



KINGSLIFF RATEPAYERS AND PROGRESS ASSOCIATION INC.  
Established 1933

PO Box 1164, Kingscliff NSW 2487

12 June 2024

**RE: SUBMISSION TO SSD-47105958 - UNITING KINGSLIFF REDEVELOPMENT**

Address: 24A Kingscliff Street, Kingscliff NSW 2487; 27 - 33 Lorien Way, Kingscliff NSW 2487

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-47105958) for the proposed Uniting Kingscliff Redevelopment.

This submission should be considered as an **objection** to the proposal. The submission (Attachment 1) gives a detailed explanation of the reasons for the Kingscliff Ratepayers and Progress Association's Inc (KRPA) objection.

KRPA's key issues with this proposal, and the focus of our objection, include:

- The selective focus, misleading and at times inaccurate interpretation of key planning frameworks, strategies and controls relevant to this proposed development to justify the proponent's predetermined outcome.
- Building heights exceeding the maximum height limit of 13.6m, as described in the LEP and KLP, and particularly on a landlocked site completely bounded by single and double storey dwellings.
- The excessive bulk and scale of the proposed development in relation to the surrounding built environment.
- The negative impacts on factors that contribute to residents' amenity and liveability, particularly for occupants of the 112 residences that surround this landlocked site.
- Flood impacts exacerbated by the intent to fill parts of the site prior to construction to levels of 3m+, the gross overdevelopment of the site and the resultant increase in impervious areas.
- Traffic and parking impacts particularly relating to the impact of a SSD of this size and deemed as a 'Traffic Generating Development' entering and exiting via a narrow street designated as a 'local' road.
- The veracity of the community consultation process.

KRPA appreciates the opportunity to comment on the above application, are supportive of some redevelopment of the site for additional residential aged care and affordable seniors housing but cannot support in any way the gross overdevelopment that is proposed by SSD-47105958 which to our community presents as little more than a massive high end apartment complex development masquerading as aged care and seniors housing.

The Association and the community would welcome an opportunity for genuine collaboration with the Department and the proponent to establish a redevelopment that is in keeping with the site and local built environment and truly meets the need for additional residential aged care and affordable seniors housing. Throughout the process, we have attempted to act in good faith in our dealings with Uniting in the hope of achieving a good result for all.

Unfortunately, Uniting have not reciprocated and this proposal does not provide a good result for our community, residents or seniors and cannot be supported without serious modifications.

Should you have any questions please feel free to contact me.

Yours sincerely

Peter Newton

President

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## ATTACHMENT 1:

### Kingscliff Ratepayers and Progress Association Inc - Objection to Submission to SSD-47105958: Uniting Kingscliff Redevelopment

#### **PART 1: The selective focus, misleading and at times inaccurate interpretation of key planning frameworks, strategies and controls relevant to this proposed development to justify the proponent's predetermined outcome.**

The Association has concerns regarding the selective focus in the EIS on planning frameworks and controls that best suit the predetermined outcome required for the Uniting Kingscliff redevelopment (perhaps, as with any other speculative development, to meet a desired yield) while ignoring, misinterpreting or creating a false narrative around provisions that do not suit this predetermined outcome. This is particularly true of the request to vary height limits and the sheer bulk and scale of this development within the existing built environment – all which appear to be geared towards achieving four storey buildings on this site. The height, bulk and scale created by the desire for four storey buildings then compounds the impacts which create further opposition to this proposed development. Surely, this is not how the planning system is intended to operate.

Based on the evidence below, the Association objects to the interpretation given and/or the inaccuracy of many of the statements and references to key planning frameworks that have been used in the EIS to provide context in support of this proposal.

While we appreciate that the EIS has been written to be as sympathetic as possible to achieving the proponent's desired outcomes, we object strongly to misinformation or a selective focus being used to achieve these outcomes.

For example, a base statement on p88 of the EIS states *'The design of the proposed development reflects a bulk and scale that is consistent to the vision for area, as prescribed under the KLP'* and *'...will not adversely impact the amenity of the area'*. This claim is then repeated and used as a baseline in various parts of all documents. As we demonstrate below, this is simply not a true reflection of the Kingscliff Locality Plan's character statements, objectives or intent for this area of the West Kingscliff Precinct.

These misinterpretations also extend to the Clause 4.6 Variation Report which is included at Appendix AF *'... within the R1 zoned portion of the site, which is planned to accommodate taller development and greater density than the R2 zoned land. This is consistent with the objectives of the control.'* One would hope that the foundations of any of the buildings constructed as part of a redevelopment of this site would be stronger than the foundations of the argument for this development to proceed as currently designed.

The Association objects to:

- The many and varied references to the site being part of the TSC's plans to increase height, density and diversity of housing in the West Kingscliff Precinct. As stated above, this is simply not true. While the map shown below indicates the types of references made in the EIS (in support of this proposal), this is in reference to the extensive greenfield sites within the West Kingscliff Precinct **not** the existing built environment.

The 'Character Statement' (see below) for the West Kingscliff Precinct makes a very clear differentiation between the existing urban environment and what is planned for the greenfield sites in this Precinct. The EIS speaks to the plans for greenfield development rather than the existing character surrounding the brownfield site which is relevant to this application. This is misleading and creates a 'house of cards' scenario for future justification's within the EIS.

