, pool and backyard. The proposed

Building F will block a significant amount of sun to our house. Using a drone, I have determined that our alfresco area will lose sun from 11:15 am onward, leaving it in shade for the remainder of the day. This is a significant change from our current full sun access throughout the day. I estimate that this will result in a loss of over 60% of our solar access, which is clearly unacceptable.

The loss of sunlight will create several issues, including a reduction in warmth (our polished concrete floor, living, and alfresco areas will become very cold) and a significant decrease in natural light. Furthermore, the proposed landscaping images suggest that the placement of trees will further reduce morning sun intake between 9:00 am and 11:15 am, resulting in an even greater loss of solar access.

Our clothesline will be in shade for the entire winter. I built our house to take full advantage of the available solar access, and I do not have an alternative means to generate the heat and sunlight that will be lost due to this development.

### **Bulk and Scale of the Development**

As part of my objection, it is clear that the proposed development does not align with the surrounding built environment. A development that is appropriately scaled to fit with the existing properties is required. The height of the buildings is a major concern, as the surrounding buildings are single-story and two-storey dwellings. A development that matches this scale, with buildings of 2 storeys or a maximum of 3 storeys, would be more appropriate. The current proposal fails to adequately address concerns regarding privacy, solar access, and built form, and is out of context with the existing built environment.

A further concern is the misleading natural ground level on the proposed development plans. The natural ground level the current Uniting Nursing Home and Church building are situated on is 1.3m lower than the ground level of 41 Drift Court. This can be seen in the photos below:

Image 10

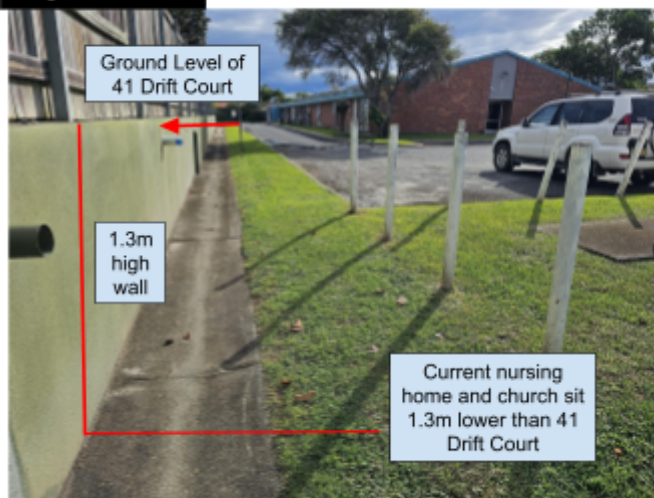
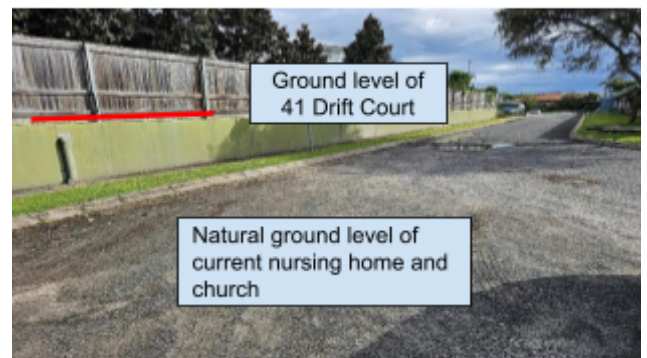
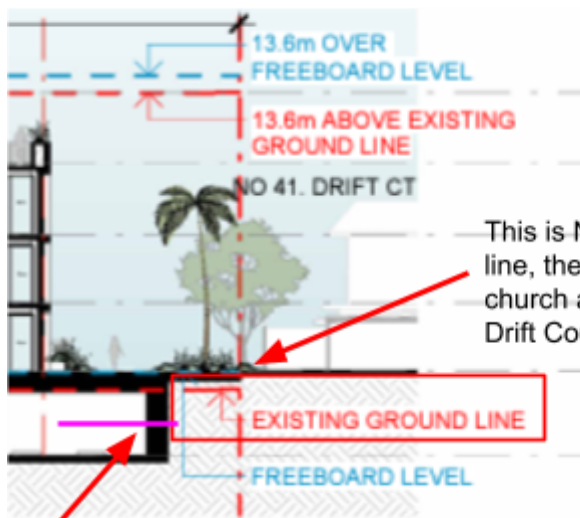


Image 11



However, the plans for the proposed development depict the natural ground level for the proposed site to be at the same level as 41 Drift Court, as can be seen in the image below.

