



TRANSCRIPT OF MEETING

RE: UNITING KINGSCLIFF REDEVELOPMENT (SSD-47105958)

KINGSCLIFF RATEPAYERS & PROGRESS ASSOCIATION MEETING

PANEL: JANETT MILLIGAN (CHAIR)
RICHARD PEARSON

OFFICE OF THE IPC: BRAD JAMES
CALLUM FIRTH

KINGSCLIFF RATEPAYERS
& PROGRESS ASSOCIATION: PETER NEWTON
MATT SANDS
ANN NEWTON

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 11:00AM – 12:00PM
FRIDAY, 17th OCTOBER 2025

<THE MEETING COMMENCED

5 **MS MILLIGAN:** Before we begin, I'd like to acknowledge that I'm speaking to you from Gadigal land and I acknowledge the traditional owners of all the lands from which we meet –

MR NEWTON: Absolutely. Yes, nice and clear, loud and clear.

10 **MS MILLIGAN:** Good. And I pay my respects to Elders past and present.

15 So, welcome to the meeting today to discuss Uniting Kingscliff Redevelopment currently before the Commission for determination. The Applicant, Uniting/NSW.ACT proposes site preparation works, the construction of seniors housing development comprising seven buildings ranging from two to four storeys and basement levels, providing for a 120-bed residential aged care facility, 199 independent living units, ancillary amenities, and landscaping.

20 So, hello, my name is Janett Milligan, I'm the Chair of the Commission Panel, and I am joined by my fellow commissioner, Richard Pearson. And also with us this morning is Brad James and, in the room with me, Callum Firth, both from the Office of the Independent Planning Commission.

25 In the interests of openness and transparency and to ensure a full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

30 This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination.

35 It's important for the commissioners to ask questions of attendees and to clarify any issues whenever that's considered appropriate. But if you're asked a question and you're not in a position to answer, please feel free to take the question on notice and you can provide any additional information to us in writing, and we will then put up on our website.

40 So, I'd request that all members here today introduce themselves before they speak for the first time, and for all of us to ensure that we don't speak over the top of each other, to ensure that we get an accurate transcript of the meeting.

45 So, let's begin, and can I again welcome you. Peter, Matt and Ann, we appreciate the fact that you've agreed to meet with us today. We think that you have very interesting perspective on the proposal and we're very interested to hear, you know, what you have to say to us.

We have an agenda that will roughly guide our discussion, and the agenda's been comprised from the issues that you raised in your submission to the Department. We do know that that was a little while ago, that was the middle of last year, so I guess

we're particularly interested to hear how your thinking has changed or not, or the issues that have come and gone, and really to understand your current position in relation to the proposal.

5 So, I'm not going to ask you to do formal introductions because we can see clearly on the screen, Peter, Matt and Ann. Can we just go straight in there to the agenda and ask you either, you know, to talk to your submission or to talk to your issues. And we've started here with building height.

10 **MR NEWTON:** Thank you. Before we continue, Commission, in terms of protocol, shall we address you as Commissioner in this meeting?

MS MILLIGAN: Look, I'm happy for you to address us how you feel comfortable. I'm happy to be addressed as Janett and I'm sure Richard is very happy to be called
15 Richard.

MR NEWTON: Thank you so much. If it helps, with your indulgence I can, before we get stuck into the detail, we can give you a quick preamble of our journey.

20 **MS MILLIGAN:** Thank you.

MR NEWTON: But if you allow me – thanks, Janett, we'll get straight into that, and then we'll move into our points, and this preamble will give you a bit of an indication of where we've been and where we are and how [audio glitch 00:06:51] right now as a
25 community association and as a community.

So again, thanks very much for meeting with us today and allowing the association an extended talking opportunity to advocate on behalf of our community. It's been a bit of a journey to get to this point for the association and our community after the last three
30 or so years since the proposal first landed on our doorsteps, and commencement of our engagement with the Applicant.

It's fair to say that from day one, day one of our engagement, it was evident that the proposal as it was first presented was a gross overdevelopment of this particular land
35 and lot, flood-prone site, located in a low-density one and two-storey residential dwelling area.

Redevelopment of the site was expected and supported by ourselves and the community, but seriously not to the bulk and scale that was presented. So, our
40 association and the community has engaged in the consultation process in good faith and the association continued with this right through to the Applicant's submission of their DA.

Our focus from the start of consultation was to work with the Applicant to achieve an outcome that would meet community expectations. Not with much success, given the
45 Applicant's second offering from their initial – and we'll call it for what it was – their initial ambit proposal or concept, and suddenly then following that their unwillingness

to consider any other suggestions and options beyond their second proposal or the second concept.

5 The community actually worked very hard throughout this consultation phase and then the submission stages as well, just under, as you know, just under 300 objections represents a serious amount of community engagement and energy from a small coastal town. The community were heavily motivated to have a say on this, as has always been the case when the big community-defining, impactful issues land here, and that goes back over many years up to the present.

10 So, Janett, here we are now, extremely grateful that this proposal is being considered by the Commission, but with a sense of déjà vu, I guess, and a lot less energy. Certainly, there is an element of fatigue, and across the community, some anger in continuing to have to fight for a development that supports the character and fabric of our community, to achieve a development that supports the fabric and character of our community.

15 I don't think it's an exaggeration to say that at this point in time, that some of the direct neighbours are showing signs of trauma, including the elderly residents who settled where they did so that they could, ironically, I guess, age in place.