#### 4.4 West Kingscliff Precinct

##### 4.4.1 Character Statement

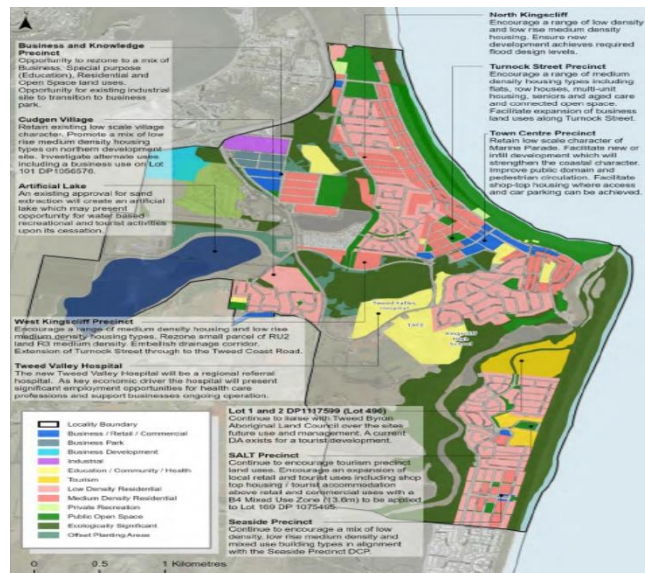
The existing West Kingscliff Precinct was developed in the 1990s and has a low density residential character consisting predominantly of single and two storey dwellings. Other housing types include dual occupancies, low rise multi-unit housing and seniors and aged care accommodation. Elrond Drive is the primary collector road running through the precinct providing access to the local streets, many of which are dead end cul-de-sacs. Whilst this road network limits road connectivity through the precinct, a series of pathways provide some pedestrian connectivity between streets and open space areas. The existing open space areas are relatively small however there is a significant opportunity to further embellish lands adjoining the drainage corridor with pedestrian and cycling pathways linking this precinct with the precinct further north.

The greenfield development site within the West Kingscliff Precinct (see section 2.1.4) will be accessed from the Turnock Street (west) extension which will form the primary vehicular access from the Tweed Coast Road into the Kingscliff township. The greenfield development site presents an opportunity to develop a range of medium density, low rise medium and low density residential housing types with the southern development boundary defined by the Turnock St extension alignment and areas of environmental protection south of the road alignment.

##### 4.4.2 Objectives:

1. Continue to facilitate the development of low density housing within the existing residential precinct.
2. Facilitate opportunity for a greater mix of low rise medium density housing types over the greenfield development site across the less constrained parts of the precinct which will front the Turnock Street extension.
3. Design the Turnock Street extension as a tree lined boulevard with shared path delineating between environmental protection land (to the south) and settlement development land (to the north) to provide a improved vehicular, pedestrian and cycling connectivity and a high level of visual amenity and ecological protection;

KLP Excerpt - West Kingscliff Character Statement



KLP Excerpt – District Map and West Kingscliff Description

The EIS also ignores the two key objectives for the West Kingscliff Precinct which are relevant to this application. That is:

1. **Continue to facilitate the development of low density housing within the existing residential precinct.**
2. **Facilitate opportunity for a greater mix of low rise medium density housing types over the greenfield development site across the less constrained parts of the precinct which will front the Turnock Street extension.**

The local character and context has not been referenced accurately in the EIS and as a result this planned development does not respond to the character of the existing area and built forms nor the future vision for this part of the West Kingscliff Precinct. To state that the proposed development has been '*designed in response to a detailed locality and site analysis*' is misleading in this sense.

The reference that the KLP '*maps this site as part of the broader medium density precinct of Kingscliff's urban structure (refer to Figure 2-1)*' implies something that is not accurate when the map is considered, as intended, within the context provided by the associated character statement and objectives of the West Kingscliff Precinct. The reference above is relevant to the greenfield sites of the West Kingscliff precinct only, not as inferred within the EIS to the existing area of urban development.

- We object to the use of all references to the Tweed Shire Council's draft Growth Management and Housing Strategy Options Paper as an argument for pursuing this development. As mentioned in the EIS this was a **draft options** paper and cannot give any strength to this proposal until finalised.

During the community consultation process, Council staff made it clear that the draft options paper was 'a brain dump' of all and any possibilities for future urban growth across the Tweed Shire. Indeed, the TSC General Manager indicated to a meeting of Community Association representatives that there were large parts of the draft paper that he did not agree with.

The community responded negatively to many of the options put forward. The Association particularly objected to 'CHANGE 27 - Low-rise medium density and medium density housing West Kingscliff Precinct' as the draft options paper did not account for differences between the existing built environment and the available greenfield sites where the community expects to see greater height and density.

To use this paper to support arguments promoting this development is disingenuous at best. Any arguments that rely on this document as supporting evidence must be duly ignored. Until the GMHS is finalised by the TSC it carries no weight in relation to our planning frameworks or proposed development applications.

- The Association objects to the use of any references to the Tweed Regional City Action Plan (TRCAP) 2036 which imply that Kingscliff urban development, and the Uniting Kingscliff site in this instance, are in any way captured by the vision and objectives of this plan.

Kingscliff residential/urban development is **not** part of the TRCAP 2036 and to imply otherwise is misleading. The TRCAP 2036 does however show the potential of the Tweed Regional City (10 minutes from Kingscliff and the Tweed Valley Hospital) for the further development of aged care and seniors housing at a greater height and density than is permitted in Kingscliff under the Tweed LEP 2014.

- We object to the assertion within the EIS that *'A density target of approximately 80 dwellings per ha is established for new residential flat development, where permitted'* is relevant to this site or has any relevance to Uniting Kingscliff's proposal. The DCP references 20 dwellings per hectare for the West Kingscliff Precinct. (get the exact wording).
- We object to the disingenuous assertion that there is a *'need to provide additional housing in association with the new Tweed Valley Hospital, particularly seniors housing developments, which typically seek to colocate near major health facilities'* or *'P33 Delivery of the new \$723 million Tweed Valley Hospital within Cudgen, which forms part of the Kingscliff locality and is located 1.5 kilometres from the site, provides a genuine catalyst for greater housing provision, diversity and development in the locality'*.

A key component of the community objection to the location of the Tweed Valley Hospital (TVH) was that Kingscliff, a gem in the Tweed Shire's tourist crown, would become a 'hospital' town with developers using the need for additional accommodation as rationale for gross overdevelopment. In approving the Tweed Valley Hospital, NSW Planning and Health Infrastructure assured the community that this would not be the case and all land required for further expansion as a result of the location of the TVH could be catered for within the land available on the TVH site and the adjoining TAFE site. This was also factored into the revision of the KLP. These assurances provided to the community need to be honoured in the consideration of any planning proposal.