Image 12

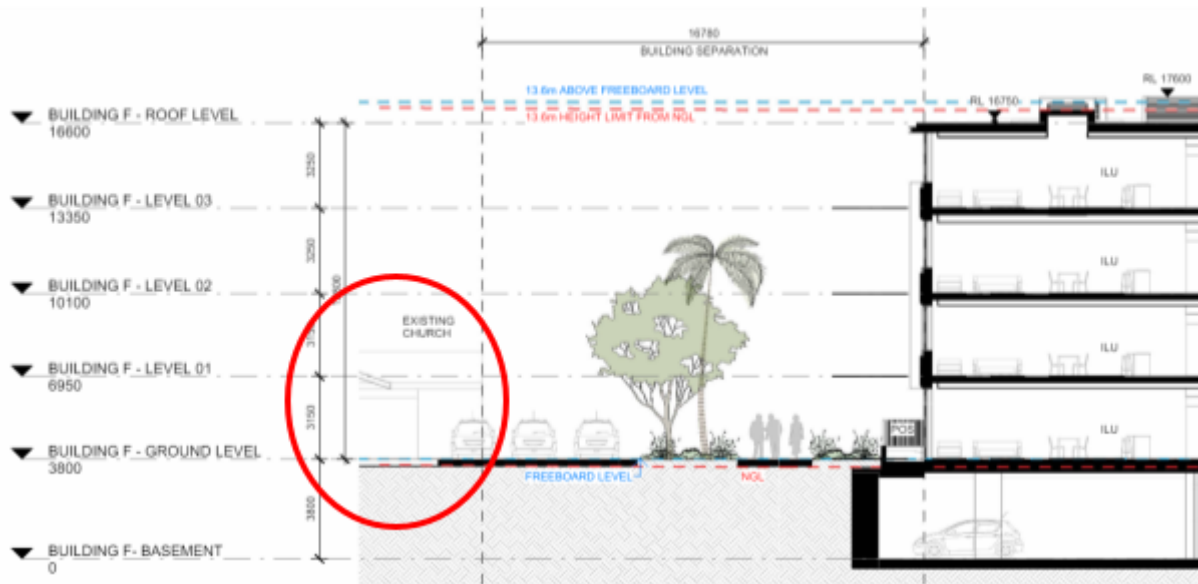


The existing ground level the nursing home and church currently sit on

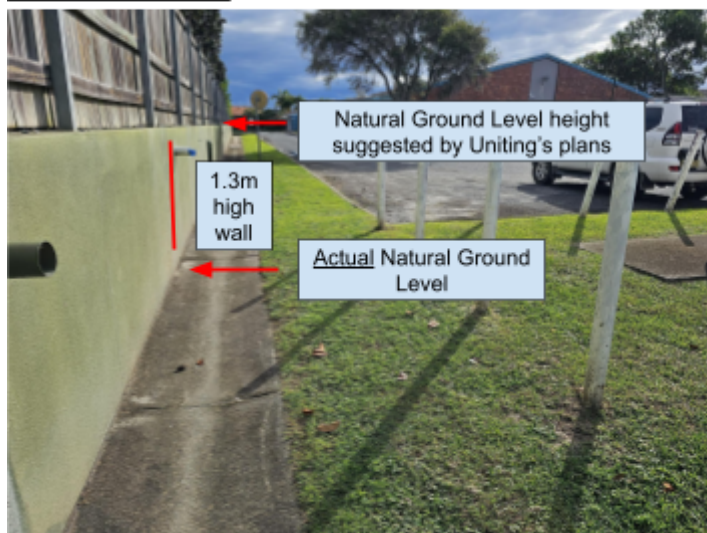
Image 13 below, contradicts image 12. Image 13 shows the existing church sitting on the same ground level as level one of Building F. However, Image 12 shows level one of Building F sitting at the same height as 41 Drift Court, which is approx 1.3m higher than the church. We seek clarification around this. If level one is going to sit on the same ground level as 41 Drift Court, we will have a large

building, 2 stories higher than our house looking in on us, this is not acceptable and not within keeping with the context of the existing built environment.

