

Submission to the Independent Planning Commission

Objection to SSD-47105958 – Uniting Kingscliff Redevelopment

From: Colin Lidiard

To: Independent Planning Commission NSW

Subject: Objection to SSD-47105958 – Uniting Kingscliff Redevelopment

Date: 1st November 2025

Introduction

I write to formally object to SSD-47105958 for the proposed Uniting Kingscliff redevelopment. While I acknowledge the need for quality seniors' housing in appropriate locations, this proposal, in its current form, is over-scaled, non-compliant with key local planning controls, and would result in a serious and irreversible loss of amenity to existing residents and the surrounding low-density coastal neighbourhood.

The Department's recommendation of "acceptability" rests on seven assertions that are, on close examination, factually flawed or insufficiently supported by evidence. Below, I address and rebut each in turn.

1. Supports Government housing priorities with 199 ILUs and 120 RCF beds in an accessible location.

While the provision of seniors' housing aligns with State objectives to increase housing diversity, this project does not represent 'well-located housing' within the intended meaning of those priorities. The site sits outside the Kingscliff town centre and is poorly connected by pedestrian and public transport infrastructure. The surrounding local road network—Beach Street, Lorien Way, Blue Jay Circuit and Drift Court—is narrow, residential and already constrained. There is only 8 extra RCF beds the existing facility has 112 aged care beds.

The unintended consequence of introducing 199 apartments will be to increase the over 65 aged demographic further. Tweed already has one of the highest percentages of over 65's in the state, and this will place further strain on the existing support infrastructure for this demographic. It will also effectively take the current aged care capacity of the existing facility away from the wider community because quite rightly priority will be given to residents of the new ILUs. The way the financial model operates for this type of seniors housing highly incentivises the churn of apartments.

Furthermore all mention of affordable housing seems to have disappeared from the rhetoric as has access to **assisted** living. Residents of the ILUs will not have access to onsite nursing staff, nor is there a proposed **onsite** emergency / distress alarm system. All of which suggests this project is really just apartments that happen to share a site with an aged care facility.

The DPHI justification overstates accessibility:

- The nearest retail services are 700m (Kingscliff St) and 1.3km (Lorien Way) away, requiring travel along roads with very uneven footpaths, crossing two roads and 24 driveways.
- The increased concentration of aged residents in a flood-affected area runs contrary to NSW Government resilience and evacuation-planning priorities.

Therefore, while the housing type may address demographic demand from a state perspective it doesn't improve the local situation, the location fails the 'well-located' test that underpins State and SEPP housing policy intent.

2. Permissible with consent and consistent with the objectives of R1 and R2 zones under the TLEP 2014.

- The Department's statement that the proposal is 'consistent' with R1 and R2 objectives is misleading. Under the Tweed Local Environmental Plan 2014, 'residential flat buildings' are prohibited in the R2 Low Density Residential zone, and 'seniors housing' is only permitted with consent if it complies fully with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (now part of the Housing SEPP 2021).

However, the proposal:

- Exceeds the prescribed building height limits for the locality.
- Fails to maintain the intended low-density character of the R2 zone.
- Creates institutional-scale built form inconsistent with the TLEP objective 'to provide for housing that is compatible with the scale and character of the surrounding residential area.'

Permissibility does not equal appropriateness; the development undermines the zoning intent and sets a troubling precedent for over-development within R1 & R2 land.