In terms of the reference to the need for more seniors housing in the above statement, the KLP (p126) also states that *'There will also be a need for additional tourist accommodation as well as additional seniors living housing development which could be accommodated across the Turnock Street, West Kingscliff and North Kingscliff **greenfield development sites** and remaining development parcels within Salt and Seaside precincts.'*

Seniors' housing is included in both the Kings Forest masterplan (underway) and the Gales Kingscliff masterplan (currently being developed with Council). The TRCAP 2036 also identifies areas within 10-15 minutes of the TVH that would accommodate seniors housing.

Anecdotal evidence from local real estate agents (or indeed a quick search on realestate.com) indicates that at any time there are affordable seniors housing for sale within the over 50's/seniors' developments in the Blue Jay Circuit complex adjacent to the Uniting Kingscliff site or in the nearby Noble Lakeside Park village. Even more opportunities can be found in neighbouring Banora Point and the Tweed Heads.

The redevelopment of the Uniting Kingscliff site, in an appropriate and acceptable form, could certainly add to this mix but not at the cost of the character, fabric, amenity and liveability that this gross overdevelopment represents.

- We object to the assertion that this proposal *'Promotes quality design and amenity of the built environment'* as per 4.6 Environmental Planning & Assessment Act 1979. Perhaps this is true of the proposal on paper but this development in this location will have numerous significant impacts of the amenity of the surrounding built environment and the broader Kingscliff community.
- In reference to the Objective 2 of the North Coast Regional Plan 2041, we object to the assertion that this development *'Provide(s) for more affordable and low cost housing'*. While there has been an indication from Uniting Kingscliff that *some* affordable units will be available – although no definitive evidence or numbers provided – the references to 'high level architectural plans' and the inclusions, particularly in relation to the two

and three bedroom units, indicate that this is not the focus of this redevelopment and that the vast majority of this development will not deliver more affordable or low cost housing.

- In reference to Objective 5 of the North Coast Regional Plan 2041, we object to the assertion that the proposed development will *'Manage and improve resilience to shocks and stresses, natural hazards and climate change'* and that *'The Uniting Kingscliff Development reduces the existing flood risk to life for current residents and proposes a resilient community to handle natural hazards and climate change'*. This last statement may be true in relation to the actual proposed development – and the Flood Emergency Response Plan clearly states that this is only true because the existing development is ground level and the redevelopment includes multiple levels with residents being able to be moved to higher floors - but, as discussed in other sections of this objection, this proposed redevelopment will likely create significant flooding impacts for the surrounding urban development including those in the West and North Kingscliff precincts.
- In reference to Objective 18 of the North Coast Regional Plan 2041, *'Plan for sustainable communities'* we object to the assertion that *'the proposal is consistent with contemporary locality planning applicable to the site and broader Kingscliff locality'*. As stated throughout this objection, this proposal is not consistent with the character, intent, objectives or future vision of the existing West Kingscliff Precinct urban environment. The bulk, scale and height proposed by this development goes against years of highly consultative and thoughtful planning aimed at ensuring Kingscliff grows sustainably without losing the quintessential character which defines our small town.
- In reference to Objective 20 of the North Coast Regional Plan 2041, *'Celebrate Local Character'* we object to the assertion that the incorporation of *'increased setbacks along the eastern and western boundaries and stepping in of the fourth level to improve scale transition from the surrounding low density building forms'* is enough to minimise the impact on the surrounding neighbours and the general character of this area.
- We object to this proposal's lack of consideration to the North Coast Regional Plan 2041 aim of protecting the coastal strip (this site is well within the defined coastal strip) or to the principles associated with the Settlement Planning Guideline's Key Strategy Aim of *'Encourage locally responsive, sustainable design.'*
- In reference to the Tweed Local Strategic Planning Statement Planning Priority 14 *'Preserve and enhance the distinctive characteristics of our centres, towns and villages that make them special and unique, into the future'* we object to the assertion that *'The proposed development is considered to contribute to the evolving local character form and the demographic composition of Kingscliff'*. This proposed development is not in keeping with the evolving local character as identified in the KLP and will detract from the existing built environment.
- We object to the inference that this proposal fits well with the future plans for Kingscliff in the inaccurate statement regarding the *'Kingscliff Locality Plan revision'*. The Kingscliff Locality Plan (2020) is not being revised. The Tweed Shire Council (TSC) sought a gateway determination to align the KLP with the LEP, particularly in relation to Council approved reductions in height limits for some areas of Kingscliff which differ between the KLP and the LEP. The gateway determination sought a revision (reduction of height limits) of the LEP. The request was refused by NSW Planning who (sensibly) recommended waiting until the completion of the Growth Management and Housing Strategy. The subject site is not part of this realignment. It is disingenuous of the proponent to misrepresent the goal of Council's request for this gateway determination or to suggest that the proposed redevelopment of this site reflects the future vision for this part of Kingscliff.
- The Association challenges why this development – purported to be aimed at providing residential aged care accommodation and seniors housing (by way of 199 Independent Living Units) – has not pursued SEPP (Housing) 2021, Clause 97 *Design of seniors housing* which states:
  - (1) *In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.*
  - (2) *Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.*

While the compliance table states that *'The Uniting Kingscliff Development has been designed in accordance with the Seniors Housing Design Guide 2023'*, there is very limited evidence of discussion or assessment of many areas of this Guide. Despite trying to follow the references between and within the various documents provided for this proposed development we could only find broad references for some parts of the guide and no evidence at all that the provisions of Part 3 of the Guide (Density and Related Design Principles) had been assessed. Again, these are the areas that cause most concern for the community (appropriate density and building heights) and lead to the negative impacts discussed in other sections of this submission.

The justification for additional seniors housing (needed or not; being supplied by this development or not) surely does not override good senior's housing design. This development equates more to providing high end apartments for over 60s, that will be unaffordable for most Kingscliff or Tweed Shire seniors, rather than what is really needed by our community.

- In reference to Ageing Well in NSW: Seniors Strategy 2021-2031 we acknowledge that 'ageing in place' is a core and desirable response for our ageing population. We would strongly argue that in a small community such as Kingscliff, this does not need to be in a purpose-built facility. Ironically, many of our seniors who purchased the single level properties that surround the Uniting site did so with a view to be able to 'age in place' in a community they know and love. The fact that many are now considering selling up because of the impact that this development will have on the amenity and liveability of their homes, is quite unconscionable.

