Council Reference: DA24/0172 LN33708 Your Reference:



12 June 2024

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Murwillumbah NSW 2484

Please address all communications to the General Manager



Dear Sir/Madam

Development Application DA24/0172 for an Environmental Impact Statement EIS for the Uniting Kingscliff Redevelopment (SSD-47105958) at Lot 1 DP 833926; No. 24A Kingscliff Street KINGSCLIFF; Lot 8 DP 1016883; No. 27 Lorien Way KINGSCLIFF; Lot 7 DP 1016883; No. 29 Lorien Way KINGSCLIFF; Lot 6 DP 1016883; No. 31 Lorien Way KINGSCLIFF; Lot 5 DP 1016883; No. 33 Lorien Way KINGSCLIFF

Reference is made to the above proposal and the Department's request for Council's advice/comment on the proponent's Response to Submissions (RTS). Council officers have undertaken a review of the proponent's RTS and supporting documentation and provide the following comments for the Department's consideration.

1. Stormwater management

1.1. Undersized outlet for stormwater discharge

An existing 600mm stormwater pipe is the discharge point for the proposed development. The Stormwater Management Report proposes to discharge both a 900mm diameter pipe and 600mm diameter pipe into the existing 600mm diameter pipe to release stormwater from the site.

The Flood Impact Assessment Report prepared by Venant Solutions advised '*It is understood that it previously functioned as a detention basin as part of the local drainage network but no longer performs that function.*' Please note this statement not accurate and not supported. The existing large grassed basin has a significant detention function. Filling the basin will have adverse effects on neighbouring properties, unless adequately addressed in an updated Stormwater Management Report and engineering drawings.





The undersized existing 600mm diameter stormwater pipe outlet has the potential to flood the development and cause flooding and stormwater nuisance to the southern neighbouring property at Strata Plan 51971. The stormwater outlet will require upgrading to a much larger size or alternatively additional On Site Detention (OSD) is to be provided. Calculations are to be provided to demonstrate the outlet with an upgraded pipe size or OSD is adequate to manage stormwater from the site and the upstream catchment.

1.2. Capacity of drainage system in Blue Jay Circuit

The adjoining Drift Court subdivision discharges into Blue Jay Circuit. A network drainage analysis is to be provided for the existing discharge into Blue Jay Circuit to determine if there is adequate capacity for the proposed development to discharge additional stormwater drainage into this system.



1.3. Stormwater Catchment Plan

Provide a stormwater catchment plan identifying the additional upstream drainage from Kingscliff Street and catchment size.

1.4. Under boring details for pipe upgrade or OSD detail

If under boring is proposed for the outlet pipe upgrade to Blue Jay Circuit through property Strata Plan 51971, detail is to be provided to demonstrate this can occur without impacting on the apartment buildings at Strata Plan 51971. If OSD is proposed, an updated Stormwater Management Plan is to provide detail of OSD sizing and function.

The application should be amended to include Strata Plan 51971 being 1-9 Blue Jay Circuit, for any works proposed on this land and owner's consent should be sought prior to any works being carried out.

1.5. Major storm events flow path

The Stormwater Management Report is to be updated to clearly demonstrate how major storm events (1% AEP storm / 100 year ARI) actually discharge from the site. This is to include Lorien Way and the southern outlet (600mm diameter stormwater pipe) to Blue Jay Circuit. Depth vs velocity calculations are to be provided throughout the major drainage path to ensure the design is compliant with the design criteria in Development Design Specification D5 – Stormwater Design.

1.6. Flooding concerns for downstream property Strata Plan 51971

The Stormwater Management Report advises a non return value is proposed to prevent backflow effects from the downstream drainage network into the development. The non return value is proposed at the downstream boundary pit prior to discharge into the existing 600mm diameter stormwater pipe to the south.

A non return value could result in the possibility of the 600mm stormwater pipe hydraulically failing and flooding the southern property (Strata Plan 51971). Further information is to be provided on how this can safely occur without impacting on the neighbouring property. A larger discharge outlet is still required to adequately discharge stormwater from the developed site.

1.7. Stormwater quality to address basement car parking

The Stormwater Management Report is to include the proposed basement car parking area for stormwater quality. The MUSIC Modelling in the report is to be updated to revise stormwater quality for the development:

Development Design Specification D7 provides the following requirements for pollutants generated from undercover or basement areas:



For pollutants generated from undercover or basement areas:

Combined sediment tanks and oils storage capacity to retain no less than $0.5m^3$ per $1000m^2$ of undercover/basement area.