20 Our community acknowledges and supports the government's commitment to increasing housing stock, no question. We also appreciate and are emphatic – empathetic, I should say – to the position that the Department, so DPHI themselves, must be facing in pushing through with these developments.

25 We are as a community, as an association, nonetheless terribly disappointed that strong areas of community concern, along with some agency concerns, particularly those from the SES, have been treated, if regarded at all, with the Department's Assessment Report. What we see in the Assessment Report is responses based on the repeat of an inaccurate narrative related to the existing and future character of our locality. That was heavily evident in the Proponent's application and the response to submissions from the Proponent.

30 So, that's where we are right now, Janett, and moving on with the agenda, I'll just finish this bit by saying we remain, we just really remain strongly focused on mitigation and exploring ways that this development can proceed with a reduced impact on our existing community.

35 So, that's to start things off. Did you guys want to add anything to that?

MS ANN NEWTON: No, I'm good.

40 **MR NEWTON:** Good. So, moving to the first point on our submission from June 2024, and so we're into building height and bulk and scale. I'll provide a general approach in respect to the key issues and then my colleagues here, either Ann or Matt, they have may have something to add as well, and we'll just keep the discussion going that away. And of course, any questions you might have, Janett.

MS NEWTON: Have a look at it from the built form.

5 **MR NEWTON:** Yes. Okay. So, in terms of building height concerns, and I'll segway
this into the bulk and scale of the development. The proposed building heights – and
this is from our submission as a general summary – the proposed building heights
exceed the maximum limit set by the local planning regulations. The current maximum
height limit is 13.6, which the proposal seeks to increase in the submission was 16.75,
10 but now of course moving into this next iteration, it's 17.05 to accommodate an
increase of 300-mill in response to the flood info.

15 Our association argues that this increase is unjustified and detrimental to the character
of the area. The proposal is really seen as a profit-driven attempt to achieve the highest
possible yield and in some cheeky cases, get some ocean views for those on the top
floor.

20 The community has consistently opposed height increases in the existing urban
environment; that's pretty much in this community's DNA. In terms of leading into the
bulk and scale of the development, we seriously, from day one, object to the overall
bulk and scale of the proposed development, it's characterised – we characterise it as a
gross over-development inconsistent with the surrounding low-rise residential area.

25 The claims of quality design and amenity are up to challenge, as the proposal – it will
negatively impact on neighbouring properties. The EIS itself is criticised for lacking
evidence to support assertions about protecting the amenity of adjacent residents.

30 The development is viewed out of character with the existing adjacent built
environment which consists of single and double-storey homes. The proposed
development is excessively large and out of context with the surrounding environment,
out of context – this isn't in the submission, I think – but out of context with the whole
precinct, including Kingscliff, despite what we might read in the Proponent's response
and in the Assessment Report.

35 There is no other development of this size and scale across the Tweed Coast, Tweed
Head itself.

MS NEWTON: Tweed Heads, maybe.

40 **MR NEWTON:** But certainly, in the coastal towns and villages and across the Tweed
Coast, this size of development doesn't exist, and particularly in a low-rise –
characterises a low-rise density area in our character statements.

45 It's on a land-locked site, no direct frontage to Kingscliff Street. The height, bulk,
scale and density are deemed inappropriate compared to existing structures, and the
development is seen as detrimental, as I've said, to the character and amenity of the
precinct.

So, Ann, did you have anything to add to that?

MS NEWTON: Unless Janett or Richard wanted to respond first. Perhaps what we had talked about was we could talk about where we are right now and as a community how we've considered the Assessment Report and what we consider would be an answer, I guess, to a lot of our original concerns. So, before I speak though, if Janett or Richard want a chance to say anything.

MS MILLIGAN: No, look, I'd like you just to carry on – we'd like to start just by listening to you and what you're thinking and where you're at. So, Ann, please continue.

MR NEWTON: Thank you.

MS NEWTON: Thank you, Janett. So, in terms of having a look now, where we are now with the Commission becoming involved. For the community, it still boils down to the bulk and scale of this particular development on that particular site. So, within the context of Kingscliff itself, and Kingscliff, if you're not aware of Kingscliff, it's a – I shouldn't say a funny place – a brilliant place, but there's two sides of Kingscliff, and there's a creek that separates the northern part of Kingscliff which is the old fishing/surfing village, and so we still refer to that as 'the village', even though with the addition of quite a fair bit of development across the southern side of the creek where there's new housing and new tourist resorts, all becomes part of Kingscliff, all adds to the 10,000 people population.

But Kingscliff has two distinct identities, I guess, north of the creek (which we call 'real Kingscliff', we live here) and south of the creek, which is the newer development. So, we still consider, and Tweed Shire still considers Kingscliff to be a part of our coastal communities and part of our tourist, I guess, driven communities.

And so, the bulk and scale, we think if we can get a bulk and scale in this development, and again we absolutely appreciate the government priorities and having worked in government all my life, I totally understand when the minister comes in and tells you, you have to do something, you really have to do it, and we have met with our Minister Scully recently at a community cabinet. So, we totally understand that.

The Shire is working really hard, and we have a lot of infill development happening here. As an association, we're trying to drive for more diversity in our housing stock, because at the moment we're getting, as you do I guess in communities like this, we're getting the high end, expensive three-bedroom, two-bathroom apartments are being snapped up by seniors and others. We're trying to get more diversity and that includes in our senior housing. The missing middle for us is the one-bedroom, one-bathroom or two-bedroom and one-bathroom seniors housing versus more of the luxury apartments that we're starting to get more diversity there now.

