

**From:** [Kotaro Honda](#)  
**To:** [City of Gold-Coast-MAIL](#)  
**Subject:** Objection submission to MCU/2023/15, 239-241 Boundary Street, Coolangatta, Q  
**Date:** Wednesday, 20 March 2024 9:03:25 PM

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The Assessment Manager,

The 16 storey development application seeks an increase in building height, from 38 metres to 56.7 metres - an increase of 18.7 metres (an 'uplift' of 49%). The 17th level rises to 59.1m and incorporates two separate spaces - a Private Rooftop Terrace and plunge pool; and a Communal Rooftop Terrace – as well as services and the lift overrun.

This objection relates to the proposed significant increase in building height and site coverage; inadequate setbacks; excessive bulk at podium and tower levels; insufficient landscaping; compromised vehicular and pedestrian access and thoroughfare; and unacceptable overshadowing and loss of privacy to adjacent properties. I request the GCCC Town Planners implement the City Plan as intended and refuse this application due to the overwhelming areas of non-compliance.

The City Plan is a performance-based scheme and consideration to increased building heights can be given; however any increase in height must satisfy the Overall Outcomes of the zone, and more specifically meet the criteria of Specific Outcome 3.3.2.1(9) of the Strategic Framework:

(9) Increases in building height up to a maximum of 50% above the building height overlay map may occur in limited circumstances in urban neighbourhoods where all the following outcomes are satisfied:

- (a) a reinforced local identity and sense of place;
- (b) a well managed interface with, relationship to and impact on nearby development, including the reasonable amenity expectations of nearby residents;
- (c) a varied, ordered and interesting local skyline;
- (d) an excellent standard of appearance of the built form and street edge;
- (e) housing choice and affordability;
- (f) protection for important elements of local character or scenic amenity, including views from popular public outlooks to the city's significant natural features;
- (g) deliberate and distinct built form contrast in locations where building heights change abruptly on the building height overlay map; and
- (h) the safe, secure and efficient functioning of the Gold Coast Airport or other aeronautical facilities.

The framework requires that a building requesting an 'uplift' be of an exemplary standard

in terms of urban design outcomes generally.

The applicant has failed to achieve or remotely satisfy these outcomes.

I consider the proposed development on the 810m<sup>2</sup> site -16/17 storeys, 56.7/59.1 metres, 34 apartments (density of 1 bed per 9.4m<sup>2</sup>) and 54 car parking spaces - is an overdevelopment and not an exemplary standard and will result in significant negative outcomes with respect to amenity impacts to immediately surrounding development, and contribute to deterioration in the quality and character of the beachfront urban environment.

My concerns include but are not limited to:

#### Building Height

1.The GCCC Information Request 2/02/2023 requested 'a detailed assessment of the surrounding building heights and the surrounding approved buildings that have not been constructed'.

The response received from Intrepid Developments included a misleading diagram and information. (Page 1 and 2). The applicant's reply is confusing at best describing 64.5m RL – 275 Boundary Street (existing) and 58.8m RL – 271 Boundary Street (approved). The reality is Awaken at 275 Boundary Street is 37.5m tall and 271 Boundary Street is currently under assessment (Change Application) for a 52.5metre uplift. Of the other 4 buildings identified all were constructed in the 1980's and all feature generous setbacks due to the size of site (noted below by author) and in my opinion unsuitable for comparison.

Information Request Response by Intrepid Developments, page 2

1. 64.5m RL – 275 Boundary Street (existing) 37.5m
2. 61.4m RL – 3 Eden Avenue (existing) \*\*15 storeys/35 apartments - 2708m<sup>2</sup> site
- 59.1m RL – 239 & 241 Boundary Street (Subject proposal) 16 storeys/34apartments - 810m<sup>2</sup> site
3. 58.8m RL – 271 Boundary Street (approved) currently under assessment (Change Application) for a 52.5metre uplift
4. 56.0m RL – 184-190 Marine Parade (existing) \*\*17 storeys/52 apartments - 3,000m<sup>2</sup> site
5. 53.7m RL – 255-261 Boundary Street (existing) \*\*15 storeys /43 apartments - 3,000m<sup>2</sup> site
6. 52.6m RL – 166-170 Marine Parade (existing). \*\*15 storeys/32 apartments - 2,46m<sup>2</sup> site

The Building height overlay map shows the building height pattern and desired future appearance for local areas within urban neighbourhoods.

The proposed height does not achieve suitable transition from the adjacent properties,  
a) the 4 storey Bay Apartments, a residential and short-term holiday complex in which more than 50% of units are occupied by either owners or permanent residents or  
b) 3 storey Maybury, Ward Street.

The applicant continues to mislead the reader, incorrectly referring to the Bay Apartments in separate sections of the submission, as both a Hotel or a four to six-storey short-term accommodation building whereby it is expected that there are no/limited permanent residents.

The building height overlay does not include the subject site as an area which expects an abrupt change or in deliberate contrast in built form between low, medium or high-rise areas. It is not 'generally consistent' with the intended building height as claimed by the applicant.

The inherent character and charm of Rainbow Bay is that (until now) it has been spared the impact of an excessive number of high-density residential towers. The "older" original high-rise buildings were built before 1983. After extensive community consultation prior to the current City Plan the community was strong in advocating for a height limit into the future of 38 meters in order to enable development while addressing the unique character and charm of the area; particularly to preserve the "iconic status of the village and headlands" and the view of them from afar. This proposed new height is obscene in its disregard for the community's voice and desire to protect the locality profile. The increased height will project the tower above all surrounding development and the Norfolk Pines standing in the median strip of Boundary Street.