**PART 2: Building heights exceeding the maximum height limit of 13.6m, as described in the LEP and KLP, and particularly on a landlocked site completely bounded by single and double storey dwellings.**

The Kingscliff community (and surrounding Tweed coastal communities) have fought hard for decades to maintain a lower form of development that is a key factor that contributes to the character and fabric of the Tweed's coastal environment and differentiates the area from the Gold Coast. A building height of a maximum 13.6 metres above ground level for residential development within the coastal strip is critical to maintaining this lower form of development and is synonymous with existing Kingscliff urban development. Opportunities for greater height limits exist as part of greenfield developments west of the current existing urban development.

The Association objects to:

- Any increase in building heights above 13.6m above ground level as outlined in the LEP, DCP and KLP within the existing urban environment.
- The justification used in support of the request to vary 'Clause 4.3 Height of buildings' under the Tweed LEP 2014. While the proponent has put forward some creative arguments to justify the request to vary this standard, the primary drivers appear to be to increase yield by achieving a four storey height limit and to unashamedly achieve the profit driven search for the holy grail of ocean views (beautifully demonstrated in the architectural design images). The Association strongly argues that these are not sufficient environmental planning grounds to argue the variation of a development standard – particularly this development standard which is a cornerstone of the existing Kingscliff built environment. The proponent's justification that the building height variation is needed to compensate for the need to fill the site is nonsensical. Uniting was surely aware of any land constraints when they purchased the Blue Care and Lorien Way sites in 2017 (with no doubt an eye to this type of future redevelopment). The need for fill is a land constraint and as with any development the constraints will dictate what can be achieved, not the yield sought/required by the proponent.

We would also argue that the *Section 4.6 Variation* and other components of the EIS fail to satisfactorily address the objectives of Clause 4.3 of the Tweed LEP 2014. Our areas of concern are addressed in other sections of this objection and rather than repeating here, we respectfully request that these concerns are also considered in relation to our objection to the Section 4.6 Variation. The objectives we consider to not have been satisfactorily addressed are Objective (b) *to ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity*; Objective (e) *to enable a transition in building heights between urban areas comprised of different characteristics*; Objective (f) *to limit the impact of the height of a building on the existing natural and built environment*; and, Objective (g) *to prevent gross overshadowing impacts on the natural and built environment*.

- In the interests of transparency for the community, the Association objects to the misleading attempts to understate/hide the intent in this proposed development to seek to increase Kingscliff's maximum height limits from the current 13.6m above ground level to a maximum of 16.75m above ground level. There are only two examples within the core EIS document that reference the actual height of buildings being proposed. Continually referencing the 'four storey' height limit, something that is only just being accepted and acknowledged within the community as being achievable under the 13.6m height limit and suitable within the relevant existing built environments (ie Marine Parade, Kingscliff Street, Pearl Street), is deceptive.
- This deception is further evidenced by misleading statements within the EIS. Examples include:
  - *The height of buildings proposed is 4 stories, as intended under a 13.6m height limit control.* (p100) but the actual height of buildings from ground level is up to a maximum of 16.75m for this proposed development.
  - This veracity of the above statement is immediately countered on p106 of the EIS where it is divulged that *'the proposal seeks an exceedance of the maximum building height within the R1 portion of the site, enabling buildings up to a maximum height of 16.75m'* (one of only two times that the actual height is referenced in the core document). Any increase in the maximum building height above the current 13.6m height limit within the existing built environment of Kingscliff has been continually challenged by the community, with the support of the Tweed Shire Council, because of the character of urban development for the Tweed's coastal towns. The community is open to discussions on increased height limits (above 13.6m) for developments away from the coastal strip (eg Kings Forest) or for relevant brownfield sites up to a 13.6m limit within some current urban development areas (eg along Kingscliff Street or Marine Parade) but would strongly argue that even the 13.6m height limit is completely out of character given the context of the built environment that surrounds this landlocked site.
  - The justification that *'this exceedance is associated with historical excavation at the site'* (p106) is not backed by any evidence of same and the natural topography of the surrounding built environment including from Kingscliff Street down Beach Street would suggest otherwise. We object to this justification without evidence being provided. We would also argue, as above, that this land constraint provides no justification for an increase in height limits to achieve a desired yield.
  - The comment that *'this development outcome is comparable to other residential development in Kingscliff and does not result in development at the site that significantly exceeds the height of other residential flat building types in the locality'* (p106) is not true. There is one example of a building within Kingscliff that exceeds this height limit (and is referenced in the EIS). This exceedance was approved by Council as the increase in height limit was to accommodate a lift overrun that sat within the centre of a 14-apartment development that is situated away from the main area of the town, adjacent to sports fields and a nature reserve and would not be clearly visible from surrounding areas. (Councillors approved this development after heavy debate and with a clear indication that Councillors were not happy with this variation to the DCP but accepted it in this instance only because of the reasons mentioned above.) There is no other example of any building within Kingscliff that exceeds 13.6m above ground level (as per the LEP, KLP and Kingscliff DCP). Examples of four storey buildings to a height of 13.6m are not present in the area immediately surrounding this landlocked site. An increase in maximum building height by another 3.15m above the current 13.6m maximum height will most definitely *'significantly exceed the height of other residential flat building types in the locality'*.
- The Association objects to the proponent's lack of compliance with height limits for senior's housing (9.5m) as outlined in the Housing SEPP *'given the height provisions that apply to the land under the Tweed LEP 2014 provide greater building height'* (EIS p107). Despite the provisions of the LEP, we believe that the 13.6m height limit is out of character with the surrounding built environment (not to mention the intent to seek an increase to a maximum of 16.75 above ground level which is out of character for the entire Kingscliff existing built environment).

Not only is it disingenuous to ignore the SEPP in favour of the LEP and then seek further maximum height levels above what is provided by the LEP, we are concerned with the safety implications of future residents. Considering the residential aged care building particularly, how will elderly, frail, immobile residents in a four-storey building be evacuated in the case of fire? How will they be moved to higher levels when a flood takes out power?

In a way, this demonstrates Uniting's approach to this development – give us more, cherry pick from the planning framework that gives the most bang for our buck and then see how much further we can push on everything with absolutely no regard for the neighbours, the town's character or in fact their own future aged care residents.