But we actually, we do have a senior demographic that we're trying to balance with a more diverse demographic. And so again, if you're adding seniors housing into a senior demographic, you're actually increasing that demographic. And so for us, the bulk and scale has always been the big issue with this development, and if we can look

at reducing that bulk and scale to something that is more representative of the surrounding, particularly the surrounding streetscape and the hard-fought for, I guess, character of Kingscliff, then we think that would actually alleviate most other concerns apart from flooding, and we still have concerns about that, but I guess we can leave that to address separately.

We still have concerns with the SES reports and the proposal that's actually adding more vulnerable people into a flood plain, when the flood inquiry, which we were heavily involved in, talked about retreating from the flood plain and not increasing the number of vulnerable people. So, where we are with that, I guess we can address later.

But the bulk and scale is a big thing, it doesn't ... The narrative within the EIS that's now flowed into the Assessment Report is that this fits the character of that particular area. Our locality plan, the character statements in the locality plan actually define that part of the west Kingscliff, what is known as the west Kingscliff precinct, as an area that will develop with the low-density one/two-storey buildings.

Now, we understand that a development like this may want to go higher and the site is zoned as 13.6, we understand that, but the bulk and scale here is so out of context with anything in Kingscliff, that it's – we just can't appreciate how it's gone. And the lack of transition, so again it talks about two and four-storey buildings, there's one two-storey building, the remaining buildings are four-storeys and they provided [audio glitch 00:20:51] that is unlike anything that you will see anywhere in the Tweed, let alone in the coastal villages.

So, I guess, if we can find a way to work at reducing that bulk and scale, other things will fall into place. And we're, I guess, not so naïve to believe that it would just disappear into what we would see as the perfect solution, which is what the Applicant has built in Yamba, which compares to us. But at the moment, this one, this development equates to what the Applicant is proposing for Waverley in Sydney. It's worse than what has been approved for Bateau Bay on the Central Coast, and we actually know that area quite well. And so, it just is so out of character and context, it's creating then the flow-on effects.

MR SANDS: Can we talk – can I just ask you about the density of that Waverley site in comparison to the density here.

MS NEWTON: I can't answer that question, but the plan for Waverley, if you look at the architectural drawings for the Waverley site, it's almost identical – which I understand that the Applicant would have a range of development plans that they would pull out for different areas. But to propose something that is sitting in Waverley in Sydney to be exactly the same as what is sitting here, and the Bateau Bay site even is a hectare 25% larger than our site here, and not land-locked, so.

So, the others may want to say something.

MR NEWTON: Just on terms of – sorry, just in terms of bulk and scale, Matt, if you've got something as well. But one of the things in it, we haven't covered it here,

and it's all related in relation to the community expectations, is that we live and breathe our planning frameworks here.

5 The planning frameworks that we have that determine how we build, what we build, how we grow as a community, are highly consultative. So, the community has over many years had a significant voice in the development of our planning frameworks. And from the North Coast Regional Plan right through to our Locality Plan and of course the adjoining character statements.

10 So, I suppose what I'm trying to illustrate here is that the reaction of the community, there's an expectation that we can live and grow and support growth and development within the frameworks that we've helped create. And to have a development of this bulk and scale which is outside of all of those parameters, that's how we see it, all of those parameters, all of those frameworks, to be pushed in this way and then come
15 down to the Department's Assessment Report which pretty much, as we've already indicated, pays scant regard to what the community has put forward.

20 That's a big deal in the bulk and scale for us, because we have a voice, it's in our planning frameworks, we live in peaceful enjoyment knowing that those planning frameworks will help build how we grow and development, and for the generations to come after us. And really, that's all that I have on that. Matt, did you have anything or are you ...?

25 **MR SANDS:** Yes. I'm going to say that first of all I live, I actually abut the buildings, the proposed buildings. My house is 3 metres from a back boundary and then a further 10 metres to a building that's 17 metres high.

What is of concern to me, I'm actually a [audio glitch 00:24:40] –

30 **MS MILLIGAN:** Sorry, Matt, can you just repeat that last sentence? Can you just repeat the last sentence? We're just cutting in and out a little bit. So, we hard you talk about the fact that you're a local, you adjoin the building, we heard your 3 and 10-metre. Can you pick it up from that, please, we just lost you?

35 **MR SANDS:** Yes. [Audio glitch 00:25:09] abut a building that is 17 metres tall, just off my back fence – or will abut if this was to go forward. Now, I understand the state significant development, I understand it is the process in which red tape can be cut through. For the good of the community.

40 I'm not seeing any good that can come from this to every abutting neighbour around the site. This whole site is land locked. There is no road buffer between our houses, no public road buffer between our houses and these buildings. We're all internal, we already have issues with Uniting in their current form, and these have been ongoing for some time.

45 What does concern me with this bulk and scale is that my house is pointed, as is every other house, pointed in aspect of this, where this development is going to go. Now, the

length and linear of this building, the building is approximately – the buildings in together, it's approximately 248 metres long in a linear form.

5 Now, I don't see how I will be able to see the sky from my house, my backyard. And I have a consultant that tells me that my view is low rated, but what is the sky worth? This is a space where – this is a space where we live day in, day out, as a family, and it's a place where we go to retreat from the community and from our daily lives.