The minimum retained volume of any treatment device is 0.75m³.

2. Flooding impact assessment

The Flood Impact Assessment is inconclusive for the potential flood impacts on neighbouring properties. The following additional information is to be provided:

- a) Clearly identify the adjacent properties affected by the filled development which potentially have increases in flooding within their property boundaries.
- b) Additional survey in conjunction with a revised flood impact assessment report is required to validate the flooding increases.
- c) The Stormwater Management Report is to be updated based on additional survey and an updated Flood Impact Assessment to confirm stormwater has been designed appropriately to ensure all adjoining properties and the proposed development are not affected by additional stormwater or localised flooding.

3. Flood Emergency Response Plan

The Flood Emergency Response Plan (FERP) has proposed an emergency evacuation route to land higher than the Probable Maximum Flood (PMF). The emergency evacuation route proposed is the Kingscliff High School (Orient Street) and Kingscliff Tafe (Cudgen Road).

The FERP is to specially address **each** of the following dot points for the **Residential Aged Care Facility** as per Tweed Development Control Plan 2008 (TDCP) Section A3 Chapter A3.2.6 (b) – Emergency Response Provisions for habitable development.

- Typical demographics of evacuees (age, gender, etc.)
- Typical medical conditions and/or disabilities of evacuees (dialysis, dementia, paralysis etc.)
- Mode of transportation (private bus, ambulance etc.)
- Intended evacuation destination
- Level of service provided by evacuation centre (medical, security, accommodation etc.)
- Required staffing for evacuation centre to cater for evacuees
- Special supply measures for evacuation centre to cater for evacuees (food, water, waste, medicines etc.)

If the above requirements are not able to be satisfied for all future occupants of the Residential Aged Care Facility, a PMF refuge shall be provided in accordance with design criteria in Note 2



Note 2 – PMF Refuge for Sensitive Development

- Refuge must be above the PMF level. PMF level for the site is 8m AHD
- Minimum floor level to be PMF level. No freeboard required.
- For new facilities, minimum floor area of refuge to be no less than 50% of the total floor area located below the PMF, or an equivalent area that would comfortably accommodate and service the needs of the occupants for a period not less than one week. For extensions to new facilities, minimum floor area of refuge to be no less than 50% of the incremental increase in total floor area located below the PMF due to the extension.
- Refuge must comply with Building Code Australia requirements, with external components rated appropriately for storm, wind and moisture.
- Permanent internal access via permanent staircase, minimum 1.2m wide.
- External access to the refuge must also be provided. Access must remain unobstructed for emergency boat access during flooding (i.e. clear of trees, services).
- Refuge must have natural lighting and ventilation.
- Support structures below PMF level must be capable of withstanding flood forces (water flow, debris impact, and buoyancy) and continuous submergence for up to one week, requiring an engineering certification.
 Refuge must meet all planning and building controls applicable to the site.
- All services provided as part of normal operations are to be continued undiminished during all flood events. This includes food, water, shelter, power via back-up generators, medical services and hygiene of residents and facilities. All excess sewage, food and medical waste is to be collected and stored until such time as normal disposal can be undertaken. Facility management must make provision for staff to be rostered on and accommodated for the flood period. All such measures must be detailed in the development's Flood Response Assessment Plan

4. Acid sulfate soils and dewatering

An Acid Sulfate Soil and Dewatering Investigation and Management Plan prepared by a suitably qualified environmental consultant that includes, but is not limited to:

- a. Consideration of Acid Sulfate Soil Report (Pacific Geotech, 15 March 2024, Ref: PG-7738, 2022-07-18, ASS VER 3);
- Acid sulfate soil investigation to a depth of at least 1m beyond the depth of the proposed excavation or estimated drop in the water table height, or to a minimum 2m below the surface, whichever is greater as per the ASSMAC Guidelines;
- c. Impacts to groundwater and dewatering requirements;
- d. Staging of the development;
- e. Site plan identifying options for location of treatment areas including reserve areas;
- f. Onsite treatment of acid sulfate soil;
- g. Addresses the requirements of Water NSW; and
- h. Consideration of the following guidelines:
 - i. National guidelines including the National Acid Sulfate Soils Guidance: a synthesis (June 2018);



- ii. NSW Acid Sulfate Soil Manual (1998);
- iii. Waste Classification Guidelines Part 4: Acid Sulfate Soils (NSW EPA, 2014).
- iv. Waste Classification Guidelines (NSW EPA) including Resource Recovery Notices and Orders;
- v. Tweed Shire Council's Dewatering in the Tweed Guideline; and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018).