- We object to statements such as '*achieving a high-quality built form which sits well with its surroundings*' (p101) which are simply not true. This proposed development would tower well above any of the surrounding homes in the existing built environment.
- We object to statements such as '*The site is landlocked, with minimal interface to the public domain. This has however, led to careful site planning and built form consideration, given the land has a residential neighbour on all sides*' (EIS p100) which downplay the impact of the bulk, scale and height proposed by this development. Given the surrounding environment the proposed buildings would stand out like a pimple on a pumpkin in several locations.

### **PART 3: The excessive bulk and scale of the proposed development in relation to the surrounding built environment.**

The Association objects to:

- The excessive bulk and scale of this gross overdevelopment which is completely at odds with the existing built environment surrounding the site.
- Despite the proponent's many claims to the contrary, we object to the assertion that this proposal responds to the (P99 4.7.5.5 Schedule 9 –) *Design Principles for Residential Apartment Development* particularly regarding enhancing the qualities and identity of the area and to the consideration of the local context.
- We object to the heights and density proposed by this development which are not considered by our community – as evidenced by our local planning frameworks - to be the future vision for this area of the West Kingscliff Precinct. The misinterpretation or 'spin' used when referencing local planning frameworks to justify the bulk and scale of this development has been discussed in Part 1 of this objection.
- Due to the bulk and density proposed and the context of the existing built environment, we object to the assertion that this development '*Promote(s) quality design and amenity of the built environment*' as required by the Environmental Planning and Assessment Act 1979. Quite the opposite is true.
- We object to the misleading nature of the proponent's claim that this development reflects '*the site's coastal climate and immediate context*'. The immediate built environment (and as described by the proponent as '*effectively landlocked and surrounded by urban development*') consists of low rise, single and double storey homes.
- We object to the lack of evidence to support the assertion that the building design '*protects the amenity of those that adjoin the development*' - the complete opposite is true given the bulk, scale and location of the development. The impact on the adjoining residents is detailed further in Part 4 of this objection.
- We object to the veracity of statements regarding, and images meant to convey, the similarities between the Uniting Kingscliff proposal and the built environment near the site. The inclusion in Section 2.3.5 of the EIS of '*example images of contemporary buildings within the Kingscliff medium density precinct near the site, which are not dissimilar to the form and design of the Uniting Kingscliff development*' is misleading.

The examples provided have street frontages to Kingscliff Street and Marine Parade and because of their location face key connector roads and in the case of Marine Parade also open green space and the ocean. It is disingenuous at best to imply that the proposed development is within a similar built environment. This is simply not true. While the street address for this proposal is Kingscliff Street, this is the **driveway entry only** to this battleaxe block and landlocked site. Not one of the buildings proposed for the development have the advantage



of facing Kingscliff Street which would give some opportunity for the development to include buildings similar to the four storey buildings used as examples.

- We object to the veracity of the proponent's response to the '*challenge of maintaining an appropriate scale for the existing context*'. The '*height transitions, materiality and landscape*' referenced by the proponent do not respond to this challenge in any meaningful way. The proposed development is of a very inappropriate height, bulk, scale and density compared to the existing built environment or the planned future built environment for this part of the West Kingscliff Precinct. Sadly, this proposed redevelopment represents no more than a poor attempt to create a silk purse out of a sow's ear at the expense of the character, fabric and amenity of the surrounding residents and the broader Kingscliff community.

**PART 4: The negative impacts on factors that contribute to residents' amenity and liveability, particularly for occupants of the 112 residences that surround this landlocked site.**

KRPA objects to this proposed development due to the severe negative impact that a development of this size, in this location, will have on the fabric, amenity and liveability of the immediate surrounding neighbours and the broader locale.

While under our LEP, Seniors Housing is permitted within the Land Uses of R1 zoned land, we are firm in our belief that the absolute scale of this gross overdevelopment will have a significant impact on amenity and will place demands on services (including roads) that are beyond what this precinct can tolerate if we are to maintain some sense of amenity and liveability for existing residents.

The Association objects to:

- The assertions made throughout the EIS that the recessed fourth storey of the ILUs is (a) consistent with other examples within Kingscliff and (b) will assist in maintaining residential amenity and privacy for building occupants, on and off the site.

In relation to point (a), recently developed apartment buildings in Kingscliff with a recessed fourth storey are strong examples of quality apartment design. Part of the success of these buildings is that the fourth storey does not appear to be an additional storey from the footpath due to the depth of the recess (which includes the balconies), they fit within the existing built environment of three and four storey apartment buildings and they are predominantly located on Marine Parade facing a key connector road, open green space and the ocean. These are good example of buildings that fit within the character and context of the surrounding built environment. The proposed 4 storey Uniting Kingscliff buildings do not, in fact quite the opposite.

In relation to point (b) the proposed Uniting Kingscliff 4 storey buildings have balconies that go to the very edge of the building (as opposed to being recessed), do not appear to have anywhere near the same depth of recess as the existing buildings referenced, and have not adopted any of the other measures that have maintained residential amenity and privacy for occupants or surrounding residents including side recesses, fixed privacy screens or high windows to minimise overlooking (as shown in the side view of 176 Marine Parade).