10 They talk about landscaping and trees, you know, offering some protection from these big, long linear façades. What's the timeframe for these trees to reach maturity? They're going to be 7+ years, we know that. We look at the depth of the rooms of the units where they've asked for a relaxation on the depth of the unit, and they've asked for full-sized windows to allow for – what is it – for sun ...

15 **MS NEWTON:** Solar access.

MR SANDS: ... solar access. Now, what that does is pushes everyone over my house. My house is a relatively big house – my house is a two-storey house. The second storey sits 600 millimetres above the roof of my house. The third storey then sits
20 another 3.3 metres above that.

To actually see it visually in person is, I don't know how to say it, it's overwhelming and frightening, and what this is going to do and how this is going to change my life. Now, this is the same for every single neighbour around this property in every form.
25 We see, you know, there's a good – during my training in good design, we talk about articulation in design, having high areas and low areas and ins and outs in the building. This is just poor linear form. We can do much better than this.

30 That's as far as I want to take on the linear, the bulk and scale. I'll hand back to you or Peter.

MS NEWTON: Could I just add one other thing. And the Applicant and DPHI have mentioned this. We have some excellent examples of four-storey buildings in Kingscliff. So, no one is saying that four-storey buildings don't exist; in fact, we're
35 sitting in one of the older 1980s four-storey buildings and have one of the newer buildings beside us. But all of those buildings fit under the 13.6-metre height limit. And the fact that the Proponent is asking for a 17.05-metre height limit to achieve that is concerning.

40 And the fact that all of the buildings, bar one, on a site of that size, is over the 13.6 height limit. So, we're not arguing that we don't have excellent examples of four-storey buildings, we certainly do. But none of them look this, in terms of bulk.

45 **MR NEWTON:** Thanks, Ann. Just – and Matt's pretty much covered an amount of the amenity and liveability matters as a personal example. I'll probably reiterate again, when we talk about the locale and the existing residents, there was absolutely a complete expectation of development there, and supported development. But again, we

keep coming back to the point, the bulk and scale of it is just mind blowing in terms of the locale and the wider community.

5 So, in terms of moving on, if you're happy to move on in terms of other points from our submission.

10 **MS MILLIGAN:** Before we do. So, thank you very much for what you've said to us today. You've talked about the bulk and scale. Matt, you've talked about solar access. Can I just get you to sort of maybe talk a bit more about the impacts of the bulk and scale. We understand what you're saying, but in terms of the impact. You talk about potential solar impacts. What are the other impacts that the Ratepayers Association in particular is concerned about?

15 **MR SANDS:** Privacy.

MS MILLIGAN: Privacy.

20 **MR SANDS:** With the linear design of the buildings at that height, every – there's approximately 15 units that we will be trying to get privacy from.

MS MILLIGAN: So, you're talking about those units overlooking your property?

25 **MR SANDS:** Overlooking our problem and down onto our property, yes. We no longer have a private space in our house. From inside our house, we can no longer see the sky, if we're standing inside our house. We need to be standing at the window looking up to the see the sky. Now, this is the same for pretty much every other neighbour to this property.

30 **MS NEWTON:** There's 112.

35 **MR SANDS:** There's 112 houses that have direct frontage to this site. I guess what would ease it is if we could lower the building by one level, it actually relieves many of the issues that we actually have on this site. And I know that sounds like a pretty broad brush stroke ... But this is my private, this is our private space, we have a pool there, my kids sunbake in the backyard, you know, I spend a lot of time in my garden there in the afternoons. And it's going to impact all of those items.

40 We have backed onto this site, and we have not – the existing site – and we have not ever spoken to one tenant in this building, in the existing building. There's just no interface between us. They've considered, with the solar access and the depth of the rooms, it pushes all of the tenants in the new building forward, so they actually are looking over us more than would normally be considered.

45 The number of relaxations that we have, that this building has requested lends itself to poor design and putting us in a situation where we can't live in the house the way we want to live in it. We could not have ever designed our way out of this when designing a house.

MS NEWTON: I know.

MR SANDS: It is a concern. This is a concern to me, as this is my home, so I can't ...

5 **MS NEWTON:** May I add something to what Matt is saying. The taking one level off solves the problem in one sense, but it also is the articulation of the buildings and how they transition. And so, when the reports talk about the transition between the four-storey buildings being in the centre of the block and we're so now have been convinced by our Council to talk in metres, it's hard for us to talk storeys.

10 But when the Assessment Report talks about the four-storey buildings being in the centre of the block and the transition to the neighbouring homes, the transition is the internal road and some vegetation; it's not a transition in terms of a reduction of height or the heights moving from four storeys down to, say, two storeys, which is the Yamba development that we spoke of that is much more – we are Yamba, we're not Bateau Bay or Waverley in Sydney.

15 So, taking one level off would help to a degree, but it's also the way that the buildings are articulated, if I'm using the right word there, it's just linear bulk. And that adds to that whole feeling of bulk.

20 **MR NEWTON:** Janett, we've got some drawing which we will put in our written submission, and I'm not sure whether, just to give you an illustration, whether this is – whether you can see this or not. But if you want to – yes, just pop it up. I don't know if that's coming through. If not, you'll see it in our written submission.

MS MILLIGAN: Yes, we can see that. Would you like to speak to it?

30 **MR SANDS:** Sorry. This is not my house, but this is a house that is actually further from the back boundary, the adjoining boundary, than my house. Now, everyone of these units looks down over my backyard. My house is a big two-storey house, the same size of this, and the second floor – sorry, I'm working with the delay – the second floor is above the roof height of my house. They all look down onto my property. They're all pushed forward with full-height windows to get their solar access.

