

Comments on the EIS for Mingara Recreation Club Seniors Housing Tumbi Umbi

The EIS advises that “Consultation feedback received during the finalisation and assessment of the application will continue to be taken into consideration (p139).” Therefore, please address the points raised in this submission as part of the remaining EIS response, assessment and recommendation processes.

Building Heights

The Secretary’s Environmental Assessment Requirements (SEARs) stipulate that the EIS needs to: “Demonstrate how...the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality (p2).”

The EIS contends, on page 85, that “The 6-7 storey apartment buildings are consistent with the new 5-storey hotel to the east of the development area.” Even if the new hotel was the bar to measure by, two additional stories is still very noticeable—the bulk of the new hotel now looms large over the view.

However, until this hotel development opened last month, December 2024, nobody had ever had to calibrate their gaze to any more than two stories. The high rise apartments are four or five stories above this historical baseline and spread across the whole site.

Further, the four large buildings form a wall along the north-south axis of the site.

Conclusions:

- a) The new hotel is not the appropriate yardstick for building height.
- b) The EIS does not, as claimed, satisfy the SEARs issued for the project in this regard and the building heights and number of buildings should be reduced.

Visual Amenity and View Loss

The SEARs sets out the EIS must: “Assess amenity impacts on the surrounding locality, including...visual amenity, view loss and view sharing...A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated (p3)”.

The View Analysis claims that: “The proposal does not block visual access to any...areas of unique scenic quality” (Appendix M p3). This is contradicted by Photos 1, 4, 10, 11, 12 & 13 in Appendix M (p9)—all taken from ground level—which clearly show how the wooded ridge line dominates the field of view. The photos in the Landscape Design Report also reveal the dominance of the wooded ridge line over the view (Appendix NN pp 4, 5, 8 & 9). Locals treasure the densely wooded hills surrounding Tumbi Umbi; they draw the eye and make the scene uplifting. It is no wonder it is an Environmental Conservation Area.

The View Analysis concludes: “The proposal does not block views of the ridge skyline from any of the assessed viewpoints (Appendix M p29).” (Please see further comments below.) The View Analysis also states “...the visual effects caused by the proposed development are considered to be low, reasonable and acceptable...” (Appendix M p3).

- c) The wooded ridge line, an Environmental Conservation Area, is of ‘unique scenic quality’.
- d) The proposal does not ‘respond’ to the ridge line in, as is claimed, a sensitive way; the fact is, there is almost total view loss because the wall of buildings blocks the view of the wooded hills from the existing open land to the east of the proposed development.
- e) The EIS does not satisfy the SEARs requirement to demonstrate a high level of environmental amenity.

Key Viewpoints

The SEARs obliges the EIS to: “Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development (p3).”

The EIS provides four photomontages (p96). The chosen viewpoints seem to be selected to display perspectives that provide an inoffensive result; they are far away; have obstacles in the foreground; and, fail to represent the viewpoints a local would consider relevant.

In particular, there are no photomontages supplied for the view from the neighbours in the north-west, west and south. It would be common courtesy for the EIS process to honestly show the visual impact that neighbours of Mingara would experience. This would be particularly informative for those residents who now see the new Hotel interrupting their horizon—that bulk is further away, lower and smaller than the sum of the proposed retirement village buildings.

The EIS consultants blithely conclude: “In our opinion, no further assessment of the visual effects or impacts is required to support the application or to satisfy the SEARs” (Appendix M p29). Their paid opinion does not accord with the local residents’ perspectives. The SEARs has not been adequately addressed.

Conclusions:

- f) The four selected viewpoints are not fairly chosen to reveal the interruption the proposed development will have on the perspectives of the local residents.
- g) In particular, there are no viewpoints that show residents to the north-west, west and south what they can expect if the buildings eventuate as proposed. Therefore, the EIS should provide additional photomontages from the following three locations which are marked on the image below as VP5, VP6 and VP7:
 - i) VP5—looking down Silver Gull Place from the corner of Jaeger Road;
 - ii) VP6—looking down Macaw Way at its intersection with Parakeet Circuit within Glengara Retirement Village; and,
 - iii) VP7—outside the gate entry to Glengara Retirement Village on Shearwater Drive.