176 Marine Parade – 4<sup>th</sup> Floor Set Back



176 Marine Parade – 4<sup>th</sup> Floor Set Back – From the Street



176 Marine Parade – 4<sup>th</sup> Floor Set Back – Side Profile



176 Marine Parade – 4<sup>th</sup> Floor Set Back and Outlook

- The inclusion of double loaded buildings which create an immediate direct impact on the adjoining neighbours as this design requires half of the balconies to look out over the surrounding single and double storey homes on the boundaries. Unfortunately, the 3D views provided by the architectural plans do not show the impact of these double loaded views and so could be misleading in terms of impact on surrounding homes. A more modest development would remove the need for double loaded buildings and help reduce, to a degree, some but certainly not all of the unacceptable privacy impacts.
- The bulk and scale of the proposed development which will cause significant and compounding negative amenity, liveability, health and wellbeing impacts on the residents of 112 properties that directly adjoin this landlocked site. These impacts include but are not limited to privacy (including indoor and outdoor spaces), overshadowing, an unacceptable loss of solar access and increased noise from an already active site (the Construction Noise and Vibration Assessment notes that the current facility does not comply with noise requirements).
- The assertion that the increased setbacks and substantial tree planting will be enough to ameliorate the severe impacts (including privacy and visual impact) for the surrounding neighbours. What trees can be planted in a landlocked suburban block that will reach close to a height of 16.75m above ground level to achieve this altruistic goal? How long would these trees take to reach maturity? Will this type of deep planting be possible on the boundaries where the basement car parks extend into the proposed setbacks? What new problem will this solution create, for example complete overshadowing and loss of solar access due to massive plantings on the boundaries?
- We object to the impacts of a minimum four year construction period (due to the scale of the development) including noise, dust, vibration, traffic/road and parking impacts, and as mentioned in the Social Impact Assessment *‘Temporary impacts to access to rental housing due to increase of additional workers at the site. Some local residents may be priced out of the area, particularly those on lower incomes. The influx of 440 construction workers may have an impact on community cohesion, given the size of the social locality.* This statement also highlights the incompatibility between the scale of the proposed development and the size of the existing community.

A more modest development, in keeping with the character of the surrounding built environment and our small town, would significantly reduce the time and therefore impact of not only the construction period but also the impact on character, liveability and amenity. The community has noted that Kingscliff would benefit from additional residential aged care beds (which are not provided in any meaningful way by this proposal). The ILUs represent nothing more to the community than another high end apartment development being proposed under the guise of seniors housing.

There are currently several apartment developments similar to the proposed ILUs either under construction or approved for development in Kingscliff and, like this proposed development, most will be unaffordable for local Kingscliff and Tweed Shire seniors. Modest one and two bedroom/one bathroom units, at a more affordable price point, would fill a gap for our seniors. As a not-for-profit, social housing provider one would think that this would be the focus for any genuine development for an organisation such as Uniting.

As mentioned previously in this objection, while we appreciate the concept of 'ageing in place', often referenced in this proposal as a key driver for this redevelopment, in a small, close knit community like Kingscliff 'ageing in place' is very achievable due to high levels of community support, access to services provided by My Aged Care and proximity to local services and amenities. Ironically, should this development proceed in its current form, surrounding neighbours who are well set up for 'ageing in place' are already talking about selling their homes due to the unacceptable impact on their liveability and amenity should this gross overdevelopment of the Uniting Kingscliff site proceed in the proposed form.

Several residents who live in the homes surrounding the site are members of this Association. These members and their neighbours have indicated that they will provide detailed submissions in relation to these issues including aspects of the EIS which downplay impacts on liveability and amenity. Having seen the site from these homes we are in no doubt that this gross overdevelopment will absolutely have an unconscionable impact on these neighbours. Our Association fully supports these residents' concerns and wish to lend our weight to their detailed objections.

**PART 5: Flood impacts exacerbated by the intent to fill parts of the site prior to construction to levels of 3m+, the gross overdevelopment of the site and the resultant increase in impervious areas.**

From the information available in the EIS, the Association does not believe that adequate evidence has been provided to meet the SEARs requirement to 'Assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required'. On this basis, we object to this proposal.

As stated in the EIS, *'The subject site is located on mapped flood prone land'* and in the Social and Economic Impact Assessment *'The site is subject to flooding from Tweed River floodwaters and overland flooding'*. (We note that there are inconsistencies in terms of flood impact between the core EIS document, the Flood Impact Assessment and the Social and Economic Impact Assessment.) The impact of this overdevelopment on flood prone land, including the gross increase in impervious surfaces created by the bulk and scale of this proposed development has not been addressed adequately.

Given the extent of the 2022 flood events (including homes that had never flooded previously in the North and West Kingscliff Precincts), it is disingenuous to suggest that there will be some magic pathway to ensure that this massive development does not exacerbate the existing problem. Suggesting that this can be sorted during the detailed design phase (once approval has been received and the Tweed Shire Council has completed the *Tweed Valley Flood Study update and expansion*' project which will provide updated flood data based on the 2022 events) is unacceptable to the community and should be unacceptable to the State Government given the financial burden of these more regular catastrophic events.

The contradiction between the Flood Impact Assessment (nothing to see here) and the requirements for the site outlined in the Flood Emergency Response Plan (at the extreme end move everyone out, move residential aged care residents to at least Level 2 of the RAD building; in less extreme cases the site would be isolated and the basement and Level 1 could be inundated) should ring alarm bells for anyone reading the EIS and needs full investigation prior to any determination.

Rather than debate the technical aspects of the associated flood reports, which we believe are an inadequate and inaccurate reflection of potential flood impacts, following for your information are images of the proposed development site and surrounding neighbourhood during the February/March 2022 Northern Rivers flood event.





Uniting Site – 1 March 2022 to the North West



Uniting Site – 1 March 2022 to the South West



Turnock Street to the South West of Uniting Site – 1 March 2022



Turnock Street to the South West of Uniting Site – 1 March 2022



Streets in North Kingscliff to the East - 28 Feb 2022



Streets in North Kingscliff to the South West - 28 Feb 2022

The Association appeared before the ‘*Select Committee on the Response to Major Flooding across New South Wales in 2022*’. As a result of this appearance, several political leaders including the Premier, the Hon. Chris Minns MP (then opposition leader) and Ms Cate Faehrmann, MLC, visited us to discuss the impacts and tour flood affected areas (including homes close to this site). Promises were made (at both State and Federal Government level) that there would be no further development on flood plains until the outcomes of the two NSW flood inquiries were implemented. Like many flood affected communities we are still waiting on these outcomes.

As a community, we are facing more regular and severe flood events. The science of climate change cannot be ignored and the combined impact of climate change and increased impervious surfaces on the flood plain (through development) needs to be reduced in a meaningful way. While safe evacuation is critical, more attention needs to be given to the mental toll of flood events, the cost (monetary and emotional) of flood recovery, the impact on emergency services and community members (who were required to perform most evacuations in the 2022 floods) during and post evacuation and of course, risk to life. Why put so many more seniors in harm’s way and why risk turning the currently flood free homes in proximity of this site into flood prone homes.

