



TRANSCRIPT OF MEETING

RE: UNITING KINGSCLIFF REDEVELOPMENT (SSD-47105958)

PUBLIC MEETING

PANEL: JANETT MILLIGAN (CHAIR)
RICHARD PEARSON

OFFICE OF THE IPC: BRAD JAMES
CALLUM FIRTH
STUART MORGAN

REGISTERED SPEAKERS: MARIAM QUINTE (Uniting – Kingscliff)
ANDREW ARMSTRONG
STEPHAN TRUMPF
PETER NEWTON
DAVID PRESTON
HELEN EDWARDS-DAVIS (also on
behalf of Tony Clarke and Jayne Anderson)
KATE STODART
KEN MCCOLLUM
LIVY JAMES
COLIN LIDIARD
ANN NEWTON (Kingscliff Ratepayers
and Progress Association)
WENDI SARGEANT (Kingscliff Uniting
Church)
CAROLINE DAVIDSON (Great American
West / Davidson Communications)

GLEN SPARGO (Kingscliff Retirement Village)

ALLISON SANDS

MATTHEW SANDS

ADAM THOMPSON

ANNIE NG

DEPARTMENT OF
PLANNING, HOUSING &
INFRASTRUCTURE:

STEPHEN DOBBS

BEN LUSHER

APPLICANT
REPRESENTATIVES:

RYAN DUFF

ADRIAN CIANO

LOCATION:

TWEED HEADS CIVIC & CULTURAL
CENTRE

CNR BRETT ST & WHARF ST, TWEED
HEADS

DATE:

4:00PM

TUESDAY, 28th OCTOBER 2025

<THE MEETING COMMENCED

MS JANETT MILLIGAN: Good afternoon and welcome to the Independent Planning Commission's public meeting into the state significant development application for the Uniting Kingscliff Redevelopment (SSD-47105958). I'm speaking to you from Bundjalung land and I acknowledge the traditional owners of all the countries from which we meet today and I pay my respects to their Elders past and present and to the Elders from other communities who may be participating today.

I'm Janett Milligan and I'm the chair of the panel. Joining me is my fellow Commissioner Richard Pearson. No conflicts of interest have been identified in relation to our determination of this development application.

We have a limited and a very specific role at the end of the planning process. We decide if an application should go ahead and if so, on what conditions. We consider the Department's assessment report, the application, your written and oral submissions and other material that the planning law requires us to consider. All of these materials are either already publicly available or will be made available on our website.

In making a decision on this case, the Commission must obey all relevant laws and consider all applicable policies and the public interest. We're also obliged to consider public submissions and that's the purpose of today. We want to hear what you think about the merits of this application. This isn't a forum for submissions on whether you like or approve of the applicant, the laws we must obey or the policies that we must consider.

The applicant, Uniting NSW.ACT, proposes the construction of a seniors housing development, comprising seven buildings ranging from two to four storeys and basement levels which will provide a 120-bed residential aged care facility, 199 independent living units, ancillary amenities and landscaping.

Many of you may have already participated in the Department's processes. Thank you for your participation. There's no need to repeat your previous submissions. They're all available to us for consideration. The applicant and the Department have considered your submissions and taken them into account in the application and assessment and conditions that we're considering today. So today we want to hear your response to the Department's assessment and the recommended conditions of consent.

Even if your submission today objects to the application being approved at all, we encourage you to tell us whether any of your concerns could be addressed either wholly or in part by the imposition of conditions. Your consideration of alternatives does not in any way compromise your submission, but it enables the Panel to consider all options.

While we'll endeavour to stick to our published schedule, this will be dependent on registered speakers being ready to present at their allocated time. I'll introduce each speaker when it's their turn to present to the Panel. Everyone's been advised in advance how long they have to speak. A bell will sound when the speaker has one

minute remaining and a second bell will sound when the speaker's time has expired. To ensure that everyone receives a fair share of time, I will enforce the timekeeping rules. Extensions may be granted on a case-by-case basis by me as the Panel Chair. However, in the interest of fairness to our other registered speakers, an extension may not be given.

If you have a copy of your speaking notes or any additional material to support your presentation, it would be appreciated if you'd provide a copy to the Commission. Please note that any information you give to the Commission may be made public. The Commission's privacy statement governs its approach to managing your information and it's available on the Commission's website.

So, a little bit of housekeeping. Exits from the venue, in the case of emergency, are located to the left and right of the hall and the toilets are located out in the foyer to the left.

At the conclusion of the public meeting, we may decide to hear from the applicant or the Department to answer any questions from the Panel relating to issues that we've been hearing about raised during the public meeting. So, with that opening, let's begin. So, I'm going to call please our first speaker who is Mariam Quinte. Thank you.

MS MARIAM QUINTE: Good afternoon, ladies and gentlemen. My name is Mariam Quinte and I am a personal carer at Uniting Kingscliff. I stand before you today not just as a staff member but as someone who deeply loves and advocates for our residents, many of whom have called Kingscliff home their entire life. The proposed redevelopment of our facility has been thoughtfully planned over several years. Its purpose is well thought out to provide safer, more dignified and more inclusive housing for our residents, while ensuring that our standard of care evolves to meet the diverse and changing needs of those who we serve, now and in the future.

Uniting is a not-for-profit organisation, dedicated to walking alongside people through every stage of life with compassion and respect. We want people to stay healthy as they grow older and we will assist with this by providing on-site consultation rooms that will be used by visiting general practitioners, medical specialists and allied health professionals. This will allow convenient access to health services, and our current GPs are looking forward to having purpose-built rooms to provide their services from.

Currently, Uniting Kingscliff does not have independent living units, so couples are separated. The addition of independent living will allow couples to stay connected when their care needs change. So, one could remain in an independent living unit and the other move into the residential facility to receive a higher level of care.

For more than 30 years, Uniting has been part of Kingscliff and we hear concerns that the proposal feels too big for the area. We also have a rising number of older residents and an urgent need to expand from 86 to 120 beds so people can continue to get local care. Our goal is simple, meet that growing need in a way that protects the character of Kingscliff and reflects the community values of care so that our neighbourhood remains a place we're all proud to call home.

Home should be a safe, comfortable place for everyone, including our long-standing residents at Uniting Kingscliff. The redevelopment is designed to reduce loneliness and improve access to health and wellbeing services through communal spaces, a gym,
5 a pool, and on-site consultation rooms for visiting GPs and allied health professionals.

But these benefits are not intended to come at the expense of our neighbours. We want to work side by side with the community to ensure that these facilities are integrated thoughtfully, that activity is managed considerately. and that the project supports both
10 the wellbeing of residents and of the surrounding neighbourhood. To reiterate, as a carer I speak not just on behalf of our residents and team but as someone who shares in the care and character of Kingscliff.

This redevelopment isn't just about upgrading a building, it's about ensuring that our elders can live with safety, dignity, and connection. That's why we're committed to being thoughtful, responsive members of this community and to build something that serves us all. I invite you to consider the long-term benefits of this redevelopment. Let
15 us work together to preserve what we love about Kingscliff and to uplift those who have given so much to it. Thank you.

20 **MS MILLIGAN:** Thank you very much. Let's move to our second speaker who is Andrew Armstrong.

25 **MR ANDREW ARMSTRONG:** Hello, my name is Andrew Armstrong. I'm a resident of Kingscliff. I'm also an architect who's designed an awful lot of aged care facilities and master planned aged care facilities. I'm also a third-generation consumer of aged care through my family, through my parents, my grandparents, and I'm over 55 now, so I could move in here as a result of this development going ahead.

30 Uniting has developed a strongly urbanised design template for adoption across a lot of their projects which are currently running throughout New South Wales. Many of these seek similar sorts of variations to this one in terms of height and other planning elements. This template has then been overlaid over the village of Kingscliff, which is far from being highly urbanised. Context is a really important part of what we're
35 talking about here with these particular buildings but then also as part of the DA and the submission from Uniting.

There's some design principles for residential apartment development which are part of the submission and context is actually an interesting definition. Good design
40 responds to and contributes to its context which is the key natural built features of an area, their relationship and the character they create when combined also with social economic health and environmental conditions. Well-designed buildings respond to and enhance the qualities and amenity, including the adjacent sites, streetscape and neighbourhood. So that's taken from the state government guidelines. What I'd like to
45 show you, that this is actually out of context for Kingscliff.

I certainly don't want to get into any sort of discussion about why it's not needed. I believe it really is needed but my concern is more about the effect on the community,

both the community of Kingscliff but then even the community that's going to be living on the facility. Could we go to the next slide, please?

5 So, this is the template that's been developed across a number of sites that's been applied to this one and the buildings are very rectangular and very blocky and because of the density and the number of units that are being put onto the site, they've been pushed to the outer edge of the site as you can see. If you can go to the next slide, please.

10 What this has resulted in, you can see here, is basically a 9-metre setback from the boundary to the face of every building and every building being a block, there's no articulation. So, in terms of the buildings themselves, they're not manipulated within the site. But what that does then is create some very long elevations to the side boundaries that then create overshadowing issues, over – privacy issues and a whole
15 stack of other planning concerns. Next one, please.

20 And while there are openings between the buildings, realistically you only get to see those if you're standing directly in front of the buildings. So, you can see here the view lines from the buildings themselves clearly show that from outside the site it looks as though it's one continuous development. Next one, please.

25 In trying to understand what that means, that the elevation to the west is about 246 metres long and I've then tried to equate that back to something that we all know. Next slide, please. Which has just disappeared down the bottom, but you can see there the black box on the lower section there with those grey infills against the existing houses, that's the footprint of the existing houses. Next slide, please.

30 What that means though is that the 246 metres is actually longer than the footprint of Tweed Valley Hospital, which is really quite enormous in trying to quantify what it actually means along the boundary. Next one, please. Similarly, along the side that faces to the north, you can see there that the buildings are very regimented in their form. Next slide, please. And essentially what that does is the blocks in red, that's the full face of the front of the building. There's no articulation at all. While some of the materials may change, they're still pretty blocky.

35 One more slide. But then this is the sort of impact these long buildings have in that to the adjoining properties, their right for enjoyment in terms of seeing the sky and getting light into the buildings, the residents themselves get an awful lot of natural light, an awful lot of sky but you can see the residents around because of these high
40 buildings and also they're very flat buildings in terms of how they approach the boundary, that their opportunity and what's an entitlement to see the sky is greatly reduced. So, I would suggest that the density, the setbacks or the density is driving the design and it's squeezing the hell out of the site. So that's my thoughts.

45 **MS MILLIGAN:** Mr Armstrong, just before you leave, we have a question.

MR RICHARD PEARSON: Yes, sorry if you want to go back to the mic. Thanks. Thanks for that Andrew. I think one of your slides showed what you regarded as a

consistent 9-metre setback to the boundaries.

MR ARMSTRONG: Yes.

5 **MR PEARSON:** I'm not sure that's the case on all boundaries. Are you saying the internal setbacks between buildings or are you saying to the external boundaries as well.

MR ARMSTRONG: If we could just go to that slide if that's okay.

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MR PEARSON: Yes, if you went back that'd be good.

MR ARMSTRONG: Something that's actually missing on the drawings are dimensions. There's actually no dimensions on the footprint of the buildings which I've found quite odd. So, looking at this, for instance, the 9 metres is the setback that's shown on the drawings. So, if you go up to the top of where Building E is up to the boundary, that's 9 metres. If you go down to the bottom of block D, down the bottom, there's a dimension there that says 9 metres on the drawing itself. If you then look around the corner there, it's 9 metres. If you go over to the far boundary on the right-hand side, it's a little bit less than 9 metres. From the other boundary, it's 9 metres. Up above block B, it's 9 metres and it kicks back slightly, I think to about 12 or 13 metres from there.

25 **MR PEARSON:** Yes, along the eastern boundary.

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MR ARMSTRONG: And then it turns around again and goes back to 9 metres. So, in terms of having really blocky buildings on the site, the continuation of the unarticulation is exasperated because of that consistent building footprint. But then also that it's a consistent setback to pretty much all the boundaries.

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MR PEARSON: Okay, thanks for that.

MS MILLIGAN: Thank you. Let's go to our next speaker and that is Stephan Trumpf.