Public Transport

The EIS claims the proposed retirement village is ‘appropriately’ located to existing public transport (p6) which it lists without analysis; the Transport and Accessibility Impact Assessment (Appendix R) is similarly vague. Curiously, the Access Consultant’s report (Appendix J) is both more informative and accurate than the Transport Consultant’s content regarding public transport.

The EIS correctly records the bus stop in Mingara Drive as being the closest to the proposed development. However, it neglects to inform that:

- the bus stop for return services is a further 300 metres south on Hansens Road, making that walk nearly twice as long.
- Route 24 services only run after 2100 at night so unlikely to be of much interest to seniors.
- Route 45 follows a dizzying route to a shopping centre but only runs eight times each weekday with no weekend services. Consequently, it has extremely low patronage.
- Route 48 takes passengers out of their way to the same shopping centre only five times each weekday but, happily, there are four services on Saturday (although none on Sunday).

The sum of these services is that the Mingara Drive bus stop is not much use and, consequently, it is rare that anyone is ever seen waiting for a bus there. Indeed, bus drivers are so used to driving the route alone they check that anyone getting on one of these services at Bateau Bay Square shopping centre is on the right bus.

The services at Wyong Road bus stops and Tumbi Creek Road bus stops are more useful. Importantly, they link to the rail network at Tuggerah in the north west and offer connection to The Entrance in the east, as well as south to Gosford via Erina. However, most services follow circuitous routes although the express 14X service does run direct between Tuggerah and The Entrance along Wyong Road but it only operates for commuters in peak hours.

The Transport and Accessibility Impact Assessment attached to the EIS falsely states that “The subject site is within optimal walking distance (400 metres) of several bus stops...” (Appendix R p25). This incorrect statement also occurs in the Access Report (Appendix J p10) while the Green Travel Plan wrongly claims “...six (6) bus stops being situated within 400m of the subject site” (Appendix PP p 3).

The actual distances are obviously greater than 400 metres to anyone visiting the site. The table below provides the six distances calculated by seeking pedestrian directions on an online map website from the proposed Main entrance at Building 2:

| From Entrance of Building 2 to | Walking Distance | Notes: |
|---|------------------|---|
| Mingara Drive & Hansens Road Stop | 400 metres | |
| Hansens Road after Tattler Street Stop | 700 metres | <ul style="list-style-type: none">• Return stop for the above• No seat or shelter |
| Wyong Rd & Mingara Drive Stop (Westbound) | 500 metres | |
| Wyong Rd & Tumbi Creek Road Stop (Eastbound) | 700 metres | <ul style="list-style-type: none">• Requires crossing Wyong Road |
| Tumbi Creek Rd & Clare Mace Cres Stop (Westbound) | 700 metres | <ul style="list-style-type: none">• Most frequent services• Requires crossing Wyong Road• No seat or shelter |
| Tumbi Creek Rd & Clare Mace Cres Stop (Eastbound) | 700 metres | <ul style="list-style-type: none">• Most frequent services• Requires crossing Wyong Road• Requires crossing Tumbi Creek Road• No seat or shelter |

Given that residents of the proposed development will be older and perhaps frail aged, the distance to the stops is a disincentive to use public transport. (Please also see further comment below about access to these stops.) When seniors get to the Tumby Creek Road bus stops, there are neither seats nor shelters which are further disincentives for seniors.

The experience of local users is that the existing public transport will be inconvenient to residents of any new retirement village. That does not augur well for residents to patronise public transport as the Green Action Plan wishes.

The SEARs requires the EIS to: “Provide a transport and accessibility impact assessment, which includes: an analysis [of] the **existing** transport network, including...any pedestrian, bicycle or public transport infrastructure...(p4)” [emphasis added].