5. Height

The non-discretionary standards in section 107 and 107 of the SEPP (Housing) 2021 specify a maximum building height control of 9.5m (excluding root top plant).

The proposal does not comply with these non-discretionary development standards and the application has not adequately justified why compliance with these non-discretionary standards is not required.

A clause 4.6 variation request should be required to vary these development standards.

6. Built form and context

6.1. There are no objections from a land use and housing supply context, however the scale of development should be calibrated to one which is more amenable to the surrounding low-density development whose private outdoor open space directly interface with this land locked site.

The battle-axe infill site shares a boundary with a large number of established lower density residential lots. Further consideration should be given to privacy and amenity impacts to adjoining low density development which will be subject to overlooking and overshadowing by the proposal.

- 6.2. Site and inter-site building setbacks should achieve the required ADG building separation requirements (ADG Section 2F Building Separation). It is noted that some of the ground floor units do not comply with the required setbacks.
- 6.3. The proponent is encouraged to integrate subtropical design measures to strengthen the built form character of this part of Kingscliff. This includes generous outdoor areas, layered elevations which provide opportunity for shade in summer and sun in winter, integration of landscaping and other passive design measures. Based on the current elevations and renders, a substantial part of the building fabric is glazed which would result in substantial heat loads, especially to the east and west. Investigate opportunities to provide external screen to enable future occupants more control over sunlight and sunshade during different times of the day and year.
- 6.4. Undertake a further review of the building floor plan design to ensure the commentary made as part of the State design review panel sessions is



more fully integrated. Notably, the following items have not been adequately addressed:

- How principles of connecting with country have been integrated across the site planning, landscape and building design.
- How the buildings bulk and scale has been redistributed given the land locked context with surrounding small scale residential buildings.
- How landscaping provides a sense of community within the site ad not simply landscaped between buildings.
- Reconsidering the x-form of the RAC building.
- Demonstrated application of subtropical design principles including examination of external corridors / removal of dead and corridors and provision of external shade for openings to promote passive thermal comfort.
- How each of the buildings achieve a great level of design, form, material distinction.

7. Communal open space

- 7.1. External communal open space (COS) for the development is fragmented with much of the COS comprising of landscaping around buildings and pathways with limited use. Communal open space should be consolidated into a well-designed, easily identified area that is open to a range of uses.
- 7.2. The landscape plan includes character images of different uses including extensive lawn areas, bocce court, putting green, children's playground etc. These uses have not been incorporated into the design and provision of COS.
- 7.3. The car parking area for the existing church should not be counted toward deep soil zone or communal open space provision.
- 7.4. Although it is acknowledged there would be a significant reduction in yield, there is an opportunity to delete building B and relocate building C further south. This would open-up a more generous park like open space area in the centre of the site which would also facilitate a greater sharing of natural light and breeze access and maintain a degree of outlook more open to the sky from surrounding affected properties.
- 7.5. The current primary communal open pace area which has a pool is poorly located between two four storey buildings (one of which is the RAC building which typically has a higher level of health care requirement) and would be overshadowed due to the building height and floor plate configuration. This space would be better located to the immediate south of the RAC building if building envelopes are reconfigured as per recommendation 2 above.

8. Design

8.1. The application has not included an assessment against the provisions of the NSW Seniors Housing Design Guide (2023). Whilst the submitted reports will satisfy some of the provisions, other considerations have not been addressed such as Design for Dementia as previously mentioned.



- 8.2. The proposal includes variations to the Apartment Design Guide (ADG) that compromise the amenity for future residents. Poor amenity will result from:
 - Non-compliant ceiling heights and room depths.
 - Lack of separation between ILU bedroom windows and private open space to communal open spaces and pathways.
 - Layout of units bedrooms are adjacent to basement ramps or internal lift wells.
 - The plans do not accurately identify or calculate some balcony areas (a generator is located on a balcony of the RAC).
 - The number of units cross ventilated appears to be over estimated with some single aspect top floor units identified as being cross ventilated. No details (dimensions) of operable skylights have been provided to verify if these will provide adequate ventilation.