35 Now, from inside my property – this is further away from the boundary than mine – to see the sky, we have to stand at the outside window to get any views of the sky above the building.

40 **MS MILLIGAN:** Okay. So, this is an illustration of the point you were making about solar access.

45 **MR SANDS:** Yes. It's more about views overlooking perspective. And to put something else in perspective, I'm going to tell you that you're all aware of the Tweed Hospital, the new Tweed Hospital, state significant ...

MS MILLIGAN: Yes.

MR SANDS: Yes. Okay. The hospital footprint is – the building is 178 metres long at its longest point, 178 metres. This development is 248 metres of linear building. When viewed at an angle, will appear as one building.

5

MS MILLIGAN: So, just to be clear, you're talking about the length of the buildings if they were connected.

MS NEWTON: Yes. And as they would appear from a certain angle. So, if you were looking at them from a particular angle in the street where you can't notice the separation –

10

MR SANDS: From our backyards.

15

MS NEWTON: – between the buildings, yes.

MR SANDS: From our backyards, some of the backyards, the building is going to appear 248 metres long.

20

MR NEWTON: Just a long line.

MS MILLIGAN: All right. Thank you very much for those points. In the interest of time, we're interested to hear what you wanted to say to us about flood risk, which is also on our list. So, are you happy if we move onto that?

25

MS NEWTON: Yes.

MR NEWTON: Perfect. Thank you, Janett. I might hand to Ann.

30

MS NEWTON: Yes.

MR NEWTON: It might sound like we're still arguing for development when the flood risks for us, after our lived experience in 2022 and then following through now after all the reports and the information we've been given, you're thinking, "Why build there at all?" But we're not arguing that, but we're looking at some serious mitigation in respect to the flood risks and management, which we don't see from the Proponent, and particularly we don't see in the Department's Assessment Report. So, I'm going to hand that over to Ann, who's done a bit of work on this.

35

MS NEWTON: And straight up I'll say that I am not an engineer or a hydrologist or anything like that, so I can only really talk about lived experience here. And so, as you would be well aware, the Northern Rivers is no stranger to huge flood impacts, and the stie in particular, there's – one of the big concerns initially in our response was there is a giant basin that, it filled like a swimming pool during the 2022 flood, it stopped a lot of water ingress into the aged care facility that was there.

40

MR SANDS: We actually notified them.

MS NEWTON: Yes, actually, the neighbours identified them. Because the thing about is, the positioning of it, surrounding streets flood before that site floods, but the basin that was there that is now proposing to be filled, did the job of a flood plain detention basin. As did another block of land behind this site, which is the Gales Holding development, which has approval and historic approval to fill. That site also held the water and that actually protected ...

The Flood Report in the Assessment Report, the independent report, the planning proposed indicated that there's really everything, all of the flood mitigation and flood management strategies can protect the site and handle the site. We're not confident, but again that's because we haven't got finalised Tweed Shire Council flood reports yet. So again, it's a bit pre-emptive using data when the Shire itself is updating the flood maps and the creek catchment report. So, there's still some unknown there.

Even if we took on face value that there can be enough mitigation and management of the flood risk for the site in what is being proposed, so if we take that on face value even though as a community, we're wary of that, because each flood here is getting worse, and areas that never flood are suddenly flooding. So, we're always concerned by that, and there is still a lot of trauma in this community the moment there's heavy rain. And so, it takes a while to get over – to get that mental resilience back.

So, I guess our big concern is the SES from day one have said that this shouldn't proceed, this proposal, it's situated on a high-risk flood plain. The recommendations from the NSW flood inquiries, which the State Government has supported in principle and are gradually moving through, have advocated a planned retreat from areas of most risk on a flood plain. And yet here we are putting – 412 is the figure that we've read, it may even be more than that, depending on how the independent living units are occupied – we're putting 412 people onto the flood plain, vulnerable people onto the flood plain.

The SES has been absolutely scathing, as was the Tweed Shire Council, in the shelter-in-place proposal. So, this particular site where this is being built, they call it a low flood island, but my understanding of that is the site, the streets around the site flood – and this is, I guess, our community known knowledge – the streets around this site flood and get cut off before the site itself floods.

And so, again, even if you're evacuating the independent living units, which is the Flood Emergency Response Plan, to evacuate those people, those 200/400 people, depending on how many are there, if evacuating those people, the streets around the site flood. So, to get up onto Marine Parade, you need to be moving quickly. The Kingscliff Street exit will flood as well. The corner of Beach Street and Lorient Way flooded way before anything else in 2022.

MR NEWTON: The highway cuts ...

MS NEWTON: The highway cuts. There's a whole range of things. We lose our supermarket – all of that is there, but suddenly we've got another – even if we say 300 people in the 200 independent living units, they're heading for our evacuation centre

which, again, was overwhelmed in 2020. There's lots happening to try and make that better next time around, but the reality of the flood on the ground here is that the community stepped in to rescue our elderly vulnerable folk down at Chinderah to get them to places.

We're adding another 300 vulnerable people onto [audio glitch 00:44:23]. And the shelter-in-place component of this, so the plan is that the aged care residents, so there's 120 aged care beds, the aged-care residents will shelter-in-place. The SES has slammed that on the basis that 12 hours is an absolute maximum recommended by the NSW Shelter-in-Place Guidelines. The site, based on the Flood Report, says the site will be cut off for 50 hours. The SES with, and we would agree with the SES on this, it was longer – we were all cut off for three days. And so, the SES has confirmed that.