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MR STEPHAN TRUMPF: Good afternoon. Panel Chairperson Milligan and Panel Member Pearson. Thank you for allowing me to speak today. I'm a long-term resident of Beach Street in Kingscliff. I object to this proposed development on the grounds that it is not a state significant development, and I'll outline my reasons why it is not in the public interest. I believe if this development goes ahead, it is abuse of an SSD and it will worsen the very issues they are purporting to address in their proposal.

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The definition of a state significant development, as defined by legislation in New South Wales, including the Environmental and Planning Assessment Act, says, (1) economic importance such as projects with high capital investment value, large scale manufacturing, mining, tourist facilities. It's none of these. (2) Social importance, new hospitals, large educational facilities, significant cultural sites. None of these. Environmental importance, developing impacting sensitive areas with large scale

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environmental consequences. None of these. And finally, strategic sites, development on specific strategic sites such as Barangaroo or Sydney Opera House. It's none of these.

5 One of the reasons from the Department of Planning, Housing and Infrastructure has given in their approval was this development meets the needs of an aging population. I would argue that it will do the opposite by selling 199 million-dollar-plus units to rich retirees from the south. This will eventually have the effect of increasing the load on aged care places as they move out of their independent living into aged care.

10 Uniting has been an integral and valued part of this community for a number of years. In fact, my mother spent five years there and I cannot believe they are now acting as greedy developers, trying to bypass the local planning laws. They are now actively going completely against community wishes with the 291 objections to the proposal compared to 22 in support. We expected more of Uniting and their stated ethical principles. They are trying to exploit loopholes in town planning and develop as an SSD.

20 Again, a handful of extra aged care units does not come close to qualifying this gargantuan development as significant to the state. It is only significant to profits of Uniting. Another reason the DPHI has used for approval is the proposed building heights and forms would be compatible with the envisaged character of the area. I want to focus on the word "envisaged." With respect, somebody in the DPHI has decided on a future vision for my coastal village that doesn't align with our town planning controls. The town plan is clearly laid out and deciding to go around these controls on some future idea is very offensive to me.

30 This monstrosity is not compatible with building heights and forms in our small village, nor into the future. If this is allowed to be used, then the future of this small coastal town is over. It'll open the flood gates for developments of all scales all over the town. Another finding of the New South Wales DHPI says the following. It would regrade ground levels, complies with local flood planning levels, includes refuge above probable flood levels and results in overall reduction in the existing flood risk for vulnerable elderly residents and occupants.

35 This development will flood proof the occupants but let's not worry about the elderly and residents who all live around this development and next to the regraded higher levels under the development. They seem to have not taken into account the neighbours at all. It appears that the New South Wales Government only cares about the developers' buyers and not the residents who already live here. Building this land up can only put all the surrounding properties at higher risk of flood. Once again, Uniting has forgotten about this community.

45 Finally, there is nothing in this proposal that can be classed as state significant. A handful of extra aged care rooms is not enough for this multi-million-dollar development with almost 200 luxury units for rich retirees from the south to enable the developer to bypass our local planning controls. Chairperson Milligan and Member Pearson, it is for these reasons it is not in the public interest of this town or state and

please do not give this development licence to ride roughshod over our town by abusing the state significant development guidelines and using it as a loophole when it clearly isn't. Thank you.

5 **MS MILLIGAN:** Thank you, Mr Trumpf. I will come back at the end of the meeting and invite the Department to address the question of the proposal's state significant development status. But at the moment, let's move on with our speakers and I'd now invite Peter Newton to speak. Peter is speaking on behalf of the Kingscliff Ratepayers and Progress Association.

10 **MR PETER NEWTON:** Thank you, Commissioner Milligan and thank you for the opportunity to speak at this public meeting with the Commission on obviously what is a critical matter for our community. As Commissioner Milligan said, my name is Peter Newton and I do represent the Kingscliff Ratepayers and Progress Association, which
15 is our local community association, having advocated on behalf of Kingscliff and neighbouring communities since 1933. Thank you also to the Commission for meeting with us last Friday week and also allowing representation at this morning's very instructive site visit. Thank you also to Uniting for the conduct, the very professional conduct of that visit.

20 I'd like to frame today's statement in the context of a question asked by Commissioner Milligan at our meeting the other week where you asked us, Commissioner, how the association and the community's thinking may have changed since we submitted an objection to this proposal in June 2024. As mentioned in that meeting, our thoughts
25 and concerns around what we consider to be a gross over-development of the site haven't changed, simply because not a single thing of relevance has changed as a result of the public exhibition and the assessment by the Department of Planning and Housing Infrastructure, the department of this proposal. This is despite the 290 odd well-developed and in some cases incredibly detailed and focused objections.

30 While our written submission to the Commission will provide more detail on all of our points of concern, in the interests of time I'll focus particularly on the bulk and scale, given that reducing the bulk and scale will flow through and provide some mitigation to the other points of concern held by our community. The bulk and scale of this
35 proposal, including the increased height limits beyond 13.6, is completely at odds with the surrounding built environment and particularly the character statements and objectives for this area of the West Kingscliff precinct, as is defined in our highly consulted Kingscliff Locality Plan.

40 From our very initial meeting with the applicant, when five-storey buildings were proposed in what can only be termed an ambit proposal, the association indicated that there would be very strong community opposition to any development above 13.6. A reduction in the height of the buildings, in the number and height of the buildings,
45 would help assimilate this development with the surrounding character and context and would reduce the number of people on site, helping to mitigate many of the other issues, including the genuine traffic concerns, amenity and liveability issues and the extensive construction period.

We don't accept, we do not accept that this proposed development, given its bulk and scale, which is completely inconsistent with the character and streetscape of the surrounding built environment, is in the public interest. Particularly in relation to the DP or the Department's assessment report, we reject the Department's assessment that the proposed four-storey building heights and forms would be compatible with the envisaged character of the area and provide an appropriate built form relationship and transition to adjoining low density development.

The envisaged character and built form of this area and Kingscliff more broadly is clearly stated in the Kingscliff Locality Plan. The objective for this part of West Kingscliff precinct is to continue to facilitate the development of low-density housing within the existing residential precinct. The bulk and scale of the proposed development does not address and respond to the context, site characteristics, streetscape and existing and future character of the locality and that's a statement direct from the SEARs.

We reject the Department's assessment that it would not result in unreasonable overshadowing, view and privacy impacts on adjoining development or adverse traffic impacts to the local road network. The Department concluded that the proposal responds to the existing context of the site and surrounding area and maintains adequate levels of amenity for existing neighbourhood properties. Again, the SEARs requires a high level – a high level of environmental amenity and any surrounding residential or sensitive land uses must be demonstrated.

The association and broader community have always expected and supported some form of redevelopment of this site. We appreciate that the current aged care facility is at the end of its usefulness, but we had what we think is a reasonable expectation that the redevelopment would be in keeping with the surrounding low rise, low density built environment and our local planning frameworks. We appreciate the inclusion of some independent living units for those who choose this approach to aging in place.

We were hopeful of an increase in the number of aged care beds, which is the real community need and a mix of one and two bed units or villas to meet the missing middle for our seniors. One minute, yes. Thank you, Commissioner. The proposed ratio of aged care beds to independent living units could in fact have the unintended consequence of eliminating the aged care beds currently available to the general population.

This is an informed and active community. We know we don't live in a museum and we work hard to contribute to all plans and strategies that support the sustainable growth of our town and shire. We engage respectfully, seek reasonable compromise and on a percentage basis raise objections to very few developments. We understand that there needs to be some flexibility in our planning frameworks, but when a proposal such as this comes along that threatens to irrevocably change the very fabric and character of our small town as a community, we'll come out and we won't die wondering if there was more that we could do.

As an association and community, we remain strongly focused on mitigation and

exploring ways that this development can proceed with a reduced impact on the neighbouring residents, greater alignment with our planning frameworks and more thought to reducing the number of vulnerable people we place on the floodplain. Our community expectations are no more complicated than to be able to live in the security that we are protected by our planning frameworks which ensure the fabric, amenity, liveability and character of our wonderful area is not compromised by inappropriate development.

Last bit. On a final note, I would like to make a quick comment on the current housing priorities of government. Just over three years ago we were presenting to flood inquiries and actually had the now Premier sitting at our dining table discussing flood impacts and how we might mitigate those. Just a few months ago we actually met with the Planning Minister to discuss housing priorities and how they might be met here in a range of ways.

One issue here is a shortage for construction workers and with the upcoming Olympic Games in Queensland, that funnel will close for us, which probably means for a build like this those construction workers will need to be shipped in, wiping out our rental accommodation for up to four years. It's an unintended consequence without doubt.

In three years' time, not sure if any of us can guess what the next priority will be but the point that I really want to emphasise and make here in closing is that we have well considered local planning frameworks and consider and respect those, no matter the government priority. That at least, if we stick with that, that at least would go a long way to protecting the character of our towns because from here on, from this day on, whatever the outcome of this particular process, everyone will have moved on to their next engagement. And it's us, the community, being left to manage whatever eventuates. Hopefully in this case it will be something that can be managed. Thank you.

MS MILLIGAN: Thank you. Thank you. Let's move on to our next speaker, please, who is David Preston.

MR DAVID PRESTON: Good afternoon. I'm speaking to highlight issues that I see with the development documentation and some of the many errors. Firstly, I'll touch on how Uniting constantly hide the views of their buildings. Slide 8, please. In this street view, it clearly shows one building where I live. Next, please. However, from this position there are actually three buildings visible. They've just somehow just missed two buildings. We've gone too far actually. They've just somehow missed showing two buildings. Stepping into a yard and the RAC is an eyesore to the west. So, Uniting have kindly, slide 11, showed an existing outlook of an upstairs room in my home and then the view, slides 12. However, this time again Uniting leaves out the entire top level.

MS MILLIGAN: With where you're up to on the slides.

MR PRESTON: So, we're up to slide – one more. That was the top level building.

MS MILLIGAN: Okay, thank you.

MR PRESTON: And the next one, that's actually a ground floor and three floors above. Somehow, they've just actually missed out the top level. So, our home is not affected by not one but two buildings on two sides and both cast massive shadows over my property. Buildings F to the north shading from sunrise until 2 o'clock approximately and RAC to my west shading from between 2 and 3 p.m. for the rest of the day. Uniting says it will not result in significant overshadowing to neighbouring properties.

Referring to the SEARs assessment requirements, Uniting have not provided us with hourly shadowing intervals, required neither between 9 a.m. and 3 p.m. or neither all four equinoxes. They have only provided for the winter solstice and I will now provide below that all this applied shadow diagrams are incorrect. Sixteen, please.

We designed our pool to have full sun at 9 a.m. in the winter solstice, so the shadow line should be on the pool coping, rather it's not. Rather Uniting shadows diagram at 9 a.m. show it's 2.2 metres into the pool. Slide 17. These photos were taken on the exact day of a winter solstice, and you can see the difference there in the shadow line.

Slide 20, please, at 3 p.m. the shadow diagram shows 95% of the pool is in shadow, however, next slide, the photo shows differently. In our backyard, 24 please, in our backyard, Uniting shadow diagrams see the shadow line midway up the deck and it's represented by the pink dash line in the photograph. Next, please. While the shadow line cast is clearly visible by the shadow, next please, it's nowhere near the actual shadow indicated by the yellow dash line. Why are the shadow diagrams all wrong? Overshadowing is a major factor and if all my shadow diagrams are wrong, the question is "Is every other property shadow diagram as well is wrong?"

Uniting technical notes on shadow diagrams clearly states that number 39 receives 5 hours of solar to private open space between 9:15 and 2:15, also incorrect. I need to point out that for our houses at the northern end of the cul-de-sac of 39, 41 and 43, we have an easement to the rear of our home, so the actual boundary is – once the development is complete – is 1.1 metres over the other side of the fence. So that's actually indicated, next line please, in a dash green line.

Note that the shadow line from this fence is not shown and the development and the shadow diagrams post-development put the easement in full sun. B in that location it's not possible to get any sun from a 6-foot fence that sits atop a 1.9-metre raised ground height above the easement, not taking into consideration any of the many proposed trees plantings.