9. Amenity

- 9.1. Provide a Construction Environmental Management Plan that addresses, but is not limited to demolition and construction, staging of the development, site activities, vehicle movement, plant and equipment, hours of operation, noise and vibration management, dust/air quality management, and complaint management.
- 9.2. Provide an updated Construction Noise and Vibration Assessment prepared by a suitably qualified acoustic consultant that includes, but is not limited to:
 - a) correct property description for each site related to the proposal;
 - removes reference to an educational development in Section 3.3;
 - c) includes a representative noise sample in a free field position in the absence of the subject development operating for consideration of background noise in accordance with Noise Policy for Industry (EPA, 2017);
 - clarifies whether night time criteria impacted by aircraft noise was separated from night time periods outside the Gold Coast Airport curfew in the absence of routine passenger aircraft;
 - e) demolition and construction:
 - i. clarifies whether the 2.4m plywood barrier (or 9mm fibre cement sheet or masonry wall) is temporary or permanent;
 - ii. prepare a Construction Noise and Vibration Management Plan for site to address feasible and reasonable work practices, staging of the development, dewatering plant and equipment, and address how noise and vibration project design criteria will be met including informing all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details, and complaint management.
 - f) operation:



- i. clarifies potential impacts on amenity for onsite and neighbouring residential receivers from the use of common areas associated with recreation and communal uses, waste storage and collection areas including waste chutes, deliveries and servicing, car parking, bus parking and pick up/drop off areas, vehicle and pedestrian gate noise and vibration, laundry, kitchens and cafe including mechanical exhaust (including plant location), generators, and mechanical plant and equipment;
- ii. includes 2-10 Drift Court, 32-34 Court, and 41 Drift Court in Table 17 internal road noise emissions;
- iii. clarifies Section 6.4 relates to communal spaces however describes traffic noise;
- iv. determines suitability of mechanical plant and equipment locations and confirm that the design is capable of achieving criteria (or will be subject to noise and vibration amelioration measures);
- v. recommendations for plant selection and location;
- vi. recommended permanent noise barriers and/or design to prevent noise and vibration e.g. fixed grates to prevent rattling;
- vii. recommended operating hours e.g. deliveries and waste service, use of communal recreational areas; and
- viii. includes an example Operational Site Management Plan that addresses the above and recommendations to minimise and mitigate potential noise impacts to future occupants of the site and surrounding residential receivers.
- 9.3. A detailed assessment of the privacy amenity impact on adjoining residential development from overlooking and overshadowing from the development should be provided.
- 9.4. The applicant shall address how noise and odour impacts will be managed in relation to waste bin locations for onsite and neighbouring residential receivers.
- 9.5. Provide a copy of the Preliminary Construction Management Plan referred to in the Construction Noise and Vibration Assessment and Management Plan (ADP Consulting, 11 March 2024).

10. Contaminated land

A Contaminated Land Preliminary Site Investigation (PSI) should be submitted, and where required Detailed Site Investigation and Remedial Action Plan, prepared by a suitably qualified environmental consultant in accordance with NSW EPA contaminated land guidelines. The PSI must:

- a) identify the correct property description for each site related to the proposal, including properties in Lorien Way and correct LEP;
- b) consider the extent of excavation works;
- c) include a conceptual site model and data quality objectives;
- d) confirm that the subject sites are suitable for the proposed land use;
- e) include an unexpected finds protocol; and



f) include Council's Contaminated Land Summary Table to ensure that key mandatory information has been incorporated (available at <u>https://www.tweed.nsw.gov.au/ContaminatedLand</u>).

11. Demolition

Pre-Demolition Testing – The applicant shall submit a Detailed Site Investigation (DSI) for works involving the demolition of slab on ground development in accordance with Council's Pre-Demolition Testing Guideline. The DSI must be prepared by a suitably qualified environmental consultant and address the amended guideline requirements which includes:

- a) A minimum of four (4) sample points for the sampling of the soil material beneath each structure, with the sample points appropriately separated to provide a representative distribution pattern. The soil material shall be accessed via breaching of the slab either by drilling or other method that will not lead to undue disturbance of the soil material beneath;
- b) Accessing the soil material from the sides of the slab is not an accepted sample method as the 0-150mm layer beneath the slab is unlikely to be intercepted;
- c) Samples of the soil material shall be taken from each of the four (4) sample points at the following depths: 0-150mm, 150-300mm and 300-500mm;
- d) Composite sampling cannot be used to assess pH, or volatile or semivolatile contaminants including TRH, BTEXN, organochlorine pesticides, OPPs and low molecular weight PAHs. A minimum of twelve (12) samples are to be collected and analysed per building;
- e) The samples shall be sent under appropriate chain of custody documentation to a NATA (National Association of Testing Authorities) certified laboratory for analysis of organochlorine pesticides (e.g.; dieldrin, aldrin, heptachlor, chlordane etc.);
- f) Laboratory analysis results shall be submitted to Council for further consideration and written approval prior to the disturbance/removal of the concrete slab;
- g) Where the DSI confirms contamination, a Remedial Action Plan (RAP) is to be submitted to Council for approval;
- h) Council's Contamination Report Summary Table; and
- i) Note: In circumstances where the applicant demonstrates that conducting sub-slab sampling in accordance with the above is impractical due to challenges with accessing the concrete slab, yet there is suspicion of organochlorine termiticide treatment, a Preliminary RAP addressing potential contamination may be submitted as part of the Development Application. A Detailed Site Investigation and a Final Remedial Action Plan will be conditioned to precede the release of the Construction Certificate.