3. The proposed 2–4 storey buildings are compatible with the envisaged character and provide appropriate transition.

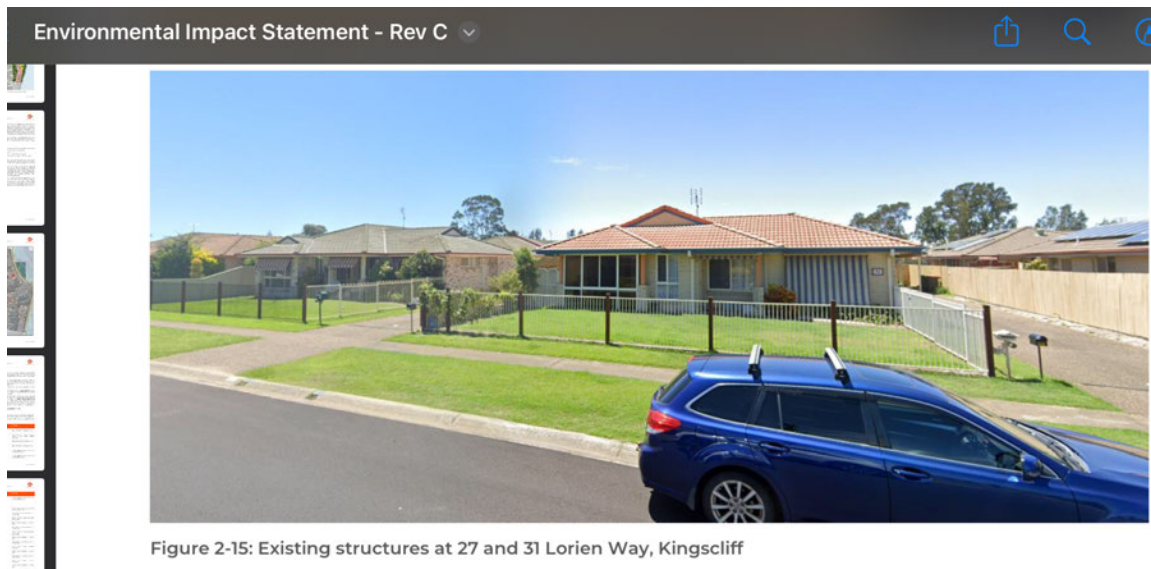
This claim is incorrect. The surrounding area consists almost entirely of 1- and 2-storey dwellings. The proposed 4-storey central blocks—combined with large roof forms, elevated pad levels, and minimal setbacks—would dominate all adjoining properties.

Key concerns include:

- Excessive bulk and scale, well beyond the built form envisaged under the TDCP 2008 and TLEP height map. The proposed height and mass overwhelm the surrounding context rather than complement it.
- Non-compliance with setback and landscape buffer requirements.
- Loss of visual privacy and solar access for neighbouring dwellings.

- Urban character incongruity, with a campus-style layout foreign to the existing fine-grained coastal subdivision pattern.
- 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.

How can going from one storey to four stories (building B east of 37 & 41 Lorien Way) over a distance less than the width of a volley ball court (9m) be deemed an appropriate transition? One that is not even addressed in Drawing 03 Urban Structure & Identity Site Structure.



At the time this picture was taken the tallest tree on the right was measured at 12m it sits in the bottom of the detention basin and is approximately 20 metres from the rear of 37 and 41 Lorien Way. Building B will be 17.05m high with only a 9m setback i.e. 11 m closer.

I am really concerned that the use of multiple ground reference points;- **RL, NGL, Freeboard level, Building raise to meet climate change flood plan level** make it impossible to understand what our "lived effect" will be regarding the finished height of proposed buildings. The architectural plans seem to refer to "freeboard level" from which heights are measured rather than setting them from actual existing ground levels, meaning that the visual and interface heights could be seriously understated to devastating effect on neighbouring residents.

4. Regrading, flood compliance and emergency management reduce flood risk.

This assertion conflicts with the Tweed Shire Council Flood Risk Management Plan and the NSW Floodplain Development Manual. The site lies within a flood-affected coastal plain, and the proposed regrading would raise fill levels, potentially displacing floodwaters to adjacent residential properties.

The independent flood report sourced by the DPHI fails to acknowledge the southern end of the site was designed and has acted as a detention basin, **it did however state that if this was a greenfield site it would not be granted permission to be developed.** Having lived through several severe weather events when the basin as been full. I am extremely worried that filling the land to a level above the surrounding neighbourhood and increasing the amount of impermeable surfaces and reducing the amount of deep soil absorption will have catastrophic consequences to surrounding neighbours.

While refuge above the probable maximum flood level is provided for RCF residents, evacuation access during flood events remains unaddressed. Concentrating a vulnerable, elderly population in a known flood-risk area is contrary to best practice and exposes residents to evacuation failure scenarios previously raised by Council. The introduction of 400 plus seniors also places further strain on evacuation centres.

Rather than reducing flood risk, the development transfers it to neighbours and emergency services.