Uniting has to prove to us that number 39 gets full sun between 9 a.m. and 2:15, again hourly shadow lines because again full sun is incorrect. When Uniting is completed, we go from full shade at 9 a.m. to full shade, that was slide 29, sorry. By 12 o'clock, next slide, we gain some sun back but then it's short lived, next slide for slide 31, between 2 and 3 p.m. we will be in total shade once again. Next one, and both on the southwestern aspect, total shade as well. One hundred per cent of sun both at 9 a.m.

and 3 p.m. to my property alone should set alarm bells ringing. These shadow diagrams are greater again as rooftop generator rooms have been added and also lift overruns and they were not shown.

5 Can I have the next slides go every 5 seconds, please, until slide 40? Inside our house is worse. In our living area we currently get streaming sun from dawn until dusk and once Uniting is constructed, we believe we may only get 2 or 3 hours of sun, if that. Uniting don't show what the loss of sun is going to be inside, nor glazing reporting or cross-section detailing sun loss, as every development requires.

10 To reply to the size and visual impact of the massive building planned, Uniting plan to plant trees on my boundary and there are 18 massive trees to be planted with eight more to grow more than 10 metres right on the boundary line. Next one, please. The last thing we want is to lose so little sun we have remaining. Have they considered how
15 15-metre trees right on the boundary line would shade my 31 solar panels? It's 100% poor planning and blatant overshadowing.

Just one more paragraph, please. Someone has to stop this over-development of this area as this will ruin this residential area, Kingscliff, that we love so much and call our
20 home and if it's built in its current form would be looked on in the future as a planning disaster.

MS MILLIGAN: Mr Preston, can I ask you, please, could you come back? We have a question for you, please.

25 **MR PEARSON:** Thank you. My question, David, did you do the additional shadow analysis yourself or did you get someone to do that for you?

MR PRESTON: The photographs?

30 **MR PEARSON:** Well, you know where you're showing the lines, you put your green line, your yellow line, etc., was that an analysis you did yourself or –

MR PRESTON: I did myself. I actually – those photos were taken on the winter
35 solstice. It was actually 23 June 2023 because 2024 was cloudy and there was no sun and the winter solstice was a Monday, so that was a Sunday.

MR PEARSON: Right.

40 **MR PRESTON:** And I've just estimated that on there.

MR PEARSON: Okay, sure.

45 **MR PRESTON:** But like, for instance, the pool shading, where it should have been on the coping, it was actually 2.2 metres into the pool and also the difference in line with the shading and also the estimate of halfway up that deck is another 2.2 metres – just speaking of the variance.

MR PEARSON: All right, thank you. I just wanted to be clear whether you'd commissioned a technical analysis, but you'd done it yourself. Thank you.

MR PRESTON: I've just gone off the photos.

MR PEARSON: Thanks, David.

MS MILLIGAN: Thank you. Thanks for answering that question for us. So, our sixth speaker, please, is Helen Edwards-Davis.

MS HELEN EDWARDS-DAVIS: Good afternoon. My name is Helen and I live at [REDACTED]. This is my home located south and directly next to Building A. It's a modest single-storey duplex located amongst several similar homes on Lorien Way. Today I'll focus on my most personal concern, privacy and residential amenity. My other concerns, and there are many, will be covered in my written submission.

The disregard for the privacy of neighbouring homes, particularly mine and my neighbours at number 37 directly behind me, has been very concerning and not properly addressed by the developer or by the DPHI. Building A will have 16 one-bedroom apartments, three times more dwellings than any other block on Lorien Way. Four of these units on the second floor will have living areas and glass balustraded balconies facing directly into my living room, my kitchen and my dining room. No consideration has been given to the residents in Building A either. They have nothing to stop me peering into their living spaces.

The developer's suggested solution to the problem is to increase and densify boundary planting and the DPHI has deemed this solution to be acceptable. I strongly disagree. This planting is likely to take at least seven years to reach an effective screening height and when it does, it will reduce daylight, increase winter overshadowing, lower our solar power generation and drop debris into our gutters and onto our roof. It also appears from the amended documents that this proposed planting has not been included in the solar impact studies. This change still fails to meet the SEARs requirements to demonstrate a high level of amenity for surrounding residential land users. In effect, it simply swaps one problem for a host of others.

This slide shows at the top the developer's artistic impression of the double loaded corridor design which I and many other people initially mistook for a single loaded corridor building. I believe the lower image is a more realistic picture of what the current plan will deliver. A far better approach than the planting solution already exists. In earlier discussions with the State Design Review Panel, the developer acknowledged the privacy problem and stated, and I quote from the minutes of the meeting, "We have applied a single loaded corridor approach to Building A, where this responds to the overlooking concerns of the southern neighbours adjacent to the site." And then, "Only an access way corridor facing south and all private balconies to the apartments face north."

I'm very disappointed that the DPHI has effectively endorsed the developer's decision to abandon a single loaded corridor design for Building A and instead has accepted the

planting compromise. Building A could be divided into two single loaded corridor buildings, either side of the entrance roadway. Balconies would then face over the road into the development and only bedrooms and service areas would face our homes, just as the current Lorien Way houses are designed.

So, instead of having something like – next slide, please. Back one, please. So, instead of having something like this, we could potentially have something like this, which is far more in keeping with the general streetscape of Lorien Way, except for the domineering scale of Building C behind. This change to Building A would achieve genuine privacy, maintain light and solar access and comply with both SEARs and the design guide intent.

It's not just about my privacy and amenity. Even setback increases, residents in Drift Court remain severely overlooked due to the sheer size of Building C with its full height glazing and glass balustrades. I'll let other speakers address specific concerns regarding this building, but I will say that I am again disappointed that a recommendation from the Tweed Council that balustrades be opaque was deemed to be unnecessary by the DPHI. This change would have been a no or low-cost amendment with significant amenity benefits for neighbours.

In closing, it's abundantly clear to me that the developer is still trying to squash in way too many dwellings into a site with significant constraints at great cost to neighbours and the character of Kingscliff. I dare say that there is not one person in this room who does not support the provision of more aged care facilities. What we don't support is rampant inappropriate development that ignores local character amenity and privacy for neighbours.

I feel that the DPHI has not fully considered the regional nature of Kingscliff and the valuable respite that the town offers from urban life for holidaymakers and residents alike. One paragraph. Thank you. I ask that the Commission helps my community manage development in a sensitive and sustainable manner, remembering that this is a small coastal town, loved by both residents and tourists. The development does need a complete redesign. Kingscliff is not an urban Sydney suburb and should not be treated as such. Thank you.

MS MILLIGAN: Thank you. Now, Ms Edwards-Davis, I understand you're now speaking for another member of the community. You're speaking now on behalf of Tony Clarke.

MS EDWARDS-DAVIS: That's correct.

MS MILLIGAN: Yes. Could you introduce us to Tony, please.

MS EDWARDS-DAVIS: Tony, he's just –

MS MILLIGAN: Thank you.

MS EDWARDS-DAVIS: So, I am actually Tony. I won't try the deep voice, that's

not going to work. We are residents of Drift Court, living with my partner and our two young children. I'm here to express our deep concerns regarding the proposed development being built directly behind our home.

5 Firstly, privacy is a huge issue. The proposed development appears to include windows and balconies with direct line of sight into our backyard. This is where our children play every day. We're particularly uncomfortable knowing that future residents, possibly elderly individuals or others we don't know, will have unrestricted views into our private family space. That raises serious safety, privacy and wellbeing concerns.

10 Secondly, the excessive height of the development will completely block our afternoon sun, especially in winter. Our backyard is the only outdoor space we have and losing that sunlight would dramatically reduce our ability to enjoy it. It also affects our mental health, our gardening efforts and the children's outdoor playtime, all of which are vital to our family life.

15 Thirdly, the impact during construction is a major worry. With two young children at home, the ongoing noise, dust and disruption will seriously affect the daily routine and wellbeing. The constant sound of heavy machinery and construction work will make it difficult for them to rest, play or even concentrate on schoolwork. As a family, our home is our sanctuary and for the duration of the build it would become a stressful and disruptive environment.

20 We're also extremely concerned about flooding. During the last major weather event, flood water reached halfway up our driveway. The land behind our home currently serves as part of the natural floodplain, soaking up water and helping protect our property. If that land is built over or elevated, we risk worse flooding in future events, potentially putting our home and family in danger.

25 Lastly, the development will bring more residents and increased traffic on local roads, which are already under pressure. Parking is limited and adding more cars to the street will make it less safe for children walking or biking to school and playing outdoors. Congestion will grow and emergency or delivery vehicle access could be compromised.

30 In summary, we are not opposed to responsible development, but this particular project raises serious concerns around health, privacy, safety, sunlight, flood risk and traffic. We ask that Council consider these impacts carefully and require the developer to revise the plan in a way that respects the existing community and environment. Thank you for your time.

35 **MS MILLIGAN:** Thank you. Thank you, Mr Clarke. Our next speaker is Kate Stodart.

40 **MS KATE STODART:** Thank you. Thank you for the opportunity. My comment is general in nature, but I wish to understand why the New South Wales State Government has chosen to ignore in the main submissions by local community members, community groups and ignore the Tweed Shire Council's policy plans and

strategies. All these define the characteristic, the liveability, the heritage, the streetscape and the best possible safety for the residents and visitors of the Kingscliff now and into the future.

5 These incredibly important guidelines are in place to help ensure that we can keep the beachside charm which makes Kingscliff a unique, sought after location to live and visit. The Tweed Shire Council's development policies and strategies weren't some random thought, but rather a result of significant investment of time and resources with a high level of community consultation. I would argue that this development does not
10 meet these intensively community consulted plans, policies and strategies and actually create an environment that degrades the liveability of this town.

This is a unit development disguised as an aged care complex. The developers aim to build a unit development under a state significant development category and avoid
15 many of the developmental approvals required. Under the guise of an aged care complex, the developers want to avoid the normal requirements that go with a unit development. This development should not be supported in its current form.

20 So, the question is why can't this development be modified to fit within this community expectations, alleviate community group concerns and sit within the Tweed Shire Council's policies, strategies and plans, while still meeting the intent of this development? Thank you.

25 **MS MILLIGAN:** Thank you, Ms Stodart. That brings us to our ninth speaker this afternoon and that's Mr Ken McCollum.

MR KEN MCCOLLUM: Good afternoon. My name is Ken McCollum. I'm here on behalf of my wife, Sue. We live at [REDACTED], Kingscliff. We have the distinction of being the original building a house in Beach Street. We've been there for 47 years.
30 We're extremely concerned with the impact of the sheer size and out of character proposal in the form of this said development. There will be a huge impact on our privacy with the proposed 17-metre building on our boundary.

We have a 48-metre common boundary with the site, the entire length of virtually
35 Building E. Building E is proposed to contain 23 two and three-bedroom units for apartment living. The sheer size of the 17.7-metre building is out of character and is causing us major concern for our impact of our amenity. All of these units have a large balcony with glass balustrades and as a result, our entire backyard and home, the living area, kitchen, bathroom and bedrooms will adversely be affected. With the 23 units all
40 orientating their balconies towards our property, the direct effect on us is that we will have virtually no privacy.

45 Another concern of course is the spill of lights from these apartments will be most intrusive with external and internal light shining into our private space at night. We have voiced our concern in previous submissions but there has been no change to the proposed development.

Another factor of major concern is the location of the ramp for the underground car

5 park at the basement level, which will mean that we'll have noise from cars coming and going virtually, well, any time 24 hours. The basement that's proposed there is below the natural ground level and during the '22 flood, our backyard, which is the original ground level for the entire area there, we had over a metre of floodwater in our backyard. We're wondering what will happen to that basement if we have another flood.

10 We're also worried about the – well there's no details in the plans about what wall is going to go between the Block E and our building, our block, whether it's going to be Besser block or what, we don't know. But it's going to be all the way along our southern boundary. Requests for details of that, as been mentioned by several of the other speakers, there's a serious lack of detail in the plans that we've seen.

15 We realise that we've only spoken about our privacy because a lot of other people here have spoken about the way things have been done and it's quite concerning that so many people have confusion, I suppose, over exactly what is going to be done and how it's going to be done. We ask for clarity, we ask that the Commission looks at all of these concerns and an outcome, a suitable outcome for a community will be presented. Thank you.

20 **MS MILLIGAN:** Just before you go, can I just clarify the point you made about the boundary material. I'm not quite sure I understood that fully. So, you're talking about the boundary, the fence between the property and your property?

25 **MR MCCOLLUM:** Yes.

MS MILLIGAN: Just restate what your concern is. You don't know how high, what material, tell me, tell me again.