For the development to remain within the local identify and sense of place, a maximum height of 38 metres must be maintained. This application must be refused.

#### Bulk

The proposed building is excessively tall and bulky and not characteristic with the existing height character of its location and, if approved will compromise the uniquely attractive urban environment and neighbourhood of Rainbow Bay. The bulk of the tower component of the development is excessive and results in a built form which is absent of adequate setback, compromises privacy, contributes to unacceptable levels of shadowing and is visually dominant when viewed from the northern and eastern neighbouring properties and the broader area.

The Council must consider height, bulk, setback and shadow provisions under City Plan to ensure the character of the locality will continue to evolve in an acceptable or desirable way rather than a gradual and regrettable 'transformation', diminishing the unique qualities of the Rainbow Bay urban environment as is already evident with recent approvals in the beachside suburb.

The visually dominant building will severely detract from the open character of the 'village precinct'. The development displays an intense urban built form that is entirely inconsistent with the existing, and unique, coastal 'village' character of Rainbow Bay.

It fails to successfully manage interface with adjacent properties and nearby development. The reasonable amenity expectations of nearby residents is a 38 metre built form contained within a building envelope generally guided by the prescribed site cover and setbacks set out under the High density residential zone code and the intended density for the area.

The proposed application results in an undesirable building height pattern which has the potential to influence local development patterns and adversely impact the intended outcomes for the city form and must be refused.

#### Setbacks

In the GCCC Information Request 2/02/2023, officers raised concerns regarding: 'unreasonably negative amenity impacts to the adjoining neighbours and the public realm due to the dominance of the built form in close proximity to the site boundaries for a build of 57m'.

As a result officers recommended 'that in accordance with the Strategic Framework uplift test 3.3.2.1(9) (a) and (d) the setbacks be increased to a minimum of 4.0m to the outermost projection (slab/balcony/screen edge) and 4.5m to the wall edge'.

The applicant elected not to incorporate these recommendations in their design stating: 'the proposed development is of high-quality architectural form which varies from those that currently exist and have been approved within the local area ensuring that this development will make a highly positive contribution to the urban framework whilst achieving the high-rise form intended by the City Plan's High density residential zone.'

Currently Setbacks vary on the northern boundary from 1.5m- 3.7m between Levels 1-14; and 3.5m-3.7m on the eastern boundary and are non-compliant with the Strategic Framework uplift test 3.3.2.1(9) (a) and (d).

The reduced setbacks, particularly to the north and east, and high site coverage (relative to what would be reasonably expected on an 810ms site) do not contribute to neighbourhood character, protect adjacent amenity or promote a slender bulk form. For these reasons, the development must be refused.

#### Site Coverage

At setbacks of 1.5m-3.7m (Level 1-14) for a building of almost 60 metres in height, 25metres deep and 32metres long the building cannot reasonably be considered to present as anything but bulky. The building is disproportionate to the site and will result in severe impacts to the amenity of the immediately adjoining neighbours, the character of the streetscape and local neighbourhood in general. The site coverage, together with substantially compromised setbacks, is therefore not consistent with, and detracts from, neighbourhood character and amenity and cannot meet PO2(b).

Any perceived appearance of slenderness results only from the generosity of space provided on other sites, noting that adjoining properties are low rise and nearby properties such as 'Commodore' provide proportionately small site coverage and generous open space. The absence of slenderness will result in unacceptable amenity impacts in terms of privacy, outlook, and overshadowing. It must be refused.

#### Bed Density

The subject site is included in the RD7 residential density overlay allowing 1 bedroom per 25m<sup>2</sup> site area. The design outcome appears to be almost entirely based on commercial considerations of achieving as many units as possible, as opposed to appropriately designing to the site, urban context and City Plan provisions. The application proposes 34 apartments with 86 bedrooms, 1 bed per 9.4m<sup>2</sup> and therefore does not comply and must be refused.

#### Traffic and Pedestrian Impact

The site is located on the corner of Ward and Boundary Streets, both busy intersecting roads, providing passage from the north, east, west and south to Rainbow Bay,

Greenmount, Point Danger and Tweed Heads. The development will result in exacerbated traffic impacts - vehicle and pedestrian - and possible safety concerns due to corresponding increase in traffic generation to and from the site. Of concern is the Pedestrian crossing located across Ward Street, vision is already impeded due to Palm Trees and central parking. As well vehicles departing from the central car spaces onto Ward Street opposite the proposed car park entrance will be compromised. Currently there are 3-4 car spaces at 239 Ward Street, this will increase to 54 if approved. For these reasons the application must be refused.

#### Landscaping

The proposal does not provide adequate landscaping at ground level, especially when compared to the existing character of Rainbow Bay which represents a unique hillside coastal urban environment typified by towers with generous landscape at the ground level. The base of the building is visually heavy, significant deep planting is inadequate and not of a sufficient quality to support dense screening vegetation. The applicant cannot rely on planters distributed throughout the podium and tower to alleviate bulk or amenity concerns. I consider the landscaping amenity unacceptable and request the application be refused.

#### Conclusion

The significant increase in height results in an undesirable urban outcome on the site. The proposal is a gross overdevelopment of the site resulting in an unacceptable level of amenity impact to immediately surrounding development and inconsistent with the local identity and sense of place.

The building is excessively bulky, features unacceptable site coverage, setbacks and residential density and will create overshadowing and privacy impacts, and sub-standard landscape and streetscape interface.

This application must be refused as it has failed to demonstrate compliance with the Specific Outcome 3.3.2.1(9) of the Strategic Framework and insufficient planning grounds to justify approval, a maximum height of 38 metres must be maintained.

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