12. Hazardous materials

The applicant shall submit a Hazardous Materials Management Plan prepared by a suitably qualified consultant. The management plan shall:

a) consider the Compliance Hazardous Material Inspection and Risk Assessment (Greencap, August 2022);



- b) include details to manage associated risks during demolition work, including any remaining in-situ hazardous materials located at the site, and outline how hazardous materials will be removed, particularly the method of containment and control of emission of fibres to the air, for disposal at an approved waste disposal facility;
- c) outline the destructive hazardous materials inspection process required prior to demolition works;
- d) include an Unexpected Finds Procedure; and
- e) comply with the relevant NSW Legislation, Codes and Practice and Australian Standards.

13. Electromagnetic energy

An Environmental Electromagnetic Energy Report for the proposed electricity substations prepared by a suitably qualified person shall be submitted that confirms the location is suitable and will not create adverse health and safety impacts to residents and staff.

14. Lighting

The applicant shall provide a lighting impact assessment for the proposed development prepared by a suitably qualified lighting engineer. The assessment must demonstrate that the development will meet the requirements of AS4282 - Control of the Obtrusive Effects of Outdoor Lighting and consider preventative measures, such as timers and shielding to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises, and staging.

15. Regulated Systems

The applicant shall confirm whether the development will require the use of regulated systems as identified in the Public Health Act 2010 such as a water cooling system (e.g. cooling tower) or warm-water system (e.g. thermostatic mixing valves) and identify the proposed location of any water cooling systems.

16. Waste

A revised Waste Management Plan prepared by a suitably qualified person shall be provided that includes the following:

- expected types, volumes, and disposal options for hazardous materials during demolition works;
- b) suitable disposal options for excavated material during construction works (in consideration of the *Protection of the Environment Operations Act 1997* and the NSW EPA Waste Classification Guidelines);
- c) method of collection and disposal of food waste from onsite kitchens during operation; and
- d) demonstrate that convenient access to waste facilities has been provided for residents within each building (including the use of waste chutes or similar).
- 17. Water



The current design is relying on the fire supply of water from Council being 20L/s. The proposed redevelopment will need to design all fire supply provisions on the basis that Council's public water infrastructure will supply 11L/s. The proposal is to connect to the smaller 150mm reticulation main in Lorien Way rather than the large 300mm reticulation main in Kingscliff Street. Council's preference is for the firefighting system to be supplied from the 300mm main in Kingscliff Street.

18. Sewer

Council's preference for the subject site is to have the entire sewer load discharge directly into the existing Sewer Pump Station (SPS) which is located internally of the site's property boundaries, which has the depth to accommodate sanitary drainage for this proposal.

Splitting the site's discharge may aid in the delivery of infrastructure in the proposed stages of development, however, the existing 150mm sewer main within Lorien Way takes a route twice as long to ultimately discharge back into the same location at the SPS located within the Uniting Kingscliff site. Discharging the proposed development's sewer load directly in the SPS avoids the need for the proposed site's sewer to travel this significant unnecessary distance at flatter grades and avoids any system capacity constraints that may exist in the Lorien Way route.

19. Power supply to the existing sewer pump station

The current power supply for Council's existing SPS is from a pole mounted transformer located 25m away and within the site. It is proposed that two new transformers are constructed toward the western boundary of the site resulting in a new power supply to the SPS that would exceed 220m in length.

Noting this is a point of review for Essential Energy, Council are not supportive of the proposed change in power supply for the SPS.

20. Threatened fauna species – Bush Stone-curlew

Council holds two (2) records of the threatened species Bush Stone-curlew (*Burhinus grallarius*), listed as Endangered under the *Biodiversity Conservation Act 2016* (BC Act), roosting onsite in 2019 (25/09/2019 and 07/11/2019) occurring as one unbanded adult.