30 **MR MCCOLLUM:** Both of those things. We don't know what the boundary wall – I assume it'll have to be a wall because of the height difference. We will be probably at least a metre-and-a-half lower than the nursing home simply because our block was the original block there and we didn't fill anything at all. And I assume that this has to be some sort of retaining wall or something put in.

35 **MS MILLIGAN:** Okay. All right, look, that's a question that I might put to the applicant at the end of the meeting. And then another just point of clarification, you talked about the underground car park ramp and we had a good look at the site this morning, including your boundary fence, that ramp is underground by the time it gets to your property, is that correct? Is that your understanding? It doesn't mean that I don't take your point you're worried about the noise as cars enter, but it is a little removed from your immediate boundary. Is that your understanding?

40 **MR MCCOLLUM:** Well, it's not overly clear exactly how far back that boundary, that ramp will come.

45 **MS MILLIGAN:** Okay. All right, so maybe we can clarify that too with the applicant this afternoon. Thank you very much.

MR MCCOLLUM: Thank you.

MS MILLIGAN: All right. Thank you very much. So, our 10th speaker is Livy James.

MS LIVY JAMES: Committee members, community members my name is Livy James, and I am a resident of Kingscliff. I am opposed to this development in its current form. I am not opposed to aged care or senior housing. In fact, our community welcomes well-designed facilities that provide compassionate care. However, I cannot support development that disregards the very planning principles that protects our town, our town's integrity, character and liveability.

The Kingscliff LEP and DCP were shaped through extensive community consultation, endorsed by council and state government to reflect the town's vision. These planning frameworks exist to guide our built environment, protect local identity and ensure residential amenity and must be respected. The LEP sets a maximum building height of 13.6 metres to maintain low rise coastal character, visual consistency, sunlight access and proportional development relative to surrounding homes. The proposed Uniting development contravenes this limit. All but one of the buildings exceeds 13.6 metres, with the tallest reaching 17.05.

The scale of the proposed unit development is immediately striking. Its oversized frontage and site boundaries are comparable to the Tweed Valley Hospital, yet it sits on a modest suburban street. The development would dwarf the landscape, loom over neighbours and sets a precedent for over-development in Kingscliff.

Uniform facades and limited setbacks amplify enclosure. No amount of landscaping can soften this bulk. The wall light massing along Lorien Way and Beach Street looks like an institutional complex rather than a residential community. Kingscliff's narrow streets, including Lorien Way and aren't immediate at access roads, are not designed for constant construction traffic. Deliveries, trucks, tradespeople will congest the site, while lunch breaks and errands spill into the town centre, adding pressure to already limited parking.

Over the construction phase of several years, this sustained activity will disrupt daily life for neighbours and the wider community. Beyond construction, the development will introduce approximately 300 additional senior residents to the area. Kingscliff and Tweed already have one of the highest proportions of seniors in New South Wales, with 27.8% of residents over 65, compared with the state average of 17.2. This concentration paired with limited local health services, a GP population ratio of 0.65 per thousand and already long waiting times will amplify the pressure on medical care and community facilities, creating significant flow-on effects for everyone.

The Kingscliff area has a history of flooding, with major events in 2022 and recently in 2025 showing the site's vulnerability. This redevelopment places elderly and mobility impaired residents at serious risk. The proposed stay-in-place evacuation plan, already rejected by CES and Council is unsafe. Lived experience shows streets become

impassable, emergency services delayed and evacuation shows the streets become impassable – sorry, I’ve doubled up on there – and evacuation is chaotic and frightening. No development of this scale should proceed without updated flood mapping from Council and fully approved tested evacuation plans.

In summary, this proposal disregards community endorsed frameworks, exceeds height and bulk limits, skews demographic balance and stresses local health services and endangers residents throughout inadequate flood planning. Approval of its current form rewards non-compliance, erodes trust in planning, and permanently alters Kingscliff’s cherished low-rise coastal character. By upholding the LEP and DCP and respecting decades of community consultation, this development can instead serve the community, rather than override it. For these reasons, the Uniting Kingscliff redevelopment must be refused in its current form. Thank you.

MS MILLIGAN: Thank you and thank you to all our speakers to date. People have been exceptionally diligent in keeping to time, so we do actually have time for a 5-minute break, which is really just an opportunity for you to stand and, you know, take a breath. So, we might just pause for 5 minutes and we’ll come back and we’ll hear from the rest of our speakers. Thank you very much.

[Break/music plays to 01:07:30 to 01:13:38]

MR STUART MORGAN: Okay, thank you very much. So, just a reminder, once today is finished, today’s recording will be on our YouTube channel. So, if you go onto YouTube and you type in New South Wales Independent Planning Commission, it’ll come up as a recording. Or if you go onto our website which is on the base of this banner and you go onto the ‘Case’ page and you go into ‘Meetings’, there will be a link as well on our ‘Case’ page as well.

And, as always, if you have any questions, you can come and approach me – I’m Stu, or you can go and speak to Brad or Callum at the end. Okay, right-io. So, we’ll get started.

MS MILLIGAN: All right, thank you. Thank you, everyone. As I said, we’re being great timekeepers, and welcome back to the second half of the meeting. We’re up to our eleventh speaker this afternoon and I’d like to invite Colin Lidiard to speak to us. Thank you.

MR COLIN LIDIARD: Good evening, commissioners, and thank you for the opportunity to speak. My name is Colin Lidiard, I’m an immediate neighbour of the proposed development. I wish to object to the project in its current form, so I’d like to focus in on the unacceptable loss of amenity it will oppose on existing residents.

The Department’s own assessment states that, “The design is only generally consistent with the Apartment Design Guide, with the exceptions of solar access, building separation and room depth.” Pretty significant exceptions, in my way of thinking.

The end result will be substantial overshadowing of internal and external private space. The total amount of sunlight should be the main consideration, not just providing the bare minimum at the winter solstice. The vast majority of immediate neighbouring homes will experience a loss of sunlight. Some ILUs in Blue Jay Circuit will be so severely impacted, as to not even meet the minimum standard. Loss of sunlight means colder, darker homes, higher heating costs, and less enjoyment of outdoor areas. For many of us, these are our retirement homes. Sunlight is not a luxury; it is essential for liveability and wellbeing.

The Department acknowledges that upper-level bulk and eaves and windows will overlook private yards and living rooms. Proposed landscaping and angle screens are token gestures. Trees will take years to grow, and they only add to the overshadowing, and can be removed at a whim.

Interestingly, the suggested privacy treatments for the overlooked ILUs within the development were dismissed because they might reduce future residents' outlook. While the loss of outlook for existing residents was judged only minor to moderate and therefore reasonable. This is neither fair nor balanced.

The reality is that neighbours will live under constant visual intrusion, unable to open curtains or step outside without feeling watched. It fundamentally changes how people live in their homes. This is a quiet, open neighbourhood. The subtropical climate enables us to live with windows and doors open. The proposed plans place living rooms directly opposite ours, meaning everyday noise, TVs, radios, conversations will carry straight across. Multiply that by 199 apartments and you'll have a significant acoustic impact.

The cumulative light pollution from such a massive development will entirely change the neighbourhood. You only have to look towards the Tweed Valley Hospital at night to gauge the impact it will have on existing residents. Traffic will also intensify dramatically. The TIA predicts 150% increase in peak hour volumes yet claims it will only have a minimal impact.

Commissioners, you would have seen during your site visit that all vehicles will enter or exit across the only pedestrian footpath. This being a residential neighbourhood, there will always be parked cars obstructing sight lines. And before completion, residents will endure years of disruption, construction noise, vibration and dust, forcing us indoors, increasing our cost of living and reducing our quality of life.

Visually, the proposal will dominate the landscape, just as the Tweed Valley Hospital dominates Kingscliff. The abrupt shift from one and two-storey dwellings to seven monolith blocks is wholly inconsistent with the area's character. This isn't a community integrating project. In effect, it's a gated apartment complex inserted into a low-scale neighbourhood, cutting Lorien Way in two.

Many of the legislation non-compliances could be resolved by reducing the scale. For instance, open plan room depths exceed the ADG by up to 2 metres. Bringing them back to within limits would reduce the overall bulk, allow for greater setbacks, more

deep soil planting, and improve both solar access and privacy. In short, better design, smaller footprint, fairer outcome.

5 In conclusion, if senior housing and SSD status is being used to trigger legislation overriding the TLP, the community should at the very least be entitled to a full compliance, not “generally complies” as stated in the DPHI report. Particularly when the amenity of existing residents will be so adversely impacted.

10 In the Department’s own words, “The project delivers a high level of amenity for future residents, but only a reasonable level for existing neighbours.” This is not equitable planning.

15 The site constraints the Proponent cites are self-inflicted. Large portions are either undeveloped or are car parking. The problem isn’t the site, it’s the over-ambitious scale, the gross over-development. At a community consultation, I asked a group of five Uniting representatives if this development was being built next to their home, would they think it was a good idea? The response I got was total silence, with everybody avoiding my eye contact.

20 Protecting residential amenity isn’t an abstract policy. It is the foundation of good planning and fair community outcomes. Commissioners, I respectfully urge you to refuse this proposal unless it is substantially amended to fit in with the surrounding built form and comply with planning legislation.

25 Thank you.

MS MILLIGAN: Mr Lidiard, just a ...

30 **MR PEARSON:** Yes, Colin, I just wanted to clarify – you’re in Blue Jay Circuit?

MR LIDIARD: No, I’m not. I’m in Lorien Way – ■■■ Lorien Way, next to Building A.

MR PEARSON: You’re in Lorien Way.

35 **MR LIDIARD:** We would just wish for a 9-metre setback. We’ve only got 6.

MR PEARSON: Sorry, say that again.

40 **MR LIDIARD:** So, we would wish for a 9-metre setback. We’ve only got 6 metres.

MR PEARSON: Right, okay, thank you.

45 **MS MILLIGAN:** Okay. Thank you very much. We’re going to hear now again from Helen Edwards-Davis, who on this occasion is speaking on behalf of Jayne Anderson. Can we meet Jayne? Okay, thank you.

MS EDWARDS-DAVIS: My objection with this development is the sheer scale and size. The development is way beyond the vibe of Kingscliff location, and the actual

footprint when put in perspective, is as long as the new Tweed Valley Hospital. It is definitely out of character with the surrounding residential homes. I don't believe that the Assessment Report has properly considered the effect on local neighbours and the community as a whole.

The height is way beyond the current height of surrounding dwellings, and our homes will be overshadowed by this huge structure. Uniting wants four storeys, and our homes are either single or double storeys. Privacy is of huge concern – there will actually be no privacy in our backyard, with the outdoor living area having the development tower over the boundary fence. There will be massive overshadowing in this area also. We spend most of our time outside; the impact of the sun being blocked and nowhere to enjoy the outside of our home with our children and families.

Increasing traffic and parking in surrounding streets is already very tight, and parking is at a premium. Flooding is a major concern. The last flood had water coming up our driveway, and the Uniting land was a lake. We all aware that Uniting will develop the land; what we ask for is Uniting to actually listen and act and show that they have stated that they are good neighbours and take our concerns very seriously.

Thank you.

MS MILLIGAN: Thank you for that, Jayne. The next speaker is Ann Newton, who is speaking on behalf of the Kingscliff Ratepayers and Progress Association. Thank you, Ann.

MS ANN NEWTON: Thank you, commissioners, for the opportunity to speak with you again today. I'll follow on from some of the comments that Peter made but will emphasise more a community perspective. But I will speak in the first person.

So, I'd like to use this time to offer an alternative local perspective to what was provided during the Commission's meeting with the Applicant. I agree with the statement that was made, that the role of Kingscliff has been solidified in 2016 by the Kingscliff Locality Plan. The development of the KLP was a highly consultative process with several iterations over several years.

What the community finally arrived at provides us with a very clear indication of how our town is going to grow and change to accommodate growth while still maintaining the things that are the beating heart of Kingscliff's character and fabric. [Clears throat] Excuse me.

In terms of our built environment, maintaining our height limits is probably the list. It is part of our community DNA. Another very important component of our community developed KLP is the character statements and objectives for the various precincts identified in the plan. These statements and objectives and the local controls provide a kind of insurance policy for the community against inappropriate development.