**Image 13**



**Image 14**





### Flooding of surrounding properties:

The 2022 flood is still a significant concern for many locals, particularly regarding the filling of land that served as a basin during these floods. The proposed development lacks critical details, such as:

- **Walls to Adjoining Properties:** There are no details on how the site interfaces with adjoining properties. Are retaining walls being built to hold soil? We have a drain at the rear at 2.75m—what will this look like?
- **Ground Height Discrepancies**
- **Inconsistencies in Landscaping Plans:** The landscaping plan conflicts with the architectural plans.
- **Drainage Details:** There is no information on proposed drains between the boundary and surrounding properties. How will they prevent water runoff into surrounding properties with the suggested mounded plant zones?
- **Trees Planted in Drain Areas**
- **Impervious Footpaths in Deep Soil Zones:** These are present throughout the site.

Additionally, Uniting has not adequately addressed flood levels and water flow through drains. They claim that water exits the site at the Blue Jay End, disregarding the fact that during the 2022 floods, water was rising through the drains at the rear of my property and throughout the Uniting property, filling the current basin at the southern end. This water continued to rise, reaching the back of the current nursing home and church. I had to notify Uniting staff that their cars were starting to submerge.

The natural ground discrepancies are primarily due to flooding concerns for the property and the current aged care facility. Neighboring properties are particularly concerned that the site's elevation changes will exacerbate flooding risks, as they cannot raise their properties above their current levels. This needs to be addressed thoroughly in the development plans.



Uniting's site during 2022 Floods - where does that water go?



Drift Court - Water came up through the drains

Points to note with regards to the flooding:

- Drift court residents have experienced great difficulty in obtaining insurance, since 2022 we are classed as being in a flood zone. How does the building of a development in an area that clearly housed a huge amount of water impact this further? (Policies basically doubled, some have had existing insurers contact and let them know they can longer continue to insure them.
- if the site is filled and the surrounding areas are flooded, legally what will occur?, is there grounds for class actions or similar? All adjoining properties would certainly have plenty to consider as everyone is aware of what has happened previously.

### **Landscaping Intent**

The proposed development lacks detail and consideration regarding the shadowing of surrounding properties. Below is an image illustrating how the development interacts with our property.

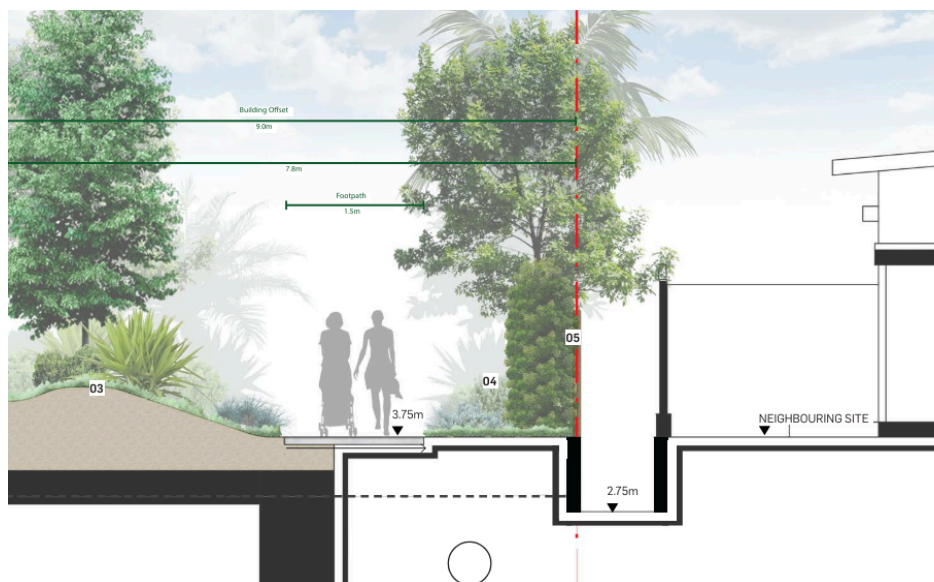


Trees planted on the boundary will further shadow our property. Please note, as mentioned earlier, the 60% solar loss calculation does not account for any additional plantings on our boundary. Shadowing assessments should include landscaping intent.

