

Please consider this submission from the Kingscliff Ratepayers and Progress Association Inc (KRPA) as an **objection** to SSD-83069459, Mixed Use Development Bells Boulevard Kingscliff including the concurrent planning proposal.

We note that this application relates to both changes to the Tweed Local Environment Plan 2014 (TLEP2014) via a pre-development application and the development application to build a five storey mixed use building including residential flats.

As stated in the pre-development application for this proposal (Case ID: PDA-82562974) the zoning changes and variations to the TLEP2014 proposed to support this proposed development are:

1. Change SP3 Tourism Zoning to MU1 Mixed Use zoning, with RFB as an additional permitted land use under Schedule 1 of the Tweed Local Environmental Plan 2014. The proposed zoning change strategically aligns with the Kingscliff Locality Plan adopted by Tweed Shire Council;

KRPA has no objection to the requested change to the zoning of this site from SP3 to MU1 with RFB as an additional permitted land use. We agree that this change in land use is something that has been considered by the community in the past as an opportunity to increase residential housing.

Given that a primary reason stated by the proponent for this change in land use is to support current government housing priorities and provide permanent housing, we request that a condition of approval include that the developer, when establishing the strata plan, include an in perpetuity by-law that prohibits short term letting of the residential flat buildings. Such by-laws are commonly used in NSW strata schemes and do not affect lots that are used as a principal place of residence by the owner.

2. Increase the height control on the Stage 3 North / Northeast / Northwest boundaries from 13.8m to approx. 18m, with a maximum of 5 storeys. Importantly the existing Floor Space Ratio of 2:1 is to remain unchanged.

KRPA **strongly objects** to the request to increase the height control for the site. We note the error made by the proponent in the pre-development application (the height control for the site is 13.6m not 13.8m). We also note that the EIS requests an even more unacceptable 21m height for this development. This objection is further clarified below.

In relation to the development application:

- As mentioned above, KRPA strongly objects to the proposed increase in height limits from the existing 13.6m to the proposed 21m (more than a 50% increase to the current height limit) and the construction of a five storey residential/mixed use building. Height controls aside, a five-storey residential/mixed use building is an unprecedented development for the Tweed Coast towns and villages. This feedback has been provided constantly to the proponent by the community during pre-lodgement consultation and was foreshadowed as a major community issue by Council.

The approach taken by the proponent means that, by their own admission, they have 'avoided the need for a concurrent Clause 4.6 variation request to be lodged with this SSDA'. What this means for the community is that there is no justification provided as to why this particular development needs to

be five storeys. The Urban Design Assessment lends no weight to the claim that the proposed building height is appropriate for the existing context. The existing and recently approved context includes one, two and three storey homes/buildings. The arguments around 'transitioning' lend no weight or justification to a five storey building. Surely the next 'transition' should be, at a maximum, a four storey building – totally doable within the 13.6m height control.

While we appreciate the diversity of housing types provided by this proposed development (that is, a good mix of one, two and three bedroom units) more recent approvals and developments in Kingscliff are providing this diversity in quality four storey builds that all meet the existing 13.6m height limit. The increased height limit and the suggestion of a five storey building is unwarranted. A more considered approach and fine tuning of the commercial premises and perhaps a reduction in this floor space could provide additional residential apartments while still maintaining the vibrancy provided by smaller individual shops and restaurants on the ground floor.

The Association refutes in the strongest possible terms the proponent's assertion that 'The proposed design takes into, respects and is consistent with the existing built form character as outlined in the Kingscliff Locality Plan' (EIS p3). A five storey, 18m building is completely at odds with the hard fought for height limits that are a quintessential representation of the defined and planned for character of Kingscliff and the other Tweed Coast towns and villages. Should this development proceed with the proposed excessive height limit and increased storeys it will have an immeasurable detrimental impact.

This planning proposal and development is not being proposed for Sydney or the Gold Coast. The proponent needs to be made to truly 'respect' the environment they have chosen for their development. If our local planning frameworks can't be upheld, what is the point of having them in the first place? The North Coast Regional Plan has also sounded the alarm on the impact of overdevelopment on the coastal strip unless development is moved west of the Pacific Highway. What the proponent is trying to achieve can be achieved within a maximum four storey building and in line with the existing height control of 13.6m. Surely, achieving a change in the zoning of the site would be reward enough.

- The Association is concerned that the parking rates identified in the application do not align with the car parking provisions under DCP Section A2 including the appropriate allocation of car parking rates for the commercial premises and the retention of the existing 27 car parks on site. Given the parking issues already associated with the Salt precinct and other areas of Kingscliff any variations to DCP car parking provisions is totally unacceptable to our community. The Association objects strongly to any such variations.
- More clarity on the proposed uses for the commercial premises outlined for this development is needed to ensure that adequate car parking is provided. At various times, a shopping centre (including supermarket) type development has been raised along with the option of individual stores and restaurants. The latter is more in keeping with the vibe of the existing precinct and provides a different car parking scenario. Shopping centres with supermarkets already exist in Kingscliff and Casuarina, both in close proximity to this site.
- The community consultation report is geared towards shedding the most favourable light on what the proponent wants vs what the community actually said. KRPA representatives attended a community consultation session and like others in attendance tried to give balanced feedback on the good, the bad and the ugly (as requested). It is disingenuous to use this balanced approach statistically to hide the fact that the community as a whole are totally unsupportive of the proposed exponential increase in height limits and the inclusion of a five storey building.

- In discussions with local residents, it has become apparent that some may have not realised that an increase in the height controls for this site has been sought via two avenues - an increase in height controls to 18m via the concurrent planning proposal and a further increase to 21m in total via the EIS. We would hope that any objections to a change in the height control would be considered by the assessment panel to refer to both of these requests and as a general objection to anything that breaches the existing 13.6m height limit for the site.

Thank you for taking the time to consider the Kingscliff Ratepayers and Progress Association's objections to this submission. We appreciate the need for more housing but believe that this project can still deliver a good outcome for the proponent and the community without having the irreversible, detrimental impact that the massive changes to height controls and the inclusion of a five storey building would have on the character, fabric and amenity of Kingscliff and the Tweed Coast towns and villages generally.

We do note that this particular site was not included for consideration of either business or residential growth in the Council's Growth Management and Housing Strategy Options Paper ie housing provided from this development will be in addition to housing already identified to meet the Shire's 20 year growth plan. Kingscliff and surrounding areas are currently 'under development' with many additional homes being delivered as part of infill developments in North Kingscliff, Kings Coast and Kings Forest to name a few. Any housing delivered by this project and the first two stages of the masterplan for this site (already approved) is welcome. Changing the character of our coastal town, through such unprecedented changes to our height controls and the introduction of five storey developments on the coastal strip, for the sake of a handful of units, is completely rejected by our community.

Peter Newton
President
Kingscliff Ratepayers and Progress Association Inc.
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