MR NEWTON: Yes.

MS NEWTON: So, you've got vulnerable people in aged care who may have dementia, may have security, there may be some security issues with some of those, they will automatically have some health issues. To have those people shelter-in-place for up to three days without considering some of the secondary things that can go wrong, so emergencies, you can't get in, fire, landslide.

The SES report was, each of their reports to this, have been absolutely adamant that this plan only puts vulnerable people at risk. And they made a really good point, because as Peter said, you know, it sounds funny, we're arguing the flood, you shouldn't be putting anyone there. But again, we know the reality, that we can't automatically stop building on a flood plain.

But the argument that was run through the Assessment Report was that, well, before we didn't have anything for the 86 aged care residents who are there. And now we've actually got a plan to protect those vulnerable people, and so it should be okay. But the SES, and I'm quoting from their report now, says, "The existing risks should not be used to justifying increasing the number of vulnerable people in a high-risk flood plain by relying on shelter-in-place."

So, we still have a real concern about putting seniors into a shelter-in-place arrangement, and our floods are happening, like, it's just what we live with now. 2017, Cyclone Debbie in 2017, we thought it could never get worse. And then we had the flood, the 2022 flood where people near that site had a metre of water through their homes. And I guess when we read the flood reports and not having that engineering background, the thing we can't understand is that the causes of flooding are spoken about, so we're covered if there's overland flooding, we're covered if there's riverine flooding.

There's rarely a mention of the coastal surges and the flood impact of the coastal surges, which is a big issue here as well. And 2022, the reason we found ourselves in such dire straits, was all of those things combined. So, the overland flooding and the tidal surges and the impact on the stormwater from the tidal surges and the overland flooding, joined up with the riverine flooding on the flood plain.

And the only other point I'd make about the Flood Report is that, again, as a result of the NSW flood inquiries, the government – and I'm just getting you the exact Planning Circular – so there is a NSW Planning Circular now, and it's Planning Circular 24-001 Update on Addressing Flood Risk in Planning Decisions. And that was developed in response to the Flood Inquiry and the recommendations from the flood inquiries, and it talks very strongly to considering cumulative impact of flooding. And we're not sure that the cumulative impact of the historic Gales Holding development, which is just over the back of this development, and the same flood plain, and this development has been considered. But the flood risk, the shelter-in-place, again ...

And if I can say something that's totally out there, totally separate from all of this when we're talking about the design and bringing those people up. The other thing that was raised and hasn't been addressed is in the aged care component, the dementia ward has no outdoor on the space grass for dementia patients. And Peter and I both have – Peter is my husband, in case you hadn't made that connection –

MR NEWTON: Conflict.

MS NEWTON: Yes, conflict. We have very recent experience with dementia and my mum moved into aged care when she broke her shoulder when she was 98, and dementia sort of set in as a result. But the one thing she loved was walking outside into the open sky on the grass, talking to the birds.

The dementia ward here has 170 square metres, pretty big balcony, as their response to giving the dementia patients somewhere to spend their days. So, again, the bulk and scale and how things have been pushed together seem to end in not a good outcome for the community who is going to move in there. There's quite a number of units, there's about 20 units in the proposed development that don't get solar access, 2 hours of solar access in the middle of winter.

So, again, it's the density, the bulk and scale of it, just seems to then cause grief with the flooding, with the amenity, with the character, with the dementia patients. And I hope you can indulge me just to say one more thing. The residential aged care component, at the moment they're registered for 112 beds, and to be fair with Uniting, they have 86 residents at the moment, they did have a few more, so they may be gradually moving on. And some of those 112 beds at the moment are shared, and so Uniting does try hard not to put two or four people into one room. So, full credit for their consideration there.

But effectively, we're getting eight more aged care beds for 199 up to three-bedroom independent living units, so we're bringing in ... So, we're effectively wiping out an aged care facility for the seniors who are here in Kingscliff. We generally feel that most of these apartments will be taken up from people outside of Kingscliff, is what happens now with the unit developments. So, that is a concern for us as well, that imbalance between the number of aged care beds and the number of independent living units.

MR NEWTON: Matt, did you want to add something to the flood stuff?

MR SANDS: Can I just add a little bit to the flood stuff. I actually was on site at the time during the flood. The basin actually filled out at the back and came within about 400 millimetres of my floor level, internally. The street filled up, people had, in the new estate, had sandbagged their house to stop any water coming, and we had a basin at the back of our property where some of our properties actually drain to.

Now, with increasing the freeboard height and the ground floor height of the site out the back, that will actually create an issue where our properties can't drain. And the natural flow from the back of the sand dunes, which is the coastal front of Kingscliff, actually falls back towards the basin and our houses. The water then runs down the streets, so we had an – I think we had something like, I think it was 900 millimetres over, I think it was less than ...

MR NEWTON: Three days.

MS NEWTON: Three days.

MR SANDS: I think it was three days. The rain was intense and the surface water was running into our street off the back of the dune, because the stormwater system wouldn't handle it. Now, the stormwater system in our street actually backed up as well, and this was a problem. We had storm and water coming from two different locations. And we relied on that basin out the back to get rid of some of the water, and they are now increasing the height of that area out the back and it's actually going to be the reverse of the basin.