Given the previous threatened fauna record onsite and additional contemporary records in the locality, the applicant is requested to address potential impacts on Bush Stone-curlew and preferred habitat at the site as part of the Biodiversity Development Assessment Report (BDAR) dated 15 March 2024 prepared by Biodiversity Assessment & Solutions.

Please contact Council's Biodiversity Planner for access to additional verified records onsite and in the locality that may not be included on the NSW Bionet database.

The BDAR should include:



- a) Details of suitable best practice avoidance and mitigation measures having regard for the Recovery Plan for the Bush Stone–curlew (*Burhinus grallarius*) dated February 2006 prepared by NSW DEC; and
- b) Summarise and incorporate the results of any survey effort and management recommendations into Bush Stone-curlew impact assessment and management plan.

21. Landscaping

- 21.1. Areas identified as Deep Soil Zones as shown in the Statement of Landscape Intent dated 18 March 2024 prepared by Urbis (Dwg No. 03.11 Structure Diagram Planting) are narrow in width and/or comprise hard landscape elements. The opportunity to install medium sized trees without future conflict with built form at tree maturity is strictly constrained based on the current development layout. A redesign of the development with an amended landscape scheme should be undertaken that adequately address the items below:
 - a) Achieve the fundamental objective of increased urban tree canopy cover;
 - b) Comply with the minimum deep soil zone dimensions specified in the NSW Apartment Design Guidelines (Section 3E);
 - c) Satisfy Council's Development Control Plan Section A19 Biodiversity and Habitat Management objectives through replacement planting onsite comprising species that are representative of those candidate Endangered Ecological Communities (listed under the BC Act as identified in the submitted BDAR 2024) proposed for removal; and
 - d) Demonstrate application of the biodiversity mitigation hierarchy under the NSW Biodiversity Offset Scheme of avoidance, minimisation and finally mitigation to incorporate replacement local native species planting onsite in addition to the retiring of offset credits to compensate for residual impacts.
- 21.2. The submitted odour report prepared by SLR Consulting recommends maintaining a tall dense vegetation barrier around the existing sewer pump station to mitigate odour impacts. The proposed works, including earthworks and stormwater infrastructure are likely to disturb the existing vegetation around the SPS. Any amended landscaping scheme should address the retention or replacement of vegetation surrounding the SPS to comply with the recommendations of the odour report.
- 21.3. The overflow parking area for the existing church is also included as deep soil zones and communal open space. Any parking area should be designated for parking and therefore cannot be considered for landscaping or amenity areas.

22. Social impact assessment (NSW SIA Guidelines)

22.1. Active and public transport - Social impact categories: way of life, community accessibility; health and wellbeing; surroundings



The SIA and EIS make several references to legislation, design guidelines and research that are important to delivering age-friendly communities:

- (SIA p.16) The 2021 NSW Housing SEPP legislates that senior's housing should "have obvious and safe pedestrian links from the site that provide access to transport services or local facilities" (Division 6, 104). Note, Division 6 has been repealed, now listed under Schedule 8, section 6).
- (SIA p.16) Tweed Council's Age Friendly Community Policy facilitation of 'age-friendly communities' This will involve the provision of infrastructure to support mobility, physical activity, social connection, inclusion, accessibility, and safety.
- (SIA p.25, 4.7.2) notes the specific needs of ageing communities including autonomy and independence and security and resilience which links to factors such as walkable environment and design of safe streets and public spaces.
- (SIA p.27, 4.7.3) Research by the Australian Catholic University highlights important factors in ensuring that older people are able to move around their local area independently.
- (EIS p.90): "Public bus stops are located within less than 400m of the site and accessible by means of generally flat existing pathways" (refer to Section 2.3.11.3 of this EIS).

The SIA and EIS do not clearly demonstrate how the development will deliver on active and public transport needs of seniors, staff and visitors to the site. For example:

Cycleways:

The Traffic impact assessment (TIA) (pp.14-15) highlights an expectation that surrounding active and public transport amenity will minimise private transport to the site. Cycling amenity is discussed, however it is unclear if there are Cycleways within the development to connect to external cycleways. The development has made a provision for bicycle parking (TIA p.35, 5.2.3). The TIA recommends additional footpath connections or crossings in the vicinity of the site, but there would still need to be appropriate shared active transport infrastructure within the development.