In passing, the EIS includes conjecture about future transport possibilities (p24). Given the NSW Government’s **Future Transport Strategy** runs to 2061, many of the residents who move into the proposed development will not live long enough to enjoy the benefits of concepts such as Fast Rail. Thus, the EIS should only be assessed on its content relating to existing public transport.

Conclusions:

- h) The analysis of public transport provided in the EIS is cursory and misleading. The remaining EIS processes need to present a more realistic assessment to satisfy the SEARs.
- i) The Green Travel Plan misses the opportunity (Appendix PP p12) to call for the installation of shelters with seats at all bus stops likely to be accessed by residents and staff of the proposed development.

Pedestrian Safety

SEARs also wants the EIS to supply an: “analysis of the impacts of the proposed development during construction and operation...identification of potential traffic impacts on...road safety (including pedestrian and cyclist conflict) (p5).” The EIS also records that the **NSW Seniors Strategy** calls for environments that foster safe walking (p26).

The design of the pedestrian linkages around the site presumes pedestrians will go out of their way to access a marked crossing. In the real world, people take shortcuts—no one, especially the elderly, wants to walk unnecessary distance to access a marked crossing only to have to double back on the other side of the road. The proof of this is that during events Mingara has to install extensive plastic bunting on Y posts to prevent pedestrians taking shortcuts.

Beyond the site, the experience of locals is that the public roads are fraught with danger for pedestrians. In contrast, Appendix R states: “External to the site, key intersections are provided with sufficient pedestrian crossing infrastructure, with two-staged priority crossings or signalised pedestrian crossings provided on most legs.” This is simply not true.

For example, there is no marked crossing across Mingara Drive to the Medical Centre. Pedestrians have to negotiate a refuge island looking for a gap between vehicles whose drivers are distracted by traffic entering the adjoining roundabout, exiting the medical centre or, on the north side, accelerating out of the five fast food outlets on the west side of Mingara Drive or multiple vehicle related businesses on the east side. Vehicles are literally coming at the pedestrian from all directions...and the drivers have priority. Retirement living inevitably involves slow and frail foot traffic.

The discussion of the public transport network (p101f) fails to note that crossing Wyong Road is required for many of the bus services. This involves extra walking distance to the corner of Mingara Drive/Tumby Creek Road and considerable delay waiting for each of the two stages of the pedestrian lights at the crossing (and again to cross Tumby Creek Road, if travelling east). Stopwatch trials at random times show it takes between two and three minutes to get across Wyong Road at the two-stage ‘Walk’ crossing. Those accessing the eastbound bus stop on Tumby Creek Road have to add up to a further two minutes to get across to the eastern side.

Under the Base Case Plus Background Growth Plus Development Scenario, projected intersection delays for motorists in another ten years are rated as level of service F (Table 9 p105). In the meantime, the existing delays for pedestrians can be more than double those. Is it any wonder pedestrians might risk jaywalking.

To get to the Tumby Creek Road bus stop at Clare Mace Crescent, pedestrians must also dodge the vehicles zooming into or out of the service station and fast food outlet on the corner, coming sometimes simultaneously from nowhere out of Wyong Road and illegally turning from the southbound lane of Tumby Creek Road into the No Entry driveway of the service station. It is double jeopardy for the unobservant or slow footed.

As pedestrians can exit the proposed development to the north past the Athletics Field, there may also be temptation to save time by jay walking across Wyong Road. If seniors make it safely across what the EIS terms the 'highly trafficked' arterial road, they then have to be wary of trip hazards because there is no footpath on the northern side, only dirt and exposed tree roots—and considerable mud after rain which sometimes forces people to walk on the arterial road.

The EIS also includes consideration of the Beckingham Road intersection with Wyong Road. The experience of locals is that the only way pedestrians can get across this unmarked crossing during any busy period is to dodge four lanes of moving vehicles with a refuge island in the middle. Not being a marked crossing, drivers have priority but are distracted looking for a gap to merge into the double lane roundabout or accelerating out of it. It is totally unsafe for pedestrians and impossible for the slow footed.