So, you can understand what locals are extremely concerned with this area being filled. Now, I know Council are extremely concerned about it. And I believe as a new consultant, put a new consultant report in for the Applicant and has dismissed any issues.

Sorry, Janett, did you want to say something?

MS MILLIGAN: Yes. So, just your last comment there about the consultant. Are you talking about the consultant used by the Department? Because I was going to make the observation that we, you like us, I'm sure, have read the GRC Hydro Report.

MR SANDS: Yes.

MS MILLIGAN: Which addresses this issue of detention on site.

MS NEWTON: Yes.

MS MILLIGAN: Did you want to say anything about that?

MR SANDS: Well, there will be no detention on site. It detains the short-term stormwater. That facility will be filled up within a few hours. We're talking about

extended, like, three days of rain. Once that stormwater detention is full, there's nowhere for it to go, it has to go somewhere, and it floods back into the system.

5 None of the other properties can then drain through that space. The natural falls is from the dune front back to the river; that's the natural flow. So, this has not even really been considered. We've got a new development that's also going to cut us off from the south, in the form of Gale's, it's already approved. And once this one goes in, there's going to be pinch points and there's going to be flood issues.

10 **MS MILLIGAN:** Can you just say a bit more about the point you think has not been considered in the assessment.

15 **MR SANDS:** I don't think they've considered the surface flow that runs from the dunes or the coastal frontage back towards the river. The amount of flow plus the water that comes back up through the system when our rivers hit maximum flood levels.

MS MILLIGAN: So, your concern –

20 **MR SANDS:** [Cross-talk 00:56:15] plus we've got surface water.

MS MILLIGAN: So, your concern is that the modelling in those reports has not included that. Is that your concern?

25 **MR SANDS:** I don't think there's a model that will actually be able to calculate that. And it's scary how quickly it came up. We – can I just – I'm just going to go a little bit further to say that my property looks over the car park in the back of Uniting as it is currently. Now, the water got 100 millimetres from their floor level. No one had any idea that the water was coming up in that development, until I drove around there and
30 knocked on the door and got them to move their cars and got them to start to prepare to evacuate.

Now, the people that were going to be responsible for the evacuation were going to be the skeleton staff that were working overnight and us, the neighbours. Now, we're
35 going to put 400 more people on that site. And I don't know where we're going to take them to.

40 **MS NEWTON:** Janett, could I just respond, when you asked about the modelling. One of the, with the GRC Hydro Report, one of the, I guess, issues or one of the things that concerns us is that our Council is still finalising our updated flood plans, including our creek catchment plans which again impact on this site.

45 And so, perhaps in terms of flood impact and mitigation, it's a bit pre-emptive in that the full dataset isn't available in terms of the Council's plans. And so, until those updates and changes have been made, it is hard to, I guess, say the modelling is up to scratch and that there is no, there's going to be no impact on the site or, importantly for us as well, the surrounding sites, particularly the Lorian Way low rise neighbours came

within inches of being inundated, so they have particular concerns about where is that water going to go now.

5 So, I guess, in terms of the modelling, until Council's reports have been finalised, the dataset maybe is incomplete and it's maybe pre-emptive to say everything is going to be okay.

10 **MS MILLIGAN:** Thank you for that. I am a bit – noticing the time. We've still got a couple of things on the list here. So, Peter, I might just flick to you and say, is there anything you'd like to say in our last few minutes around the items that are still on the list? Traffic and parking, community consultation, and anything you wanted to say about recommended conditions of consent.

15 **MR NEWTON:** Thank you. Traffic and parking, it speaks for itself from our submission. You know, the entry points in Lorien Way, the increase in traffic and around the local roads, and they're defined in our character statement of 199 apartments, you know, the up to 400 folk – I don't know how many cars that equates to – but there's the increase there.

20 Parking issues in the area will be exacerbated, not only during construction, although there is a Parking Plan, but we have to say good luck with that. But, you know, people will have visitors, the visitors parking ... It's just an impact, an impost on the area near the site. [Audio glitch 01:00:07] street frontage, Lorien Way, you know, if you're looking at that during the pending site visit and so on, you'll just see how narrow some
25 of the feeding streets are, you know, in terms of parking and so on.

In terms of ... So, that's – and we always do make a comment, Janett, that parking – not parking, traffic can be a subjective matter. One person's idea of 'that's really bad traffic,' it's another person's idea of, 'you know, that's not too bad.' So, we have
30 tolerance levels. With this development, this proposed development in the bulk and scale that's been put forward, you know, I mean, you can look at it and go, that's going to be a significant impost here around the place for that particular area of going to liveability and amenity.

35 Look, in terms of the consultation process, I think – we'll be covering that, or am I concluding? Did I miss something there? Yes, we're good?

40 Look, we engaged in good faith, as I said at the beginning, and we are disappointed with the consultation process in the sense that we really didn't see genuine collaboration and input. But it seemed to us very clearly that the Applicant, from day one, had what they wanted in their head, fair enough, and went through and ticked the boxes on the process. And pulled the second concept out of the drawer and said, "Here we go, aren't we good, we've adjusted things, you know, in a little way," which was again, completely unsuitable to us and the community in terms of bulk and scale and
45 all the resultant impacts.

We actually continued to engage with Uniting, with the Applicant, up until the time the DAs went in, many phone calls, many discussions, communication back and forwards, just trying to put some options through. But it was very, very apparent to us –

5 **MR SANDS:** It was a cut and paste.