Additional concerns include:

- **Roof Shading:** The roof area shaded is greater than what I have identified for solar panels.
- **Mounding:** Mounding due to basements encroaching on building setbacks (not identified) will allow people standing on these mounds on the south and east sides of Building F to impact our privacy.
- **Water Runoff:** There needs to be proper management of water runoff within their site.
- **Fence Detail:** The proposed fence is open, which is unacceptable. Acoustic and privacy considerations necessitate solid fence panels. Will our boundary fence comply with regulations regarding our pool location? I will need to remove the existing fence to maintain the drain at the rear of our property, and the boundary fence will form part of our pool fence. An open fence and footpath compromise the privacy of this area.

The Sears Table also references the need to include height details in the landscape report, particularly the heights of trees at maturity. However, the report provides no evidence of this, merely listing species names without specifying locations, numbers, or mature heights. This lack of detail is concerning and needs to be addressed



**Traffic concerns:**

The proposed development will significantly increase traffic on local streets. The current entrance from Kingscliff Street into the site is narrow and difficult for large delivery trucks to navigate, often causing traffic congestion. I regularly witness issues of staff, church goers, or visitors trying to turn right out of a really tight and vision limited driveway. During the community consultation process we were told that those aged 50 would only have one car. My wife and I are 50 (later this year) and have a car each, and have 2 children over the age of 21 still living at home, that's a total of 4 cars. This will mean there will be a significant increase in the number of cars parking in surrounding streets that are already at capacity with cars parked on the road. It would be very interesting to see the vision of the buses and cars waiting as there is not the space (due to cars parked on either side of the road) to pass each other on Lorien and Beach street. Before any development is considered i would strongly encourage a proper assessment of the current and then consider more appropriate/accurate numbers.

We were also told that no service vehicles would be able to enter the site prior to the appropriate delivery times due to boom gates or similar. I cannot see them or any form of site entry points?

Additionally, there is no pedestrian crossing to safely cross Kingscliff Street from Drift Court. What plans does Uniting have in place to manage the increased traffic due to the development, and how will residents safely cross Kingscliff Street to access Marine Parade?

**Construction Fatigue:**

With an estimated construction time of between -5 years, I am extremely concerned about the effects of this long build time on the health and well-being of our family. The noise and pollution during construction will have a significant impact on the way we live and use our living spaces.

**Light Pollution:**

The proposed Building F will significantly impact our main bedroom, two upstairs bedrooms, alfresco area, and living area, particularly due to increased light pollution. The addition of numerous bright lights from the new buildings and balconies on Building F will disrupt the natural ambiance of our home. This will affect our ability to enjoy our alfresco area and cause disturbances in our living room, main bedroom, and upstairs bedrooms. Excessive artificial lighting will interfere with our nighttime environment, reducing our overall comfort and quality of life.

Currently, there is one light illuminating the rear car park from a lower height, which already causes some issues. The proposed building up of the site will increase light pollution. Are there plans to ensure light pollution is not an issue?

I reference the Sears Table included with this application, page 2 under heading 5 - Environmental Amenity, which mentions light impacts. However, the documents referenced as addressing this issue do not mention any lighting impacts or plans. Given that this is a current issue with the site, I would have expected it to be addressed in detail.

### Noise Pollution:

The size of the proposed development will significantly increase noise levels. Currently, I experience issues with delivery trucks operating at unreasonable hours. I have informed both the Tweed Shire Council and the current nursing home facility about these problems. I anticipate that the number of deliveries, and consequently the noise they generate, will rise substantially due to the expansion of the proposed development. Additionally, social noise from the facility will increase, affecting our living areas, master bedroom, and two upstairs bedrooms.