So, the community was understandably concerned when we saw in the EIS a misrepresentation, if you like, of how this area of the West Kingscliff precinct was

meant to grow. We were totally disheartened when we saw that the Department had accepted and run with this inaccurate narrative.

For the record, the objectives for the West Kingscliff precinct in the KLP are to continue to facilitate of low-density housing within the existing residential precinct. This site is part of that component. And facilitate opportunity for a greater mix of low rise, medium-density housing types over the greenfield development site which is further west of the Uniting site, the Gales Holding development.

Statements in the EIS and the Department's Assessment Report, such as "The design of the proposed development reflects the bulk and scale that is consistent to the vision of the area as prescribed under the KLP," and that's a quote, "or the proposal," (again, a quote), "would be compatible with the envisaged character of the area led to much of the community angst around the excessive bulk and scale of this development within this context." [Clears throat] Excuse me.

I agree that the KLP identifies Kingscliff as a service centre for the Tweed Coast but would just add that this has been the case well before the KLP was initiated in 2016. We have the TAFE. We have the only high school on the Tweed Coast. Once, we had the only supermarket complex – good ole Franklins. And we have the biggest and best pub, so we're clearly the Tweed Coast service centre.

I don't agree with the statement that has been further exaggerated now – I don't agree with the statement that this has been further exaggerated now with the Tweed Valley Hospital at Cudgen. Our KLP outlines strategies to specifically protect Kingscliff from potential impacts of the location of the Tweed Valley Hospital, and this is being further supported by the State Government and the Shire's soon-to-be-finalised Growth Management and Housing Strategy.

I agree that Kingscliff is under construction and that it is moving towards the 2016 Locality Plan that is heavily focused on infill and the new release areas. I agree that the community is seeing Kingscliff in alignment with the KLP's strategic planning. There is no community uproar because the development that is happening is according to our KLP. The four-storey buildings are fitting within the 13.6-metre height limit. The truly recessed top floor removes the bulk from site, from the footpath and the road, and they're in areas that are already surrounded by other three and four-storey buildings.

I absolutely disagree that the surge in development brings concern that our local town is changing. We are an informed community, active in protecting the fundamental fabric, character and amenity of our small coastal town. We expect, welcome and encourage quality developments that align with the strategic direction and objectives of our KLP. But the bulk and scale of this proposed development is totally out of context with any part of our built environment existing or emerging.

As everyone has said, we support a redevelopment of the site for the wonderful Uniting care workers. We support some sort of increased aged care development. But the bulk and scale of this will irrevocably change the face of our community.

Thank you.

MS MILLIGAN: Mrs Newton, a question please.

5 **MR PEARSON:** Yes, thanks, Ann. So, are you essentially saying if it was height compliant, you would be accepting of it? Because it seems to me that it was a little bit of a disconnect between what you were saying about the Kingscliff Locality Plan and the heights that are locked in through the Tweed LEP. Is that what you were saying though, that if it was height compliant? Sorry.

10 **MS NEWTON:** Our understanding is that site has a 13.6-metre height limit.

MR PEARSON: Mm-hm.

15 **MS NEWTON:** We, as a community, find it really hard, because we're not planning experts, so we have to rely on our locality plans to give us a plain English version of what we can expect. So, when knowing that that is a 13.6 area, if it was built within that framework, and we had an expectation that, for example, the RAC Building would maybe take advantage of that, and that any other development on the site might be similar to, say, Yamba, the Yamba development and move into, you know, two-storey apartments or villas. So, it's the bulk and scale that concerns us.

20 And we don't understand, as a community we don't understand all the talk of adding some more fill here. As Ken mentioned, his block of land is the original level for that area, so the fact it's going to be a metre-and-a-half above ground level, we don't understand that. We don't understand why the extra 300-mil for the flood and climate change considerations comes at the expense of the community and doesn't come off the top of the development.

30 **MR PEARSON:** Mm-hm.

MS NEWTON: So, I guess we're saying, if it complied and if the bulk – so, if the height was back down to 13.6, that would drop it by 3 metres, and if the bulk was reduced, so the number, the actual number of buildings were reduced, then we would have a good-quality development.

MR PEARSON: Okay. Thank you.

40 **MS NEWTON:** Thank you.

MS MILLIGAN: Okay. We've heard a number of speakers talk to us about bulk and scale, and certainly the Commission will be looking closely at bulk and scale. But we've also heard a couple of people talk about height limits, and as Ann Newton just said, there is some complexity about this.

45 But I'd actually – I think at this point I'd like to pose a question to the Department, because there has been, we understand, a change to the Housing State Environmental Planning Policy recently, that has some impact on height limits. Now, can I reassure

you that we're talking about bulk and scale, and we will assess the building as it appears in the application. But the issues being raised of the technicalities and the complexities around height limits.

5 So, I'm wondering is Mr Lusher from the Department with us?

So, could I pose that question to you. Could you perhaps provide us with just a straight-forward explanation of what we're dealing with in height limits and compliance issues on this site. Thank you.

10

MR STEPHEN DOBBS: Thank you, commissioners. My name is Stephen Dobbs. I'm a Team Leader in the Social and Diverse Housing Assessments in the Department of Planning. I speak on behalf of Ben who's an Executive Director.

15

Just to clarify the position on heights. Amendments were made to the State Environmental Planning Policy – Housing on the 19th of September 2025, with no savings or transitional periods applied, and therefore the amendments made to that state policy apply to this development and to all developments lodged that are yet to be determined.

20

The amendments, while broad, some of them were made specifically that impact this application, and those are to section 87. And those were in response to previous interpretations that had restricted access to bonus height to applications that also sought bonus floor space ratio.

25

So, in plain English what that meant was, the Housing SEPP provides additional height and additional floor space to incentivise seniors housing. Now, they were restricted before in the wording of that where they only got additional height if they exceeded the base floor space ratio value. The amendments were made to decouple or to allow access to both of those provisions independently.

30

As the Applicant did not – or this application does not exceed the 2-to-1 on the R1 portion of the site, so the 2-to-1 floor space ratio, they weren't in effect eligible for a bonus height. But due to those amendments that have decoupled those, this application is now able to access a bonus 3.8 metres in height. Meaning that the maximum permissible height limit is not 13.6, it's 17.4 metres.

35

MS MILLIGAN: Just to reflect that – let me just reflect that back to make sure that we're understanding. So, there's been a long-term provision – obviously, government does want to incentivise seniors housing and I think we've – most people in the room have accepted the fact that we need seniors housing. So, there's been a long-term provision that where an applicant asked for additional floor space ratio, they were also eligible for height.

40

45

MR DOBBS: Correct.

MS MILLIGAN: Mm-hm. So, this Applicant did not seek, so it's compliant with the floor space ratio rules, so it was not seeking additional floor space ratio. And because of the wording of that policy, they then couldn't have the second.

5 **MR DOBBS:** Correct.

MS MILLIGAN: Okay. So, there's been an amendment that allows those two incentives to travel separately.

10 **MR DOBBS:** Independently, yes.

MS MILLIGAN: Independently. Okay. So, the Applicant hasn't asked for floor space ratio, but in fact will get an automatic allocation of bonus height. Is that what you're saying?

15 **MR DOBBS:** Yes, correct.

MS MILLIGAN: Okay. All right-y. Okay. So, I mean, it's an important point. However, I come back to the fact that the application will be assessed on its merits on bulk and scale.

MR DOBBS: No further questions?

25 **MS MILLIGAN:** Not on this topic, I think. Thank you.

MR DOBBS: Thank you.

MS MILLIGAN: All right. So, can we move on now, please. We're up to speaker 14, and speaker 14 is Wendi Sargeant. Now, Wendi, you're speaking on behalf of Kingscliff Uniting Church.

35 **MS WENDI SARGEANT:** Thanks for the opportunity of speaking today. My name is Reverend Doctor Wendi Sargeant, and I'm the Minister of Kingscliff Uniting Church, which is adjacent to the existing buildings of Uniting Aged Care, Kingscliff.

40 Our church is a welcoming, enthusiastic community of people who range in age from 6 to 96. It includes a number of residents of Uniting Aged Care. We provide spiritual and hands-on physical support for those people and for people in the wider community. The church as well as the Uniting Aged Care has been on this site for years, before many of the surrounding buildings, units and houses existed, and we've never had any issue with any of our neighbours, to my knowledge, and that's asking people way back.

45 The church council of Kingscliff Uniting Church has encouraged me to speak about the need for good quality, affordable accommodation for older Australians. We believe everyone deserves respect, compassion, kindness and support as they grow older. This is part of the ongoing values of a not-for-profit like Uniting. We stand for the vulnerable in our society.

We have experienced the generous, empathetic and genuinely hospitable service that Uniting staff here offer. We work closely with them. We've had lots of afternoon teas and singing and services and carols singing coming up, and so we are working closely with those people. Do unto others what you would like done to you, that is what these people are on about. One day it might be you in the position needing aged care and wouldn't you rather be in this sort of person-centred environment rather than one which is payment or money or cost centred. Doesn't everyone deserve the best that we can give them as they grow older.

So, I would like to, speaking on behalf of my church council at Kingscliff Uniting Church, to fully support this project.

MS MILLIGAN: ... Sargeant. Thank you very much. Now, our next speaker is Caroline Davidson of Greater American West, Davidson Communications.

MS CAROLINE DAVIDSON: Thank you for the opportunity to speak. That designation is just – I'm just, that's just my business, so it's nothing to do with here today. Yes, I don't know why that got in there.

I am speaking today just as a private citizen and resident of Kingscliff, reasonably newly resident of Kingscliff, to object to the current form of the proposed Uniting Kingscliff Seniors Housing Development, and to express my deep concern that the Department of Planning, Housing and Infrastructure's assessment has not adequately addressed the substantial and legitimate issues raised by the community and local residents, including myself.

As the owner and resident of a Lorien Way property which directly borders the Uniting site, I'm one of those most immediately and personally effected by this development. I previously lodged a detailed submission outlining significant concerns about the traffic, over-development, height anomalies, flooding risk, and the detrimental effect this proposal would have on the quiet coastal character of Kingscliff.

Having reviewed the Department's Assessment Report, I am dismayed to find that these concerns remain unresolved and, in many instances, have either been minimised or dismissed rather than genuinely addressed. And I don't believe in its current form it is in the best interests of the community.

To address some of them, as the commissioners have noted that much of the bulk and height things have been addressed, so I'll cut to the chase on some of it. Traffic and safety, for instance. The Department's report concludes that traffic impacts will be acceptable and that proposed access points and upgrades will mitigate congestion. This assessment does not reflect the lived reality of Lorien Way, which is a narrow residential street currently used primarily for local access, pedestrians and cyclists.

The addition of constant vehicle movements, including staff, visitors, service and delivery trucks, will dramatically alter the safety and amenity of the street. The Department's reliance on traffic modelling that averages vehicle movements over long

periods, fails to acknowledge the concentrated peaks and ongoing disruption to residents.

5 In short, there are no meaningful safeguards for pedestrian and cyclist safety, nor any realistic assurance that congestion at the Kingscliff Street roundabout will not worsen. The Department's conclusion that impacts will be minor is simply not credible to those of us who live here and know how limited the existing road network already is.

10 In terms of the height and scale, I said it's been covered; however, I believe this development belongs in a high-density urban precinct, not a quiet coastal town known for its relaxed scale and village atmosphere. The Department report acknowledges minor exceedances of the height control but dismisses them as acceptable, ignoring the cumulative impact, however, of multiple tall buildings in one compact site.

15 For construction noise, duration and amenity, the assessment acknowledges temporary construction impacts but deems them manageable. For those of us living metres from the site boundary, four years, previously noted as possibly six, of continual heavy construction, is not temporary. It represents years of lost peace, mental strain and daily disruption. The Department has not imposed any specific enforceable conditions on noise, dust, vibration or working hours beyond standard guidelines. There's no
20 mechanism to ensure compliance or recourse for residents affected by breaches.

For me personally as someone who works from home and purchased this property precisely for its quiet environment, the impact will be devastating. The stress of
25 enduring years of construction followed by permanent traffic and noise from the operational facility will severely diminish my quality of life and physical and mental wellbeing.