What does this mean in terms of this proposed development? The Association believes that it is imperative that all aspects of the EIS and supporting documentation related to flooding and flood impacts be forensically examined to ensure the veracity of all claims and statements made prior to any determination. From a flood impact perspective,

we firmly believe that the days of approving an application with a view to ironing out the detail or mitigation strategies during the design phase is no longer acceptable in relation to flood impact matters. This would be a small but significant step in truly responding to the issues and impacts of further development on flood plains, including those posed by this proposed development on this part of our floodplain.

**PART 6: Traffic and parking impacts particularly in relation to the impact of a SSD of this size and deemed as a 'Traffic Generating Development' entering and exiting via a narrow street designated as a 'local' road.**

In describing the character of the existing urban environment of the West Kingscliff Precinct (which includes the Uniting site) the Kingscliff Locality Plan (p138) describes the local traffic network as *'Elrond Drive is the primary collector road running through the precinct providing access to the local streets, many of which are dead end cul-de-sacs. Whilst this road network limits road connectivity through the precinct, a series of pathways provide some pedestrian connectivity between streets and open space areas.'* This is the reality of the road network and pedestrian amenity for this proposed development – **local roads with very limited connectivity and some pedestrian connectivity.**

The Association objects to:

- The impact on the local road network of a State Significant Development of this bulk and scale in an existing urban environment comprising predominately local streets with limited connectivity.
- The use of Lorien Way (an 8.1m wide 'local' road) as the entry/exit point for most end users of this proposed development and for the minimum four-year construction period (servicing 440 construction workers and the associated heavy vehicle site deliveries).

Should this change in entry/exit point to the Uniting site be approved, the **difference** in traffic impact will be the servicing of four homes (to be demolished as part of this development) to servicing the traffic associated with an additional 199 apartments and an increase in the residential aged care capacity and all that entails – residents, visitors, staff, countless deliveries to residents and the aged care facility, trades for repair/maintenance call outs, additional waste management services, ambulances. The impact of this change in entry/exit point for the Uniting Kingscliff site has not been adequately addressed in the EIS. How can it be argued that this one change will not have a significant negative impact on the amenity and liveability for the residents of Lorien Way (or in fact Beach Street, Kingscliff Street, Elrond Drive and other local roads).

The fact that Uniting Kingscliff opted to purchase homes at the furthest end of Lorien Way (as a potential entry/exit point) when they were initially speculating on this proposed development in 2017, rather than homes in Beach Street or further north on Lorien Way, adds to the undue traffic impact that this will have on their near neighbours and the community more broadly.

The Association strongly objects to the creation of the main entry/exit point for this proposed development being in Lorien Way.

The fact that the only alternate entry/exit point is the existing driveway off Kingscliff Street will undoubtedly cause an issue for a development of this size – a further indication that this particular battleaxe block is not suitable for the size of the development being proposed. This Kingscliff Street entrance already creates multiple problems due to its close proximity to a roundabout on the corner of Kingscliff Street and Beach Street. During peak times, this roundabout backs up northbound on Kingscliff Street. Once it begins to back up, as few as three or four cars can effectively block the entrance to and exit from the site.

Whichever entry/exit points are considered for a development of this size on this battleaxe block will cause significant negative traffic impacts for the surrounding area and key connector roads such as Kingscliff Street.

- Considering the differences outlined above in traffic needing to be serviced as a result of this proposed development, the estimated trips shown in the Traffic Impact Assessment, both currently and as a result of this proposed development, seem overly conservative. With 86 residents currently in place at Uniting Kingscliff, 36 trips per day, when you consider staff, visitors, deliveries and other users, appears to be an underestimation. The increase in numbers of residents and staff from this proposed development could be conservatively estimated at

300 and yet the Traffic Impact Assessment has estimated a total increase of only 58 additional trips. There is no consideration given to the different impacts of residential aged care (current use) and apartment living (bulk of the future use) in terms of simple realities such as parcel delivery (online shopping).

- The Association objects to the use of misleading images of the current traffic and parking situations particularly in Lorien Way and Beach Street. Both roads carry considerable traffic including buses and already experience parking issues.
- We object to the reality limiting implication in the Traffic Impact Assessment that *'It is expected that given the surrounding public and active transport options, staff and visitors to the site **would be able to make journeys to and from the site with a reduced requirement for private transport**'*. The emphasis here is on the words *'would be able to'* which is quite different to *'would'* – local insights will tell you (and are confirmed by the Social and Economic Impact Assessment) that Kingscliff has a minimal public transport network that is underutilised because of the infrequency of the service and the time taken to travel the route. The fact that the Service originates from Tweed Heads, means it is of no use at all to any staff or visitors travelling from other destinations.
- We object to the absolute inadequacy of the traffic and parking plans for the minimum four-year construction period required for this development. During the consultation phase, Uniting Kingscliff representatives indicated to the community that all construction workers would be parking onsite. However, the Social Impact Assessment notes that *'Due to site constraints, there will be limited parking available to site personnel on site. To minimise the required parking, the contractor will be encouraged to inform workers of travel options to the site. All site personnel are encouraged not to park on street in the vicinity of the development site'*. While the image of 440 construction workers boarding the local 601 bus (tools and all) gave a small moment of comedic relief, this is just an absurd and fanciful solution.
- We object to the lack of a clear and sensible solution to the requirements of the 2021 NSW Housing SEPP which legislates that senior's housing should *'have obvious and safe pedestrian links from the site that provide access to transport services or local facilities'*. Access from this site to the town centre or the beach has become increasingly difficult and dangerous due to the already increased traffic demands in this locality. The solutions vaguely suggested by the EIS have not considered the negative impact on the surrounding area or difficulty in implementing same.
- We object to the impacts that a development of this size will have on parking generally within Kingscliff which like most small beachside towns is already experiencing reduced parking availability. A simple example is the current parking limitations at the local shopping centre. Residents already report issues with finding a park at the shopping centre most times of day. The increased population from a development of this size will significantly add to this issue. It is nonsensical to suggest that seniors won't use their cars to do their grocery shopping.
- Should the proposed entry/exit point in Lorien Way be approved (and we strongly object to this solution), the corner of Lorien Way and Beach Street is likely to need some reconfiguration to safely deal with the additional use of this intersection. This is not considered or addressed by the EIS.