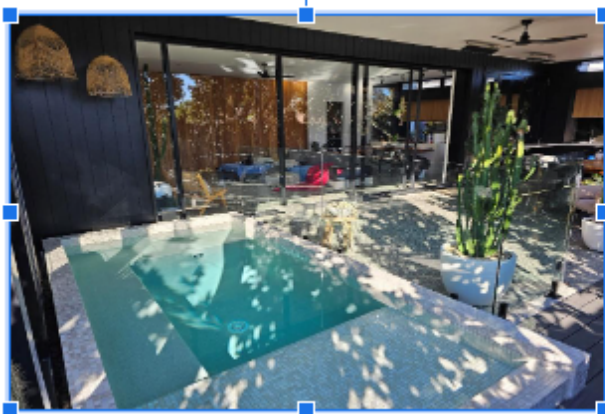
For over 18 months, United has been unable to resolve mechanical noise from one air handling unit. My major concern is that this issue will be exacerbated by the additional outdoor units required for the larger site. What assurances can you provide that noise will be effectively managed?

Moreover, delivery trucks currently enter the site before 7 am, despite there being a gate. How do the plans propose to prevent this from occurring in the future?

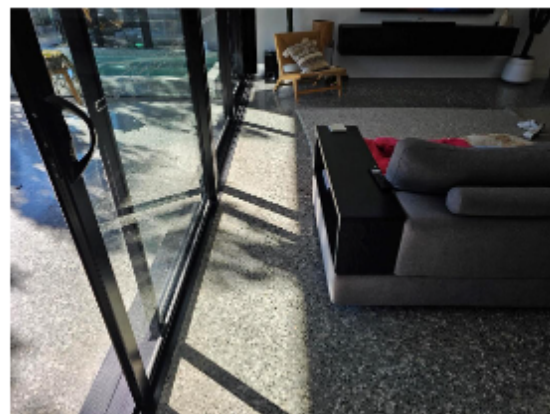
### Appendix 1:

Below are images of the lower level of our house (alfresco area, living room, pool and backyard) showing the amount of sunlight currently received at different times of the day. I request detailed shadow diagrams to see how these areas will be impacted and how much sunlight will be lost by the proposed development. The images in the Sun Timeline below I've taken on Saturday 24<sup>th</sup> of June 2023.