30 Perhaps most distressing is that this development represents a fundamental shift in what Kingscliff is and should remain. A small, peaceful human-scaled beachside town. The Uniting Kingscliff proposal in its current form represents significant over-development that will irrevocably damage the fabric and amenity of our town. The Department's assessment fails to resolve the legitimate concerns of residents and instead prioritises a developer's objectives over community wellbeing.

35 Despite acknowledging community objections, the Department's responses are largely generic, promising buffer planting and acoustic treatments without detail or guarantees. In my case, the plans still show no vegetative buffer behind my fenceline, unlike other neighbours; instead, there are six 15-metre loading bays directly behind
40 my property. This is not mitigation, it's a direct increase in noise, traffic and disturbance. Such inconsistency and disregard for immediate neighbours highlight the inadequacy of the Department's assessment.

45 For those of us who chose Kingscliff for its tranquillity, this proposal destroys the very reason we live here. I plan to retire in this home, a quiet haven surrounded by birdlife and greenery, not to find myself behind a sprawling multi-storey development catering primarily to high-end housing demand rather than genuine aged care needs.

Uniting may have listened to the community but ultimately have made no meaningful concessions to legitimate community concerns and instead have pushed every boundary and rule to and over its limit with this proposal. The Commission has the power to require conditions that ensure Uniting live up to its brand, with a more balanced proposal for everyone's benefit.

Thank you.

MS MILLIGAN: Thank you. Thank you very much. Our next speaker is Glen Spargo, please. Glen is speaking on behalf of Kingscliff Retirement Village.

MR GLEN SPARGO: Good afternoon, all, and thank you for the opportunity to speak on behalf of the Kingscliff Beach Retirement Village located at 1 to 9 Blue Jay Circuit, Kingscliff.

My name is Glen Spargo. I'm the representative for the 33 unit owners who are the residents of Kingscliff Beach Retirement Village. This backs onto the southern boundary of the proposed development and the land owned by Uniting. I'm the on-site caretaker of the retirement village and I live in the unit that backs onto the site. I also own a property at 16 Shell Place, Kingscliff, this is just off Lorien Way. I'm a ratepayer for 30 years and also a local licensed real estate agent for 30 years. So, I've been in and around the place for a little while.

I'm not against the development, however, I do object to the scale and to what is proposed by Uniting and the Assessment Report supplied. The reasoning for my objections are as follows.

The direct impact to the elderly owners of the village which adjoins the development, along with the Kingscliff area and the environment on which there are many. The proposed development will overshadow the retirement village, in particular Building B. The proposed development will block the sun and light into the village. The Uniting Seniors Housing Assessment Report states, "The homes will be affected less than 3 hours during mid-winter." That's 3 hours that the participants or the owners won't have sunlight. It will affect natural light into the village homes, restricting their liveability, right to privacy, the ability to dry clothes, etc., and some with solar panels.

Additional noise and restricted privacy in the area. The height proposed by the development will have Uniting units overlooking the village, so our privacy will be affected and the noise from construction, large machinery, and then when constructed, the residents and alarms which will be common from people living in these units.

Our community areas will also be affected by the buildings overlooking this area, and again affected by noise, privacy and security of the village. The lights from the night, from units, cars and people moving in the Uniting grounds will be obviously shining around the area and shining into our village. The unit I currently live in overlooks the vacant land and at night we currently have car lights shining into from the shift workers driving in the car park into our bedroom windows. That is 80 and 100 metres

away, so imagine the light and noise from hundreds of residents living in the proposed development just over the back fence.

5 The risk of flooding, as we've said, is higher with a development of this scale. The Tweed Shire Council have already assessed the 1-in-100-year flood areas. I've witnessed for the first time, like many here today, that we have the flood in February 2022, the water came up through the stormwater drains in the streets around Lorien Way, Beach Street and Blue Jay, which filled up like canals.

10 This land had been filled to handle such flooding; however, no houses were flooded but a massive development proposed and the next flood could just be catastrophic and it would be irresponsible.

15 With the increased traffic congestion due to more densely populated development, Lorien Way, Beach Street will be affected. The Assessment Report states that this is acceptable, however, peak times such as holidays and the cars and large vehicles and buses that have to give way to each other when the cars are parked on both sides of the road, this is dangerous. And with a proposed larger development, the roads will be exponentially busier, the current road system will not cope.

20 This is not a good development for the area. It offers no real benefit to Kingscliff and the older generation who it's targeted for, apart from making the high rise boxes for the elderly, increased denser living, and harsh impact on our environment.

25 The DPHI has not properly assessed the impact on the neighbours and/or Kingscliff as a whole. Even if the proposed development creates more employment in the area, the opportunity will be counterproductive. We do not have enough housing for the people that are looking to rent or buy in Kingscliff and surrounding areas currently, let alone the workers and people wanting to live near their proposed development. We had
30 breached near capacity.

35 The new Tweed Valley Hospital is a classic example of this. I have doctors and nurses contacting me as a real estate agent, looking for accommodation. They're getting pushed further and further out of the area, and liveability and housing in the area is not affordable or viable. This development will only contribute more to the housing crisis and be a catalyst for even higher rents and the house prices in the area.

40 The proposed current option for development by Uniting is not a good one, and hopefully common sense will prevail, and a responsible and sustainable approach will be achieved.

Thank you all for your consideration.

45 **MS MILLIGAN:** Just before you go, Mr Spargo. I didn't understand your point – I understood your point about noise. What was your point about alarms?

MR SPARGO: Okay. So, currently we have a system in the village that they've got an alarm around, they can carry, if they have a fall or something, they can press it. And in

my unit, which is upstairs above the common room, the alarm goes off and it's only a – it's a dinging noise that I can hear, and it goes straight to Brisbane Ambulance. So, if they have a fall or something in there, so what happens is where we are located, the noise travels across from the, over the field, and obviously you've seen how big the field is, it comes straight towards us.

So, any noise such as backing vehicles that are picking up rubbish, car alarms, smoke detectors, things like that from the village, comes into our area. So, we hear those, and I think it's the alarm going off half the time when it's not. So, those noises are going to be exponential when it's closer to the actual village.

MS MILLIGAN: Okay, I understand. Thank you very much.

MR SPARGO: Okay. Thank you.

MS MILLIGAN: All right. Thank you, everybody. Now, our 17th speaker is Allison Sands. If I could ask Mrs Sands to talk to us, thank you.

MS ALLISON SANDS: I have a slide presentation.

MS MILLIGAN: Yes, we know you have a presentation, so that's good, thank you.

MS SANDS: Good afternoon, everyone. My name is Allison Sands, and I live in Drift Court, and I'm a direct neighbour to Uniting Kingscliff Redevelopment. And I am here today to register my strong objection to the development in its current form.

This development will have significant and unreasonable impact on our home, our privacy, our sunlight, and our overall residential amenity. I've closely followed this project, as have the rest of you, through the community consultation process, and have formally raised these same issues multiple times.

It is disheartening to see that in the final application, Uniting seems to have ignored the specific evidence-based feedback from us, the direct neighbours. Furthermore, the application seems to misrepresent key information, particularly regarding existing site levels, which forms the basis of my primary objection today.

It relates to the developer's claims regarding site topography. Uniting has stated that the southern undeveloped portion of the site has been historically excavated. They've used this claim to establish an artificial or filled starting level for their building height calculations. This assumption seems to be factually incorrect and appears to be a deliberate attempt to artificially raise the allowable building height.

If you go to the next slide, please. This is a historical 1991 photograph of the site. So, you can see that it's pre Drift Court, Lorien Way, Blue Jay, and the current ... If you go to the next slide, please, thank you. This is side by side with our current image. So, in 1991 compared to currently, you can see that existing north-south drainage line, okay, on the western portion of the site.

In conclusion, I think this evidence directly disputes the Uniting's claim that the southern proportion was excavated. This natural ground level pre-dates their intervention. Survey plans show the current levels in this portion to be approximately 1.3 metres. The developer's design heights are based on a post-filling level, not the pre-existing natural ground level as required, which significantly and artificially raises the final floor levels across the area.

Secondly, I'd like to, as others have this afternoon, talk about density and inappropriate scale. If you look at the next slide, please. The proposed design crams the maximum possible density into this parcel, creating a built form that is completely out of character with the surrounding low-density neighbourhood.

For context, I've researched another Uniting development in Waverley in metropolitan Sydney, which has a similar scope. If you go to the next slide, please. Okay. So, at Waverley, it's surrounded on all sides by roads, creating a significant buffer – let's say 7.5 metres – from residential buffers. The Kingscliff proposal by contrast, directly borders residential dwellings on all sides. This development will be directly across my own back fence.

Now, land area versus dwelling for these two developments. The Waverley site is 60% larger than the Kingscliff site, yet it accommodates a similar number of dwellings. This comparison demonstrates that the density proposed for Kingscliff is quite extreme and, in my view, fails to provide the basic buffers expected in a residential setting.

Now, on a personal level, the scale of the proposal will have devastating consequences for my own home and my life within it. Built form and shading – the next slide, please. No building bordering the proposed development is more than two storeys. The properties on Uniting's western boundary are all significantly single storey, as you can see, and it's going to dwarf our own two-storey house, creating a monolithic structure immediately over our back fence.

The next slide, please. This will cause significant shading, a total loss of our skyline, and a severe reduction in natural light. Our property borders the eastern boundary of the existing car park, and our home is specifically designed to maximise natural light, warmth and air from the northwest and west. As an engineer and builder in my house, we have purposefully designed our forever home to maximise the natural environment. This proposal completely undermines our home's passive design principles.

The next one, please. Gross loss of privacy. The proposed design demonstrates a disregard, in my view, for the privacy of all of us neighbours. By estimates, this development will position more than a hundred large windows and verandas with direct, clear and close-range views into my private living space.

The next slide, please. The scale of this development will be so overbearing it will create a constant sense of being watched. That's my backyard. A view from third-storey balconies would be equivalent to someone standing on a platform looking straight down into my backyard, destroying any sense of seclusion or private enjoyment from my house.

5 In summary, this design in its current form is an over-development based on disputed site levels. It creates significant and unacceptable impacts on my family's personal life, wellbeing and the way that we live and use our house. I urge the Department to reject the proposal in its current form. I could, however, support a revised proposal that genuinely respects the neighbours. A significant adjustment such as the removal of one level across the entire site would be a necessary first step in beginning addressing the severe impacts on privacy, sunlight and an overbearing scale.

10 Thank you.

MS MILLIGAN: Thank you. Thank you very much for that. Can I clarify your issue about the natural ground level. Can you just re-state that, because it may be a question I can put to the Department to clarify at the end of the meeting.

15 **MS SANDS:** I guess if I could get my husband's input on that.

MS MILLIGAN: Okay, well, he's our next speaker.

20 **MS SANDS:** Yes, he is the next speaker.

MS MILLIGAN: So, please join us.

25 **MS SANDS:** The ground level. So, the existing ground level as opposed to the excavated and the building height design level.

30 **MR MATTHEW SANDS:** Okay. The current proposal goes from a new floor level of 4.1, which is a flood design level, and extends up 13.6 from there. Now, this is traditionally a hard level. We know nothing in a development goes above that height. So, they've taken the 13.6 from a new proposed level, not from the existing ground level.

35 **MS MILLIGAN:** Okay. Thank you. Thank you for clarifying. All right, so stay there. So, our next speaker is Mr Matthew Sands. Thank you.

MR SANDS: Okay. Chairperson Milligan and Member Pearson, and I'd just like to introduce myself to my Uniting neighbours. I've never met a single person over my back fence. In my community, I've never ever met you. Hello, I'm Matt.

40 I was lying in my bed last night looking out my window at the space where there would be 20-odd units looking at me. There'll be no sky, more noise, and no privacy. I walk around my backyard watering my plants, talking to my wife, after a long day at work, gazing off into the distance leaving worries behind me.

45 I go get the papers both Saturday and Sunday mornings and retreat to my back deck where I pour myself a cup of tea and sit in the sun. I mow my lawns, prune the shrubs, clean the pool, go for a swim. My daughter – sorry, can I just have these flick through every 20 seconds as we go, please?

I mow my lawns and prune the shrubs, clean the pool and go for a swim. My daughter and wife sunbaking next to me in the pool and my son telling me about his soccer game. My family are around me and we are in our safe, happy space.

5

We might have friends over Saturday night, or it might just be us, it might even be date night. But this is my home. Sunday afternoon, we relax with a beer on the back deck. I load the bins, my wife pulls out the dip and wine, and we sit the last hours of the afternoon. I put on the barbecue and cook up something tasty. This is my home.