We note the compounding impact of the traffic associated with this development being added to the traffic impacts already being experienced during the construction of and since the recent opening of the Tweed Valley Hospital on the surrounding streets in particular Elrond Drive, Beach Street and Kingscliff Street.

We note Transport for NSW's involvement in this project but are dismayed that the only comment was in relation to the planned widening of Tweed Coast Road. Tweed Coast Road is not the natural route to this site and will do little to ease the traffic and road issues associated with this proposed development.

We note that most of the resident car parking is contained within two basement car parks. We would challenge the usefulness of this design for seniors housing. That is, seniors having to walk considerable distances through the car park, exit via a lift, and then walk to their apartments.

We note the parking issues already being experienced at the Tweed Valley Hospital particularly at shift change over times and the impact this is having on local businesses and streets.

We note clear comments from the Social and Economic Impact Assessment that conclude that *'Public transport accessibility near the site is limited; Pedestrian infrastructure is also limited; Surrounding residents are highly reliant on private car use; The proposal is surrounded by local streets, and public transport accessibility is minimal'* which have not been addressed by the proposed development.

#### **PART 7: The veracity of the community consultation process.**

On paper, Uniting Kingscliff would appear to have met the SEARs requirements for 'Engagement'. The project team did undertake the range of activities outlined in Appendix Z - Consultation Outcomes Report Phase 1 & 2\_V1 and were willing to maintain some ongoing dialogue with the Association (although this dialogue did not result in any meaningful change to the proposed development). The community feedback as reported is in most instances, but not all instances, a fair representation of community concerns. However, feedback from the community and other stakeholders, and indeed recommendations contained within some of the EIS appendices has not translated to the proposed design for this redevelopment.

The Association holds key concerns with the veracity of the community consultation and overall engagement process. These concerns include:

- What appears to be the modus operandi for Uniting's development arm – come into a community with an ambit claim (on the basis that this will be a SSD and so we can do it, rather than a more respectful we can apply to do this); consult with the community on the ambit claim; come back with a watered down version albeit still a gross overdevelopment; claim to have listened to community feedback and adjusted accordingly, a claim that is then used to support the development application. We have followed with interest other Uniting development proposals and this appears to be the constant approach but is surely not only disrespectful to the communities involved but disrespecting of the intent of the SEARs engagement process.
- While the community (and other stakeholder) feedback has been noted in the engagement report, there is little evidence that the feedback has been used in any meaningful way to contribute to the final design of the development. The reductions made are insignificant in terms of the impact that this development will have on the community and it could be argued that they were made not in community interest but to secure Uniting a better chance of having the development approved. Is this the intent of the SEARs engagement process?
- We note that it is not only community feedback that appears to have been ignored with recommendations from, for example the Social and Economic Assessment Report (eg traffic and flood impacts) or the State Design Review Panel (eg the inclusion of double loaded buildings) failing to have, in any meaningful way, influenced the overall design of this development.
- The watering down of genuine community concerns through the use of subjective language. Examples of this are many and varied throughout the EIS and supporting documents. For example, the use of terms such as 'a few residents' or 'a small number' when the community as a whole has expressed concern; under 'Impacts associated with changes to neighbourhood character and increased bulk/scale of local development' the existing context is described as 'largely low-rise residential development in a beachside town' followed by the comment that 'The community feel the development is not consistent with the surroundings due to the size and scale'. There is no 'feel' about this – the development is not consistent with the surroundings or indeed the Character Statement for the West Kingscliff Precinct.

We therefore raise serious concerns about whether the intent of the engagement process has been honoured or whether this was in fact no more than a high profile exercise orchestrated with no intent of meeting community expectations but with every intent of being able to 'tick the box' as required by the SEARs.

Our community is not anti-development but is heavily invested in pursuing sustainable development that respects the character, fabric, amenity and liveability of our small beachside town and managing new development in concert with our highly consulted local planning frameworks.



## Conclusion

The Association is certainly not against the redevelopment of the Uniting Kingscliff site perse and believes there is an opportunity to provide more contemporary residential aged care spaces and some individual living units for seniors in a more modest development that respects and enhances the character of the existing built environment.

As it stands currently, this redevelopment is no more than an oversized high end apartment development for over 60s, totally out of context within the surrounding built environment, masquerading as aged care and seniors housing that will be out of reach financially for many Kingscliff or Tweed Shire seniors.

Our members agree there is an opportunity to provide an increase in more contemporary residential aged care spaces and some affordable individual living units for seniors in a more modest redevelopment that respects the character of the existing built environment and the Kingscliff community. The adjoining neighbours also generally agree that some redevelopment of the site was always expected but not to the extent of the gross overdevelopment proposed that will without doubt have serious negative impacts on their ability to enjoy their homes. The fact that many of the residents in the 112 adjoining properties are seniors who will find their homes and neighbourhood unliveable and be forced out should this 'seniors' development proceed as designed is beyond ironic. Our community, sadly, would also lose valuable community contributors.

Our members believe a more modest redevelopment of the Uniting Kingscliff site could be achieved by scaling back the development to provide what is really needed for our seniors in Kingscliff and the broader Tweed Shire. If the Uniting Kingscliff redevelopment focussed on the missing middle that currently exists in Kingscliff, that is smaller one and two bedroom units/villas with a single bathroom, the size of the development could obviously be reduced to something that would fit within the existing built environment and would reflect something more akin to affordable seniors housing. A reduction of the number or size of some of the additional facilities would also help scale back the overall size of this gross overdevelopment. Three-bedroom, two bathroom + study units are being developed in close proximity to this site for those seniors looking for this scenario and who are able to afford this luxury.

The Association and indeed our community welcomes genuine attempts to develop and provide our community with seniors housing and aged care. Sadly, in this instance, Uniting have missed an opportunity to meet this need and instead opted to go with a large scale, high-density, property development, masquerading as aged care and seniors housing. Despite no success to date, we would welcome an opportunity to continue to engage with Uniting to find the middle ground.



Uniting Development Architect Drawing imposed within the low-rise, low density precinct