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**To:** [City of Gold-Coast-MAIL](#)  
**Cc:** [Division 14 - Cr Gail O'Neill](#)  
**Subject:** Letter of objection-MCU/2023/15 239-241 Boundary Street, Coolangatta.  
**Date:** Monday, 1 April 2024 11:05:29 PM  
**Attachments:** [Development objection-Boundary Street.docx](#)

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21 March 2024

The Planning Manager  
City of the Gold Coast  
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Dear Sir

**Proposed development at 239-241 Boundary Street, Rainbow Bay Ref: MCU/2023/15**

This 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. These "rooftop" facilities are commonly being used as a vehicle for justifying minimum setbacks at ground level and an absence of landscaping at ground level. The height not only exceeds the maximum for this area but creates a precedent which other developers will seek to take advantage of, turning this unique precinct into a mass of high-rise constructions, destroying its character. Existing residents bought into the Rainbow Bay area to escape the "concrete canyon" nature of the northern end of the Gold Coast.

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. Its high time that City of Gold Coast Town Planners drew a "line in the sand" by implementing the City Plan as it was intended and refuse this application due to the overwhelming examples 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, in particular:

(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 fails to achieve or remotely satisfy any of 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. It 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 Rainbow Bay beachfront urban environment.

My concerns include, but are not limited to:

**Building Height:**

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 four buildings identified, all were constructed in the 1980's and all feature generous setbacks due to the size of site and in my opinion are unsuitable for comparison.

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:

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. Both descriptions are incorrect.

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 strongly advocated 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 totally disregards for the community's stance 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 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 maximum 38 metre built form contained within a building envelope generally guided by the prescribed site cover and setbacks as set out under the high density residential zone code and the intended density for the area. For these reasons, the development application must be refused.

### **Setbacks:**

In the GCCC Information Request dated 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 810 square metre site) do not contribute to neighbourhood character, protect adjacent amenity or promote a slender bulk form. For these reasons, the development application 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 cannot reasonably be considered to present as anything but bulky. The

building is completely disproportionate to the site and will result in severe impacts to the amenity of the immediately adjoining residents, 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. Nearby properties, such as 'Commodore', provide smaller site coverage and generous open space. The absence of slenderness will result in unacceptable amenity impacts in terms of privacy, outlook, and overshadowing. For these reasons, the development application must be refused.

#### **Bed Density:**

The subject site is included in the RD7 residential density overlay allowing one bedroom per 25 square metre of 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 applying City Plan provisions. The application proposes 34 apartments with 86 bedrooms, in other words one bedroom per 9.4 square metres.

In recent application, the council's planners have cited previous exemptions to the residential density overlays as justification for approving future applications that do not comply with the development code. This disturbing trend in breach of the obligations of city planners to protect the amenity and lifestyle of areas where set restrictions on density must have a line drawn under it, and its appropriate to start with this development proposal!

#### **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 exacerbate traffic impacts - both vehicle and pedestrian - and create possible safety concerns due to corresponding increase in traffic generation to and from the site. The pedestrian crossing across Ward Street, vision is already has impeded vision due to central parking in that street. As well, the development will contribute to significantly increased vehicles departing from the proposed car park entrance of the proposed development. There are currently 3-4 car spaces provided at the existing building at 239 Ward Street. The application proposes this will increase to 54 if approved, creating unacceptable traffic congestion at this location. For these reasons the application must also be refused.

#### **Landscaping:**

The proposal does not provide adequate landscaping at ground level, especially when compared to the existing character of Rainbow Bay which is 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. GThis is a disturbing trend with similar developments recently approved. A few screens and planter boxes is a poor substitute for genuine "visual amenity". 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. It will contribute significantly to traffic congestion in an already over-taxed neighbourhood with limited parking availability.

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. Most importantly, a maximum height of 38 metres must be maintained.

Yours faithfully

A handwritten signature in black ink, appearing to read 'T Atherton', written in a cursive style.

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