10

My blood runs as I read through these documents, how dare someone justify me 20 units looking down into me and my family, 24 hours a day, 7 days a week, 365 days a year. It will no longer be my space.

15

Does the architect consider what he will do to our privacy – windows, floor to ceiling, pointed my way? Does the draftsman think about the sky, afternoon sun and warmth he is stealing from me? Is there any thought to the light spaces in my home that become dark due to closed curtains? Does the landscape architect think about the trees that shade my yard and how my grass struggles over the winter months as it is? A line of trees are to be planted on my boundary 12 to 14 metres tall.

20

How dare the town planner justify to me that my view is of low value and place the value of Uniting's views above ours. I've worked for what I have, and no one can put a value on that but me.

25

Do the engineers consider how a serious rain event might flood us, and are they a hundred per cent sure they've got it right? We don't ever want to go through 2022 or 2017 again. Sandbags at 1 a.m. in the morning, water creeping back up out of our drains, runoff from Kingscliff Street converging as it tries to make its way west towards the river. Power out, no mobile phones, contaminated water supply, no shops or food, all roads cut, and no emergency services – all out for 7 days. It felt like a month.

30

Where will the water go when the basin to our west will be filled above the freeboard? It will stop the natural flow.

35

Never did we expect the quantity of glazed floor-to-ceiling windows focused on us from above and from left and right. How can we hide from that? From the back of my house, it will be one tall, long, linear building and from where my house is so close, there will be no articulation, and it will just appear as one building 248 metres long.

40

I sit in defeat at my computer in the early hours of the morning. Have Uniting considered any neighbours? I want the Commission to think about us and the decision before you when you are back in your homes, around your pool, mowing your lawn, on the weekends sipping your coffee, reading your paper in the sun. We want to be acknowledged this time.

45

5 I built my home in the village of Kingscliff for the lifestyle. I did not choose a city metropolitan location for this exact reason. We are not metropolitan Sydney. Our Premier announces war on NIMBYs. Has he announced war on us? Do we not have the right to protect our privacy and be heard when Uniting reaches outside the guidelines so many times? The guidelines are our insurance. Don't blame us and make better legislation – sorry. Don't blame us and just make better legislation for future generations.

10 I note that the DPHI assessment just happened to be endorsed in September '25. Interestingly, extensions were given to the Applicant to get us to that date. Why did the Department not take on any advice from our council, why did they not listen to our SES? Why does a paid town planner have to write a heavy, lengthy report to justify a design for so many relaxations and variations?

15 I really get upset at Uniting's arrogance. Can I continue? It's only a little bit. That they know best. They rid the fifth floor for our benefit. Sure. And Uniting's key team keeps saying it will be okay, but will it? Does this not mean the development is grossly excessive and over-done?

20 Downsizing or dropping off the middle floor would alleviate the majority of the issues with bulk, size, amenity, traffic, flooding, landscape, light spill, and downtown parking. It would keep the building well under the hard zoning height, all under 13.6 from natural ground, including lift overrun and services. This would enable a minimum floor height easily. 200–300 millimetres could also easily come out between
25 floors in this design.

If you are really serious, give more of your over-55 units up for aged care beds. Be seen being tried to help your neighbours and not stonewalling them. Our community would happily work with that. I also have elderly parents. On this land, we want
30 sustainable, sensible, balanced development for now and for the future and not a square peg in a round hole.

I'm a father, a taxpayer, a ratepayer, an employer. I'm a husband and I am a good community member. Would someone please acknowledge me and my neighbours? I
35 therefore object to this development.

Thank you.

40 **MS MILLIGAN:** You go first. You first.

MR PEARSON: Thanks, Matt. Are your slides still up? Can you just go back to the – back one. Yes. So, middle level removed. What did you mean by that comment? I may have missed it. Are you saying one level should be removed from the development, is that what you're saying?
45

MR SANDS: On the right, I've just deducted one middle level.

MR PEARSON: Of Building C?

MR SANDS: C.

MR PEARSON: Okay, right, okay. Thank you.

MS MILLIGAN: And I had a question too. I understand your strength of feeling, but you made a comment about the Department giving the Applicant an extension. Is there a specific comment you wanted to make, or was it just something you were saying in passing?

MR SANDS: No. Throughout the process, I know that there were extensions given. I know that objections, if you want to make comment, that you're on strict dates. I know there was extra information asked for. I guess it was a passing comment, but I know there were extensions given for different exploration by the client, by the Applicant.

MS MILLIGAN: Look, I'll put that question to the Department, if you'd like. But it is quite standard process to go back and ask for further information.

MR SANDS: It's just funny that it came though on the 25th, the same day that the, the same month that the change was made.

MS MILLIGAN: Okay. We'll come back and talk about that at the end. Thank you. All right. So, let's come to our 19th, our second last, speaker. Adam Thompson, please.

MR ADAM THOMPSON: Good evening and thank you to the Independent Planning Commission for allowing me to speak of this development. My wife and two daughters reside at [REDACTED]. We built this home back in 2017 and chose this block for its northern aspect to the rear of the property.

What we find hard to stomach is such an over-development that basically supersedes our right to solar, sky and privacy. I'll be honest, we are very worn down with lip service that's been provided through this process from direct conversations with representatives during community consultation. I was encouraged to ask for detailed cross-sections to understand what impact the development has on our living spaces, pool and bedrooms. We never received these.

Slide 2. This is a brief plan of our alfresco, living, pool and main bedroom orientated to the north. The SEARs requirements say, "Environmental amenity. Provide a solar access analysis of the overshadowing impacts of the development within the site on surrounding properties and public spaces during summer and winter solstice and spring and autumn equinox at hourly intervals between 9 and 3, when compared to the existing situation in a compliant development. Sunlight to at least 50% of the principal area of private open space adjacent to the property is not reduced."

Slide 4. Our home is depicted with the neighbouring shadow study. The suggestion is we receive 3 hours solar to private open space between 10:45 and 1:45. The issue is the reference to the document is in the area that will achieve the solar access is in fact a

drainage easement rear of our property, and not accessible from our yard. We have a 6-foot fence with no gate and there is a 1.6 metre drop down to the drain. Clearly, not our principal private area.

5 The other major flaw in the proposed winter solstice diagram is the Proponent is using our existing fence to depict the shadow being cast. Again, if you look closely, the red-dotted line, new boundary fence, there is no shadow being cast from the boundary fence that will be erected, which will be clearly the case.

10 As part of the SEARs requirements, they're required to provide solar access and analysis. We have no reference to our living areas, main bedroom or pool receiving solar access as they currently do and affect the proposed development will have.

15 Slide 5, please. We're very much hoping that after the following slides, the Independent Commission will be supportive, ensuring the correct demonstrations of solar access is to be provided by the Proponent and the accurate representation is a result. These are slides from the winter solstice June 24th, 2023. As you will note, we currently receive sun into our main living area 5 metres from the eave, the main bedroom, alfresco and pool. This is at 9 a.m.

20 Slide 6, please. This is 10 a.m.

Slide 7, please. Again, you'll see our bedrooms upstairs, they're all north facing as well.

25 Slide 8. This is 11 a.m. We've still got sun in our whole back area.

Slide 9. This is all of our primary areas, still receiving at 12 o'clock in the day. Again, we've had no correspondence or anything to show us where we're actually going to receive this actual sun.

30 Slide 11. Sorry, slide 10. Pool, again.

Slide 11, please. This is 2 p.m. in the afternoon. As you can see, we've still got plenty of sun.

40 And then concluding with 3 p.m. Slide 12, please. Also referenced here, we have a photo of the two large skylights on our roof that are valuable for sun and heat for our pool. Like the pool, there is no reference to these skylights and the affect that the shadowing has across the roof space on any of the analysis received.

Slide 13. I'd also like to reference that at no stage in the shadowing diagrams, the trees that are planted are depicted, nor the effect they'll have to further restricting solar access, further shadowing. The question was raised by our local council as to why trees are planted on the boundaries, clearly not to add to the amenity of the site. Are they hoping that the residents come and sit under the trees on the boundary of the property?

Slide 14. A couple of images the Proponent has used to depict the trees on the boundary of 41 Drift Court. In essence, a way to graphically show privacy. What it does not consider is the lack of soil depth, trees being planted in 50 to 80 centimetres of soil, are not going to be conducive to trees of the size suggested. Can I please the Commission, are the trees of this size meant to be included in the shadow diagrams for solar access?

Slide 15. This shows the key of the proposed planting on our back boundary. There is 2 by 15 metres, 1 by 10–12 metres, 2 by 10–15 metres, 2 by 8 metres.

Slide 16. This is what we lose. Is that fair? We designed our forever home to ensure a northern aspect was the most treasured part. Is the Proponent providing all the information that is required?

Slide 17, please. The last slide references our privacy concerns to our bedrooms, outdoor living space, lounge and pool. Building F has numerous windows, balconies, and none of these sight lines are being considered. As you can imagine, ensuring the privacy of the family, especially my daughters, is of paramount importance.

Thank you.

MS MILLIGAN: Thank you very much. We have one final speaker, so could I ask Annie Ng if she's ready to speak to us? Thank you.

MS ANNIE NG: Hello, everybody. I wasn't thinking I would come in to speak, but I hope you could understand my English wasn't good. I'm living in [REDACTED], Kingscliff, just opposite of Matthew and Allison.

Something people doesn't know but only I know with the nursing home, before they to be, Uniting Church one, there's another one, I was there. What I found is the smells from the bin, rubbish bin. At the moment, before I know, last year, maybe the year before, they only got 80 (8-0) patients in there. Already full bins. And the rubbish truck come in every morning before the sun come out. And I've been making complaints years and years.

And one thing I request is can the rubbish truck come later, not early in the morning before I get up, because I finish work late? And they say they won't do it for me. The only thing they can do is just make one phone call. They don't do it.

Another thing is their staff. Day and night, they have two shifts, 10 o'clock in the night-time, they change shift. They will bring the rubbish, they use a small wheel, something with the wheel, trailer or something, the noise is from the kitchen bom-bom-bom-bom to the big bin, and put it in, and bang. Different staff do different thing. But the noise is the same. The thing is, they don't stop it.

Because I'm next to it, I can hear all that, before your home's built, before others homes built, I was there. And the smell from the bin, they won't wash them, they don't clean it. Because I'm very sensitive and I knew that is the smell from the bin. And also

the kitchen. The kitchen, they've got exhaust fan, and also they've got the air conditioning as well. And they're run by the timer. At the moment, the problem, I've been ringing up saying your timer hasn't worked well. Eight o'clock, the air conditioning is still on at the night-time, but the staff finished work, gone home before seven o'clock in the evening, and the air conditioning is still on, and the noise is loud. It's very, very noisy.

I ring up two days ago and talked to the manager of the nightshift and still not fix it. And also, staff will come out under the tree to smoke, and all the dry leaves, and they would talk. And then when they're changing the shift in the night-time, 10 o'clock, the headlight of the car, it did come into my home, it did happen. Sometimes if there's a motorbike, and old car as well. I do know that no one will have a new car to come to work, so the noise, there was that in the winter, couple minute, have a few drink, have a few talk, before they go home, or a few talk before they go to work. So, all the conversation, I heard that.

So, the noise is not just when they're doing the building. Not when they already built and the visitor coming in and out and ambulance come in and out. And also, from their staff and from their management. I do talk to Council, there's somebody came in and talked to me and talked to them. No change. No change still.

When they're still going small, the problem is there. But what happens when they're going bigger? Do they do better? I don't think so. If I could not stop them doing that or improve the problem at the moment, I will ask for compensation to make me find a better place to sleep, to live while they're doing building or I will pay somewhere else to live. That compensation not just for me and for my neighbour as well. Because we pay a lot of money, not just council fee every year, so we – don't upset us. If people want their money for the proposal, they love the money to earn, they should love the place and love the people there living in there, make it fair.

Thank you very much.

MS MILLIGAN: All right. Thank you. Thank you very much. Thank you very much to all of our speakers. The information you've provided is extremely helpful.

So, I think at this point, I'll finish up by summarising the key issues that we've heard. But I did have some questions that perhaps I could ask the Applicant to think about, and a couple of questions for the Department. So, I'll tell you what the questions for the Applicant are, and perhaps they can be thinking them through while we go to the Department.