MR NEWTON: – on the other side, that it was, as Matt just said, it was pretty much a cut and paste and, “We’re really going with Plan B, and thanks very much for your input and we’ll see you later.”

10

So, that was the consultation process in a nutshell. And the feedback from the wider community, there weren’t meaningful exchanges with individuals that met with the Applicant. So, really, what we’re saying and this leads us to, of course, to the conditions of consent and the general comment there, which I can throw to Ann and Matt, is that right at this point, right now, right at this point in time after going for three years of the process itself, it seems we’ve not made any progress as a community here in terms of our close to 300 objections, the ongoing dialogues that we’ve had.

15

20

It really does seem to us that what’s been presented now in the Assessment Report and the conditions of consent, which – this is a bit of a throwaway comment, but there’ll be a bit more substance to this in our written submission as well. But it appears that the Department has gone for quantity and not quality, in terms of addressing some of these significant concerns here.

25

And the scale of the conditions is pretty humungous, and wading through those trying to find something that’s meaningful for community members dealing with us, is pretty disappointing as well. So, Ann, did you have something on – to finish with?

30

MS NEWTON: And I guess, Janett and Richard, I assume you can’t answer this question, but I guess what I’d like to know right now is what else can the community do, or what evidence can we provide to the Commission to convince you that the bulk and scale of this in the locality, in the context and the locality, is just not right and it brings with it a whole range of flow-on effects. So, is there any other evidence that we can provide in our written submission that may be more convincing that what we’ve already provided?

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MS MILLIGAN: Look, we would just encourage people to put forward their views. And I mean, it’s been useful to talk to you today, thank you for giving us your perspective. We can’t answer your question directly, as you anticipated, but we do have a process – written submissions don’t close for quite a while. We have registrations open for people to speak to us at a public meeting if they’d like to. So, our job really is to collect information from people to help us make the determination.

45

Richard, did you want to add anything to that?

MR PEARSON: Thanks, Janett. No, not really, I mean, I just wanted to thank Peter and the gang for their clear presentation of the issues that are concerning them today. We obviously have further work to do and we have the public meeting coming up, so

at this point we're in kind of information-gathering mode, and I just found your contribution today very clear, so I thank you for that.

5 **MS MILLIGAN:** Okay. So, it feels as though we're getting towards the end of the conversation. Is there any last comments you wanted to make, Peter, Ann or Matt?

10 **MR NEWTON:** Janett, thank you, Richard, for the hearing. I actually just have a question in relation to the next parts of the process. Thank you for the invitation to attend the site visit, and I'm assuming that's with – I don't have the details yet, but I'm assuming when the site visit happens, the Applicant is involved as well as Council. Is that correct?

15 **MS MILLIGAN:** Yes. So, the Applicant in fact will be conducting us on the site visit, and an officer from Council, and yourself will be there as observers. Sorry, go ahead, Peter.

MR NEWTON: Sorry, I talked over you, my apologies. I just missed that last bit – that was an officer of Council, you said?

20 **MS MILLIGAN:** Yes. We're expecting one officer from Council and yourself to come along as observers. But basically, a site visit really is conducted by the Applicant for the benefit of the Commissioner, and you would be familiar with this – it's not an opportunity for anyone to sort of make a submission or to give us information. It's really for us, and it's so valuable, I can't tell you how valuable it is for us to sort of be
25 on site and to stand on the site and to understand the development from that perspective.

30 So, yes, there will be a group of people, a number of people from the Applicant, Richard and myself and our staff support, one person from Council, and Peter, yourself.

MR NEWTON: Thank you very much. I appreciate that.

35 **MS NEWTON:** And I really appreciate the fact you've given us an hour today. We understand that is a bonus, and we're very grateful, and very grateful that Peter will be able to join the site visit.

40 **MS MILLIGAN:** No, no, we've appreciated it too, it's useful for us, so thank you very much. And we look forward to seeing some or all of you ...

[Cross-talk 01:07:34]

45 **MS NEWTON:** We'll be all there. People are tired, Janett, and so in terms of – and people are nervous of speaking at the public hearing, and so there won't be huge numbers. But we'll all be there. Thank you.

MS MILLIGAN: People can also make a written submission and in terms of the Commission, there's no distinction between what we hear at a public meeting from a

personal presentation and what we see in a written submission. So, make sure that people understand.

5 **MR NEWTON:** Yes, we had a community meeting on Monday night just gone, and really well attended, but short notice on a Monday night, it was excellent. But looking into people's eyes, the energy levels compared to 12 months ago are pretty low, but people are still committed. So, the responses won't be as many, I guess, as what we would normally get. But yes, and we certainly talked about the [audio glitch 01:08:34] process and also the written submissions, and we covered all of that. So, we're trying,
10 you know.

MR SANDS: I think a lot of that energy, a lot of the energy was lost once the Department's report came out. When it didn't really feel as though anyone was considered, including Council, including the SES. There was nothing taken onboard,
15 so. I guess that's all I've got to say but thank you very much for your time.

MR NEWTON: Thanks. Really appreciate it.

20 **MS MILLIGAN:** No, well, thank you for your time.

MR PEARSON: Thanks, everybody.

MS MILLIGAN: Much appreciated. Bye now.

25 **MR SANDS:** No worries.

MS NEWTON: Thank you.

MR NEWTON: Best wishes to you all. Thank you. Bye-bye.
30

MR PEARSON: See you all, bye.

>THE MEETING CONCLUDED