Conclusions:

- j) The pedestrian routes for seniors to the existing bus stops do not foster safe walking. Rather, they can be both risky and time consuming.
- k) The Transport and Accessibility Impact Assessment has not addressed the SEARs. Its advice that "...the proposed development will not have any adverse impacts on pedestrian safety...(Appendix R p55)" is not the experience of locals.

Pedestrian Track to the North-West

There is an existing pedestrian track along the northern boundary of the site which is used by nearby residents who live on the north-western side of the site, especially children, to access the Athletics Field, Mingara and Wyong Road. This track winds past the southern end of the Constructed Wetlands and is within the boundary of the Development Site shown in Figure 1 of the EIS (p6).

Without this community connection, residents to the north-west of the development site would be forced to walk a much longer route via Beckingham Road and Wyong Road. The image below shows a yellow GPS track of the desire line from the front entrance of Mingara to Sandpiper Way.

The SEARs requires the EIS to: "Address how good internal and **external** environmental amenity is achieved, including...pedestrian movement throughout the site, access to landscape and outdoor spaces" (p3) [emphasis added]. The SEARs also wants: "proposals to promote sustainable travel choices...such as connections into **existing walking** and cycling networks...encouraging car share and public transport...(p5)" Further, the SEARs also needs the EIS to: "Address how good internal and **external** environmental amenity is achieved, including...pedestrian movement throughout the site, access to landscape and outdoor spaces (p3)." Finally, in relation to Public Space, SEARs expects that the EIS: "Demonstrate how the development ensures the public space is ...accessible for all, maximises permeability and connectivity...(p3)"

The EIS records that "...internal pedestrian connectivity within the broader site is **proposed** to be improved" (p30) [emphasis added]. However, the discussion is non-committal and even contradictory. The EIS shows at Figure 18 (p58) a 'Core Pedestrian Network' route outside the northern boundary of the development site (which also provides access to the Athletics facility). This seems to be confirmed in the Site Opportunities diagram (drawing DA2.01 in Appendix B)

which shows a footpath external to the northern boundary of the site. Figure 20 in Appendix R also shows a Proposed Pedestrian Linkage to the west along the north side of the site. However, DA1.06 in Appendix B contradicts this by referring to a 'potential' pedestrian connection.



Please also note that the well worn track is not a 'wheelchair accessible' pathway because of uneven ground, metal barriers, bollards and having to jump across two water courses. The track can also be impassable for all users after heavy rain.

Conclusions:

- l) The proponent needs to commit to preserving this route as a permanent public pedestrian walkway along the northern side of the proposed site. Such a track would also offer residents of the proposed development a walking route to the Tumbi Umpi Uniting Church in Beckingham Road and the Environmental Conservation Area on the ridge line.
- m) The proponent should also commit to retaining a suitable and safe walking route to be kept available for pedestrians during all stages of construction.

Tsunami

While the Flood Emergency Management plan is commendable as an operational procedure, it seems an unfortunate oversight of the SEARs that the EIS does not acknowledge that the NSW SES rates parts of the development site as being at risk of tsunami (see screenshot below or visit <https://www.ses.nsw.gov.au/plan-and-prepare/tsunami/evacuation-map>).