Public transport:

NSW SEPP Housing Part 5, Division 4, Clause 93 provides requirements for development consent regarding access to transport services. There will be two entrance points as part of the redevelopment which will impact the distance to public transport dependent on where within the facility residents, staff and visitors will be moving through. This may mean more than 400m distance. It is unclear if the onsite transport service will regularly connect residents to the nearest bus stop.

• Pedestrian Safety:



The SIA (p.45) identified the social impact that "*During* operation, additional traffic generated by the development may cause adverse accessibility and noise as well as impacts to pedestrian safety." The report states public transport accessibility is minimal but that traffic studies have confirmed no notable increase in safety concerns. Community consultation highlighted pedestrian safety concerns which may discourage regular users of surrounding active transport paths and that nearby residents may experience disruption to their regular daily routines.

The mitigation only focusses on vehicle management within the develop (shared zone 10km/hr speed limit) and Uniting's existing complaints processes.

Council's recommendation is that the SIA is updated to clearly identify the design and built form outcomes that will:

- deliver obvious and safe pedestrian links from the site that provide access to transport services or local facilities" (NSW SEPP Housing 2021). During construction and operations.
- meet the requirements under the NSW SEPP Housing Part 5, Division 4 93 'location and access to facilities and services – independent living units.
- provide safe walkable environments within the development (safe streets and public spaces).
- deliver infrastructure to support mobility, physical activity, social connection, inclusion, accessibility, and safety. Including consideration of shared pedestrian/cycleways and wayfinding.

Pedestrian safety social impact identified on p.45 of the SIA should be amended to clearly demonstrate how pedestrian safety will be effectively mitigated, including ways to communicate any changes to transport locations and schedules.

22.2. Job creation - Social impact category: livelihoods

The proposal will result in the creation of 260 direct and 880 indirect jobs during construction and 51 direct and 23 indirect new jobs during operation. The SIA also notes that Uniting will employ their Supplier Diversity Policy and Reconciliation Action Plan to enhance the benefits of this impact by targeting vulnerable groups and providing employment opportunities.

Indirectly linked to the job creation impact is p.45 of the SIA which identifies the social impact "Impacts to access to rental housing due to influx of additional construction workers at the site (440) and the redevelopment of Uniting Kingscliff." One of the project specific mitigations is that "Construction workers will be sourced from nearby employment centres (Gold Coast, Brisbane etc.) and will maintain their primary residence – and therefore will not require accommodation in Kingscliff."

Council's recommendation is that the mitigation on p.45 is updated to reflect the employment of Tweed Shire construction workers. By not



acknowledging procurement of local skilled workers, this contradicts the positive social impact on p.49 which states "New jobs on site will be a benefit to the local community (particularly construction jobs)."

22.3. Housing - Social impact category: way of life

The social impacts identified around housing in the SIA focus on the construction phase and on affordability of aged care living options. The proposed mitigations appear effective.

One potential impact not identified is housing affordability for key workers. The proposal identifies 51 direct and 23 indirect new jobs during operation.

In addition to the Aboriginal Cultural Heritage Assessment (ACHA), the SIA discusses engagement with Aboriginal community members focused on design of the built form and connecting with Country design principles. There is no reference to ILU or RAC provisions for Aboriginal people. 4.8% of the population within the primary social locality identify as Aboriginal and/or Torres Strait Islander.

Council's recommendation is;

- that the social impact of housing affordability is assessed for key workers who may need to move to the area to secure employment.
- that further consultation is undertaken with Aboriginal community on seniors housing needs.

22.4. **Design approach for people with dementia** – Social impact categories: community; accessibility; health and wellbeing; surroundings

Dementia is at a higher proportion in the PSA (400m from site boundary) compared with both Regional NSW and SSA (Tweed Shire LGA) (p.57 SIA).

The State Review Design Panel (SDRP) noted interest in how design will cater to dementia patients and needs – e.g., spaces will require good amenity and services (p.40 COR). The SIA (p.28, 4.7.4) talks to rising levels of dementia and the need to develop "dementia friendly communities".

The only explicit reference to any design approaches or built form delivery related to dementia appears to only be within the landscaping – "*The landscaping for the proposal will apply dementia-friendly design principles, including clear wayfinding, rails and seating and sensory gardens. The proposed development follows universal design principles and can be enjoyed by people of all ages and abilities.*" (p.49 SIA).

The provision of a dementia unit is noted in the EIS (p.132), however this is separate to design guidelines for people living with dementia.