So, for the Applicant, we heard from a couple of people of concerns about the accuracy of overshadowing diagrams and the accuracy of photo montages. There was also a related question there about whether the overshadowing – the shadow diagrams include the impact of proposed landscaping. First question.

There were questions around Building E, including the basement car park near the boundary. Questions about natural water flow in that area of the development. And a specific question about the nature of the boundary between the site and that property.

5 And also we heard about previous commitments about Building A being single loaded, and some comments about ways to address that issue. So, they're three issues I'll pose to the Applicant, if you're happy to sort of talk to those.

10 And while you think about that, the Department, we had a couple of specific questions there. The first one was, could you clarify for us why the development is SSD. We had one speaker questioning that.

15 And we might then come back – there was a comment about extensions granted to the Applicant, but I think perhaps that was a comment about the recent change to the SEPP. You've answered that question for us.

20 And I think that it's probably important for me to say that we will still consider the height of this development on its merits, notwithstanding that the height control for the site and all seniors housing projects in New South Wales has recently been amended. So, I don't think we have any residual questions about that.

25 And we had a question also about natural ground level and that also goes to building height. So, could we ask somebody from the Department perhaps to take those questions. Mr Dobbs, are you happy to come back and talk to us about those? Thank you.

So, I think the first question is a reasonably straight forward one about the SSD status of the project, please.

30 **MR DOBBS:** Sure. So, I guess in broad terms there are three – there's sort of three-tiered place for development in New South Wales: local, regional and state. And there's a state policy which sets different thresholds for regional and for state significant development, they're inflexible and rigid.

35 For an application to be considered as state significant for seniors, in outside of Sydney it needs to have an estimated development cost of more than \$20 million. It needs to include a residential care facility, and it needs to have development that's not prohibited under an EPI. And this development meets those categories.

40 **MS MILLIGAN:** Thank you very much. That's fairly straight forward. Mm-hm. Okay. Thank you. Mr Lusher, did you want to add anything?

45 **MR BEN LUSHER:** No, I think Stephen nailed it, as I would have. I'm just here to make sure if there are any other questions, that he has me here as well.

MS MILLIGAN: Thank you. Is there anything else you wanted to say? I think we've dealt with the question about the extension of time to the Applicant. But perhaps you

might say one or two things about the normal process of requesting further information and the impact that has on the timeframe of a decision or a recommendation.

MR LUSHER: Yes, happy to. As is par for the course with all of the applications that we assess, initially through the exhibition period when a range of issues get thrown up, a range of questions get posed to us through the assessment in response to the exhibition, we will often if not always go back to an applicant and ask for additional information. And we'll ask for that within a particular time that we think is reasonable.

It's often the case as well that after that first information tranche is provided back to us, it may be that we still have more questions after that. And again, we ask for that information within a particular time. But if we get a version of that information that we don't think is complete or has properly addressed the things we'd like to address, we talk to the applicant about making sure that that's the information that we absolutely need for our assessment. And sometimes that takes additional time, and that's a common part of our assessment process.

I think what the objective that we're trying to reach is not a purely rules-based time approach. Rather, it's have we got the right information or enough information to be able to assess the application properly. So, that's the focus that we take, and if that takes some additional time, then that's what we accept as par for the course.

MS MILLIGAN: Mm-hm. And the request for further information and the response time etc., in this case, was it anything out of the ordinary?

MR DOBBS: No, other than the last request for information did occur in end of August/start of September, and that was a review of draft conditions which is standard across all state significant development applications. We received that response on the 11th of September via email, and it was closed down, in the NSW Planning portal, which is what the landowner might have seen on the 25th. But we received that information on the 11th of September.

MS MILLIGAN: Thank you for that. And then, just two last questions, given that I've got you both standing there. The question about the natural ground level. Again, you know, there are some complexities about that. Could you just talk that through for us simply?

MR DOBBS: In simple terms, we're required to assess, and the height of a development is assessed in this circumstance on the existing ground level, and that's how we've measured it, or that's how we've measured it and that's how we've assessed it. Certainly, there are particular circumstances where infilling or excavation may have occurred, but notwithstanding that, we have considered the application on the existing ground level that's there now.

MS MILLIGAN: So, we were on site this morning, and the existing ground level, I suppose that's another term that maybe not everyone understands immediately, so at the southern end of that site there is a very deep depression and so the natural ground

level, as we understand it, is measured from that point. So, the height of the buildings are measured from the bottom of that dip at the south of the site.

MR DOBBS: That's the measurements that we've assessed in our Assessment Report, yes.

MS MILLIGAN: Okay, that's great. And maybe one last question that's not quite so technical, yes or no. A couple of people talked to us about, I suppose wondering why the Department found that the development was consistent with the development of Kingscliff as envisaged. Is there anything else you can say about that one?

MR DOBBS: Do you want me to go? So, the overarching height limit or the height control under local plans on the R1 portion of the site is 13.6 metres, and that's to accommodate a four-storey building. So, in terms of what would normally be expected on a site with a 13.6-metre height limit is a four-storey building, which is what is being proposed.

MS MILLIGAN: And the reason that these ... Sorry. And the reason that these buildings are measured as beyond that, is because you're measuring them from the natural ground level, in part?

MR LUSHER: I think there's a [unintelligible 02:28:05]

MR DOBBS: Yes, there's obviously multiple buildings and each building has different heights specifically. And so, depending on where you're measuring the height of the building from the existing ground level will determine obviously the overall height limit. And as the site is obviously not completely flat, that will change depending upon the area.

The Applicant has provided a ground floor level of 4.1 metres. So, naturally the measured height of building will change because the existing ground level where it's measured from is different across the site.

MS MILLIGAN: I understand. All right. Thank you. Thank you very much for that. Could I ask the Applicant those couple of questions. Is Adrian Ciano – are you the person that I should direct these questions to?

MR ADRIAN CIANO: Different questions, different people.

MS MILLIGAN: Okay, we're happy for different people to answer different questions, that's good. Okay. So, on the list there, we heard a couple of people question the accuracy of your shadow diagrams. Did you want to say anything about that?

MR RYAN DUFF: Yes, sure. I mean, the main thing that we would put there is that all of the models that are created to create these shadow diagrams are put together with survey-accurate data and of course, I'm sorry, of course the proposed development itself is drawn in a 3D model by our registered architects as well. It's based on any

existing structures that are on the site and not necessarily existing or proposed landscaping, which is evident on the plans that are shown. It's purely on structures, so it might be fencing and existing buildings. Again, that's to survey-accurate data that's lifted throughout the design process.

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Similarly, in the developed case scenario, that's also the proposed development which also informs the photo montages as well, is that 3D model that's created by the registered architect.

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MS MILLIGAN: Okay. So, you're confident that those shadow diagrams are accurate?

MR DUFF: Yes, absolutely. They're as confident as our survey-accurate data and the drawings of our proposal can be.

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MS MILLIGAN: And you've clarified for us that they don't incorporate the impact of future landscaping, their built form.

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MR DUFF: Yes. Not future landscaping nor existing landscaping, so there are a number of trees in one of the Drift Court's properties' backyards. Similarly, that we don't show our future trees, we also did not show their existing trees overshadowing themselves to their northern boundary.

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MS MILLIGAN: Okay. And there were a couple of specific questions in relation to Building E and the boundary with a particular neighbour. So, there were two questions there.

MR DUFF: Yes.

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MS MILLIGAN: One was, hopefully, a simple question. What's the boundary treatment there?

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MR DUFF: Yes, I can talk about that more generally and then we can go from there. So, yes, there is a slope for everybody there, and Mr McCollum and his family would be aware of this, at 6 Beach Street, there is a bit of a slope down from our existing site down into their backyards in that area. We will maintain the general slope of that land and of course, because it slopes to the back, we will have on our side of the site, installing a swale to capture any waters and overland flow in that area. Fencing will remain roughly the same, but we will capture any overflow land waters through a swale and into our stormwater network and convey that through the site. That's a requirement for us and in the Flood Report, of course.

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Generally, what that boundary condition would look like, and it is in the proposal and is in the plans, is a 1.8-metre high fence which it currently is, but we will have incorporated inside that 9-metre setback, we'll have a general walk pathway that we've incorporated right around all of our buildings and along the boundary. So, it'll be a walking pathway for all of our residents and visitors to enjoy. And that will wind its

way through with similar tree planting along the boundary, which is right around our site.

5 **MS MILLIGAN:** And the concern about potentially increasing the water impacts, your answer is that there'll be a swale on your project, on the side of your project, that will actually prevent and capture water.

MR DUFF: That's correct.

10 **MS MILLIGAN:** Okay.

MR DUFF: That's what the flood modelling shows.

15 **MS MILLIGAN:** All right. Thank you. Thank you very much for that answer, that's helpful. We also heard about Building A and the impact of overlooking on the southern side to neighbours there. Is there anything else you wanted to say, because I know that you did, as a speaker told us, you had considered at one stage a different design. Is there anything you wanted to say in response to what we heard about that particular concern?

20 **MR DUFF:** Yes, I mean, generally we are providing a two-storey building in that two-storey context and we did hear throughout the assessment process that privacy was a concern. The DA as submitted and as consulted in the previous years before the DA submission had a double loaded corridor in the building as presented. Obviously, in the last submission that we placed forward, we increased that setback from that side boundary even further from 5 metres to 6 metres. And that's the proposal that we placed forward.

25 **MS MILLIGAN:** Okay. All right. Now, there are two people there that haven't taken a question. Is there something you wanted to add before we finish?

30 **MR PEARSON:** I'll just ask a follow up on Building A. I think one of the speakers talked about, why can't you have the road going up the middle and a building on either side facing into the road, therefore being defensive to the neighbours in Lorien Way. Did you give consideration to that at all?

35 **MR DUFF:** To that specific scheme, not to my project knowledge, no, and that's the first we've heard of that introduced scheme of course. Making any grandiose change like that, of course, takes a lot of rigour and assessment to get the real merits of such a scheme, of course. So, it'll be difficult to comment on that right now.

40 **MR PEARSON:** Mm-hm.

45 **MS MILLIGAN:** Okay, all right. Thank you. All right. So, thank you, everybody, and thank you for your patience this afternoon. I'd like just to finish by saying a couple of things to you.

So, what did we hear this afternoon? I think we heard two things. We heard support for the application due to its proposed benefits of increased aged care capacity inclusive housing options. And we heard, even from people who were objecting to the proposal, a general support for seniors housing.

We've also heard specific concerns about a number of recurring themes. The building design, its height, scale and bulk. And again, can I just reassure you that the building form will be assessed on its merits. I know we have had new information today for some of you about height restrictions, but the application will be assessed on its merits.

We heard about the impact on what people understood to be the current and future character of Kingscliff. We heard recurrent concerns about privacy, overshadowing and overlooking impacts. Traffic and parking, particularly along Lorient Way, but on the local transport network generally.

Some concerns about light spill. Increased flooding for neighbours and evacuation risk for the site. And we also heard a number of people talk about the concerns of the impact of construction over a number of years.

So, at first flush, they're the major things that we heard and we'll take away with us.

So, again, I would thank everyone for their attendance and contributions. So, let's just wrap up the day. That brings us to the end of the public meeting into the Uniting Kingscliff Redevelopment (SSD-47105958). Thank you to everyone who has participated in this important process. Richard Pearson and I have very much appreciated your input.

An important reminder that it's not too late to have your say on this application. You need to just go onto our website, you click on the button that says, 'Make a submission' and you send us a submission via email or post. Sorry, or send a submission to us via email or by post. So, you can go onto our website, click the button 'Make a submission', you can send us an email or you can post us a submission. The deadline for written submissions is 12 midday on Monday the 3rd of November – that's next Monday, 12 midday on Monday the 3rd.

In the interests of openness and transparency, we'll be making a full transcript of this public meeting available on our website in the next few days. At the time of determination, the Commission will publish its Statement of Reasons for Decision which will outline how the Panel took the community's views into consideration as part of its decision-making process.

Finally, a final thank you to my fellow commissioner, Richard Pearson. Thank you to the people who've been watching us on live stream. And from all of us here, thank you very much, enjoy the rest of your day, and thank you for participating this afternoon.

>THE MEETING CONCLUDED