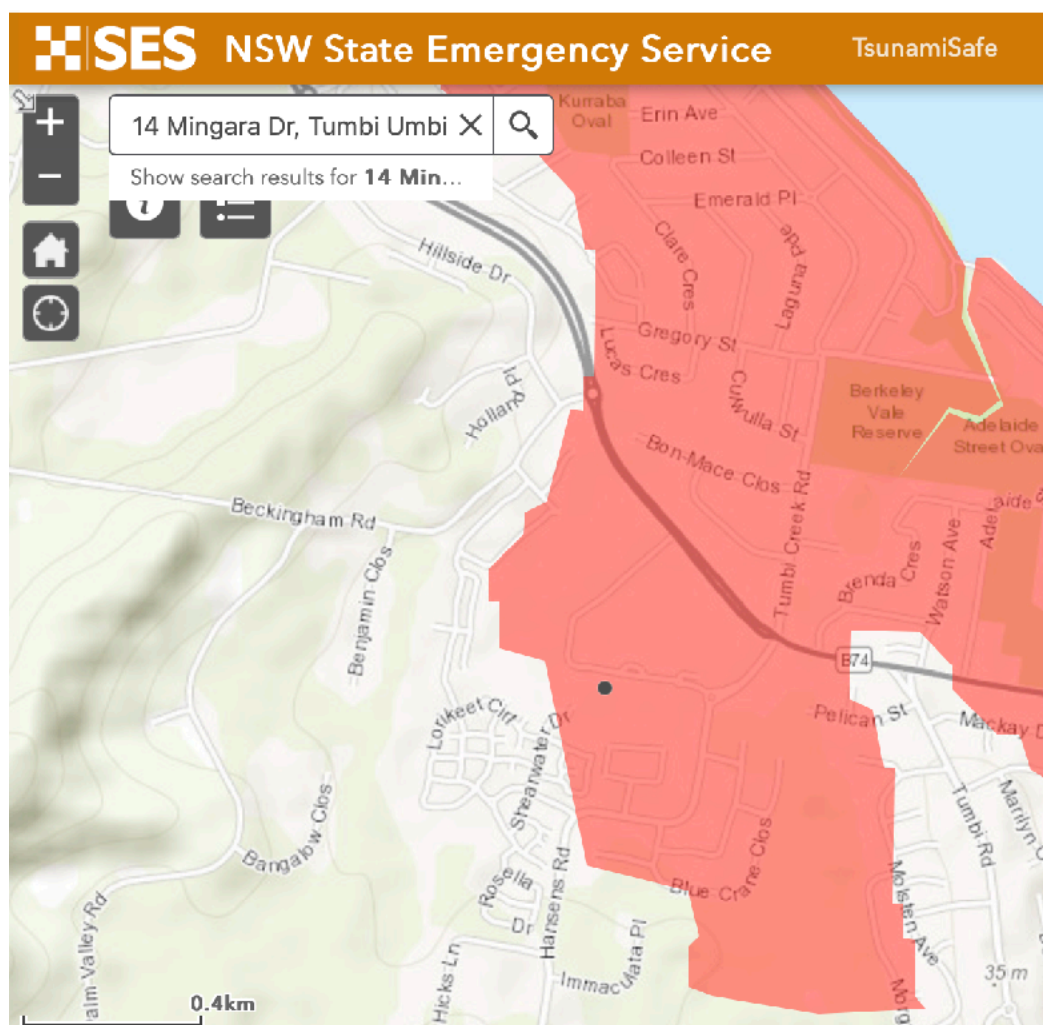
If the Bureau of Meteorology were to issue a Land Inundation Threat Warning, SES advise that residents need to move to ground more than ten metres above sea level. No part of the development site is that high. The NSW topographical map shows the nearest public land above 10 metres is to the west of the development site in the vicinity of Beckingham Road.

However, any tsunami would arrive from the north via Tuggerah Lake making the nearest pedestrian or motor evacuation route in that direction unwise despite the urgency. Perhaps sheltering in place may be an option for some ILUs, particularly on upper floors. The Flood Emergency Management Plan concludes that "...the most appropriate evacuation procedure [in the case of flash flooding coming from the south or west] is considered to be vertical evacuation, or shelter in place, specifically for mobility impaired occupants (Appendix LL p23).

Given that residents of the proposed development will be seniors and perhaps frail aged, this missing analysis in the EIS is concerning.

Conclusions:

- n) The Director seems remiss in not requiring the EIS to analyse the impact of tsunami inundation.
- o) Expert advice on a suitable action plan in the case of tsunami emergency seems warranted.



Managing Staged Construction

“If staging is proposed,” the SEARS looks to the EIS to: “provide details of how construction and operation would be managed and any impacts mitigated (p8).”