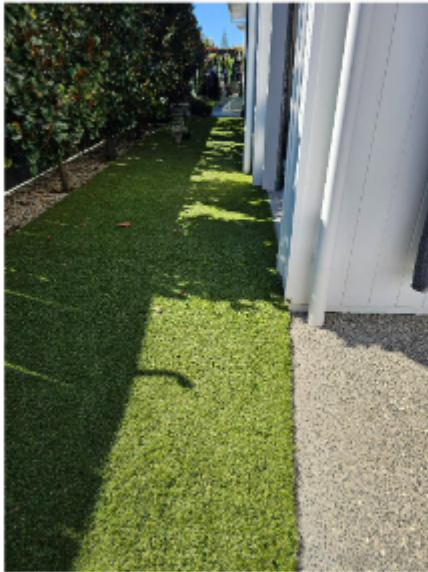
9 am: Alfresco area



9 am: Lounge/Living area



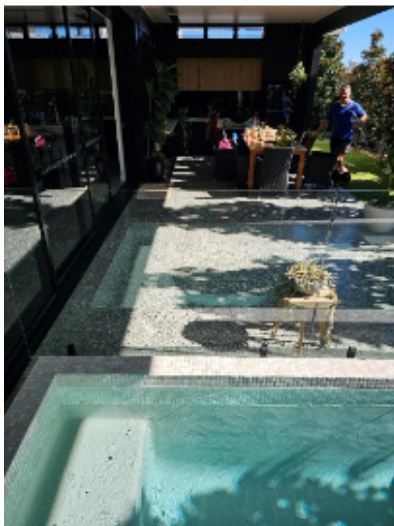
10 am: Backyard



10 am: Alfresco Area



11 am: Alfresco Area



11 am: Alfresco Area



11 am: Pool





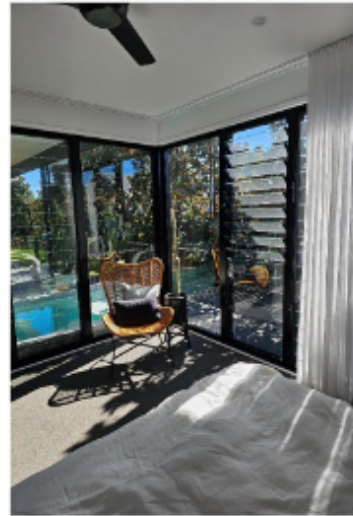
12 noon: Backyard



12 noon: Backyard



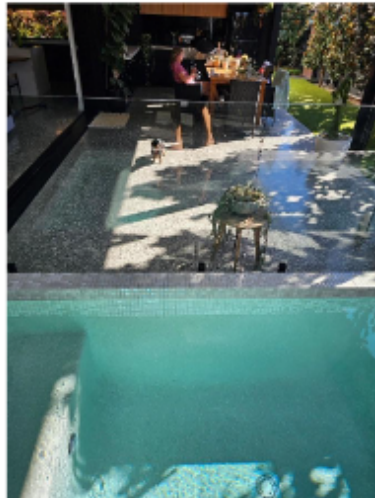
12 noon: Master Bedroom



1 pm: Backyard



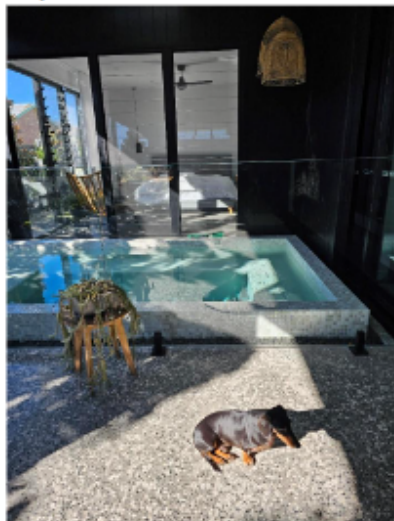
1 pm: Alfresco/pool



1 pm: Pool area



2 pm: Alfresco



2 pm: Backyard



2 pm: Alfresco



## Appendix 2:

5. Environmental Amenity		
<ul style="list-style-type: none"> <li>Address how good internal and external environmental amenity is achieved, including access to natural daylight and ventilation, pedestrian movement throughout the site, access to landscape and outdoor spaces.</li> </ul>	Sections 6.4.3; 6.4.4	Appendix B - Architectural Plans  Appendix C - Architectural Design Report
<ul style="list-style-type: none"> <li>Assess amenity impacts on the surrounding locality, including lighting impacts, reflectivity, solar access, visual privacy, visual amenity, view loss and view sharing, overshadowing and wind impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.</li> </ul>	Sections 6.4 and 6.5	Appendix AL - Solar Reflectivity Assessment  Appendix S - Visual Impact Assessment  Appendix T - View Loss Assessment
<ul style="list-style-type: none"> <li>Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during summer and winter solstice and spring and autumn equinox) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development (if relevant).</li> </ul>	Section 6.4.3	Architectural Plans – Appendix B  Architectural Design Report – Appendix C
<ul style="list-style-type: none"> <li>For any applicable parts of the development, provide an assessment against SEPP 65 and the Apartment Design Guideline.</li> </ul>	Section 4.10	Appendix C - Architectural Design Report

The above references the Sears table

- No correspondence received or demonstrated that Uniting have Assessed 41 Drift's Amenity impacts as per requirement of the proponents proposal
- Solar access, shadowing on 41 Drift court makes no attempt to understand elevations or depict the current actual solar access (currently Untings diagram shows no sun) , appendix A: Our photo montage questions their validity with solar streaming into our private space.
- Apartment Design Guideline is not followed - the solar access of 2 hours is not reference correctly and is in fact not referencing the Apartment Design Guideline.