Council recommends that the SIA is updated to clearly identify the design and built form outcomes that will deliver a dementia friendly community (Refer Chapter 7, 7.3 Design for Dementia, NSW Seniors Housing Design Guide).



23. Ageing Well in the Tweed Strategy 2024-29 (in development)

Council is currently developing an Ageing Well in the Tweed Strategy which will provide direction to ensure the Tweed is an age-friendly community where connection, inclusion and participation is a vibrant and continuous experience. Community consultation and an engagement report has been completed which will inform the new strategy and implementation plan. A draft strategy is due in June 2024 for internal review.

Although the strategy will not be finalised for this SSD, we wish to highlight some key themes that the community raised during the engagement process and that will be important for Councils position on this development:

- Transportation: Connectivity of infrastructure for both personalised and public transport. Transport options to help people get around. Well lit, connect pathways that cater for wheelie walkers/mobility scooters as well access to community transport. Accessible, appropriate and affordable transport options.
- Housing: Age-friendly housing that is designed with consideration to accessibility, mobility and changing needs. Affordable and appropriate housing options in proximity to social and health services.
- Social participation: Integration with society in the form of leisure, social, cultural, and spiritual activities foster belongingness and social participation. Intergenerational integration, enriching the lives of people across their lifespan.
- Safety: Seniors want to feel safe in their homes and as they navigate their communities. Age-friendly infrastructure and public spaces.

24. Accessibility and design of ILU

The Access Report by Purple Apple Access references the provisions of Schedule 3 of repealed Seniors Housing SEPP 2004 instead of Schedule 4 of the Housing SEPP 2021 (despite the . The provisions in the Housing SEPP 2021 are more detailed and in some instances differ from those in the repealed SEPP (e.g. circulation space in front of laundry facilities). As such the plans and Access Report do not confirm compliance with the required provisions.

25. Traffic

- 25.1. The existing Church on site has not been discussed in the Traffic Impact Assessment. The Plans indicate that 23 carparks would be available for its use. Based on a ballpark measurement of the Church, its GFA is around 400m². An assessment should be provided indicating compliance with Council's DCP A2 Item H14 'Places of Public Workship' which requires customer parking at a rate of 'greater of 0.25 spaces to each seat or to each square metre of net floor area'.
- 25.2. The TIA provides that parking and site access will be controlled with security boom gates located at both entryways to the site. The gates' locations need to be indicated on the Plans showing adequate storage on site in consideration of expected arrivals including heavy vehicle access. Further information should also be provided on how they will be activated, particularly for visitors.



- 25.3. To comply with an internal 10km/h speed limit, the 5 pedestrian crossing points should be upgraded to a raised wombat crossing facility and the plans modified to indicate this.
- 25.4. There is concern that vehicles waiting to turn right into the driveway from Kingscliff St will impact on southbound through traffic. The applicant should provide an assessment and concept design of a short channelised right turn lane into the site.

26. Waste

26.1. Waste storage areas should be located in convenient and accessible locations and should be located away from the entrance to buildings. Waste storage area should be located so as not to result in impacts on adjoining developments.

The proposed waste storage areas should be amended noting that:

- Buildings C,D and F do not have a dedicated waste storage area and the waste storage areas are not conveniently located for the residents of these buildings.
- The waste storage area for Building E is located adjacent to the front entrance of the building.
- The waste storage for Building D is located near the rear boundary of adjoining residential development.
- Bulky waste storage is not provided for the independent living units;
- 26.2. The proposed garbage pick-up area indicates that the truck would be reversing over a pedestrian crossing. Adequate garbage truck turnaround facilities need to be provided without the need to reverse over pedestrian areas.

Additionally, it is noted that a travel path for collection of the bins stored adjacent to Building A is not shown/provided.

Summary

As noted above, there are a number of outstanding matters that are considered to require further information / assessment prior to the determination of the proposed SSD for the Uniting Kingscliff Redevelopment.

Based on the current information provided in the application, the proposal is not worthy of support.

If the Department forwards the abovementioned outstanding issues to the proponent for a further response, Council will be happy to review such response and is happy to meet with the Department / proponent to further discuss any outstanding matters.

Please note that should the Department consider that the proponent has satisfactory addressed the above outstanding matters and the proposed development ultimately be recommended for approval, Council requests an opportunity to provide a list of recommended conditions of consent for the Department's consideration.



For further clarification on any of the matter raised, please contact Judith Evans of Council's Development Assessment Unit on (02) 6670 2451.

Yours faithfully

Colleen Forbes

Acting Manager Development Assessment and Compliance