The EIS estimates that residents will be subject to construction noise six days a week for a total of 3.5 years starting from late 2025 (p64). The Flood Emergency Management Plan assumes the proposed village will be operational by 2030 (Appendix LL p14) which allows for a bit more than four years.

Being high rise construction, elevated noise sources would transmit uninterrupted and unmitigated by obstacles at ground level. Local residents currently enjoy the amenity of a quiet environment. The total two-stage construction time is very significant and not planned with the interests of Tumbi Umbi residents in mind.

Conclusions:

- p) Stages 1 & 2 should be carried out simultaneously thus sparing the suburb of Tumbi Umbi from two very significant periods of disturbance of the quiet enjoyment of their homes.
- q) The Construction Management Plan (p119) needs to inform each resident within earshot of the procedures to report noise complaints during construction and operation of the proposed development.

Bushfire

The EIS claims the Environmental Conservation Area (the ‘ridge line’ as the EIS describes it) is ‘approx 5km’ to the west of the subject site (Figure 9 p32). This is not correct as the 800m dotted radius on the same figure shows. An online measure plots the elevated bushland on the ridge line as 720 metres away from the proposed development. With only lower ground and low structures within that gap, the wall of multi-story residential buildings of the proposed development risk acting as a catchment net for any cinder storm driven by wind from the western quadrant.

Conclusions:

- r) EIS to correctly note the distance in Figure 9 and consider the exposure to cinder storm of the proposed buildings.

Tree Plantings

The Landscape Design Report refers to “...an extensive tree planting strategy...” (Appendix NN p12). In the Future Landscape Setting section, the consultant’s advise that: “...more exposed areas will respond [to] and re-create the ridgetop vegetation typology of the local area that is represented in the ridgeway surrounding the site” (Appendix NN p12). The ‘ridgetop typology’ is large trees. Indeed, twelve of the thirteen trees nominated for planting exceed a mature height of ten metres with the mature height of 25% of the selection exceeding 30 metres (Appendix NN p15).

The EIS does not provide detail about the precise location of the proposed tree plantings (p114) but the Landscape Plan shows some of them appear to be quite close to neighbours (Appendix NN p14). [Note that this appendix refers readers to a “...Tree Canopy Cover Plan for more detail” (Appendix NN p12) but this is not included in the EIS.]

Trees over a certain height will impact insurance premiums for those residences that are within a horizontal distance set by the insurer. For example, one large Australian insurer specifies that any tree over two stories high within 20 metres will affect the premium.

Conclusions:

- s) Provide the Tree Canopy Cover Plan as part of the remaining EIS processes.
- t) Tree planting to avoid imposing annual costs on the neighbours once such trees grow above two stories.

New Land Parcels

A proposal to create a peculiar island land parcel within Lot 3 to contain the proposed retirement village through subdivision seems out of place in an Environmental Impact Statement. There are no SEARs requiring such land holding matters to be dealt with. It's inclusion suggests the EIS is being used as a vehicle to progress a separate legal agenda to configure the proposed retirement village on a land title independent of the existing Mingara facilities.

Conclusions:

- u) Why is this legal and administrative process part of an EIS process?
- v) Mingara should come clean about whether this inclusion in the EIS presages a possible future sale or part sale of the retirement village.

Overflow Parking

The description of car parking for the Athletics Field focuses on school athletic carnivals (p106) and completely fails to mention the large social events such as the annual fund raising weekend, *Relay for Life*, or *Christmas Under the Stars* concert (even though this latter event is referred to on p134).

Conclusions:

- w) The analysis is inadequate and needs to be revisited to address parking for large social events.

Misleading Image

In its analysis of the 'look & feel' (sic) of the development, Appendix B Architectural Plans includes amongst images of the proposed buildings a surreal view of breaking surf with ocean horizon, complete with a ship, all peeking through mirror wall high rises (Appendix B, no page numbers).

Given that the nearest beach is 5 kms away, this outlook is unrealistic, even for the penthouses. Such fanciful nonsense diminishes the credibility of the EIS.