5. Provides a high level of internal and external amenity in line with ADG and Seniors Housing Design Guide (2023).

The proposal fails to meet key amenity and design benchmarks under both the Apartment Design Guide (ADG) and the Seniors Housing Design Guide (Nov 2023).

Deficiencies include:

- Majority of ILUs open plan room depths exceed ADG guideline of 8m.
- Insufficient solar access to several ILUs and communal spaces.
- Inadequate landscaping and tree retention. Fails to meet the deep soil planting percentage even though they included hard surfaces walkways etc.
- Poor internal separation between buildings, reducing privacy and outlook.
- Excessive driveway hardstand areas compromising pedestrian amenity.
- Institutional architectural language inconsistent with residential community living.

The claimed 'high level of amenity' is not achieved in practice. Many of the legislation non-compliances could be resolved by reducing the scale. For instance, the majority of the

proposed apartments have open-plan room depths that exceed the ADG by up to two metres. Bringing them back within limits would reduce the overall bulk (width) by up to 4m which would, allow for greater setbacks, more deep-soil planting, and improve both solar access and privacy.

- **In short—better design, smaller footprint, fairer outcome.**

The loss of amenity to existing neighbours has also been unconscionably downplayed. 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.

6. No unreasonable overshadowing, view, privacy or traffic impacts.

The applicant's assessments understate real impacts on adjoining properties:

- Overshadowing will significantly affect southern dwellings in winter.
- Privacy intrusions arise from upper-level balconies and terraces.
- Traffic modelling uses outdated counts and ignores cumulative impacts.
- Increased staff, visitor, and service-vehicle movements will cause congestion and parking overflow along Beach Street and Lorien Way.

These impacts are not minimal or reasonable. The end result will be substantial **overshadowing of internal and external private space.**

The total amount of sunlight lost 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 ILU's 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. Sunlight is not a luxury, it's essential to liveability and wellbeing.

The overshadowing will reduce our solar output, during the winter months we will be impacted by Building A, and all year by the two four storey buildings to the rear (east) as the sun won't reach our solar panels until much later in the day. Currently they start up within an hour of sunrise.

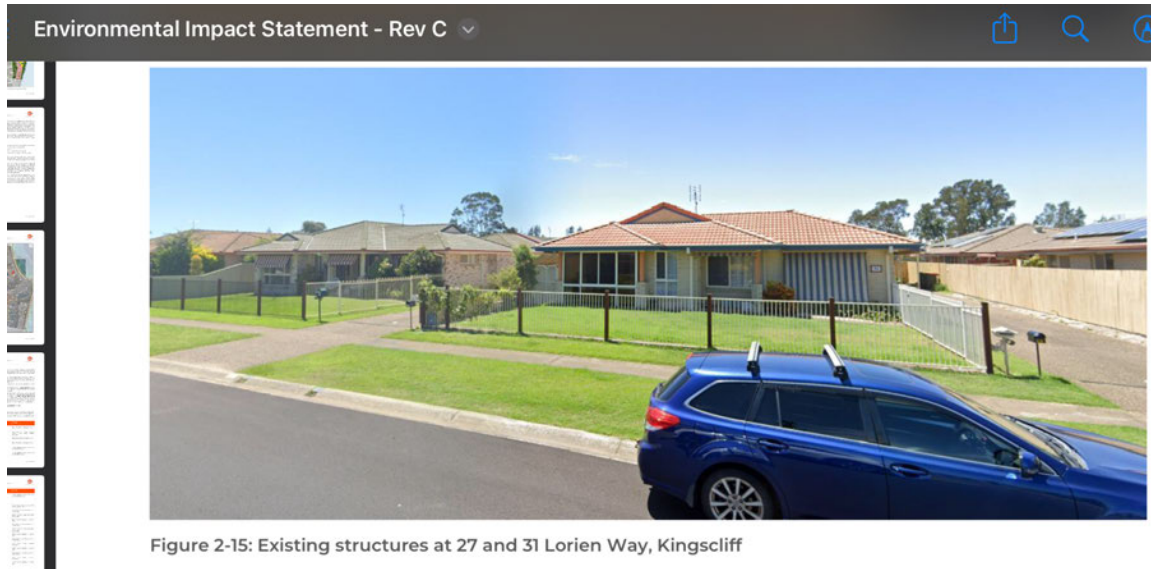
Lorien Way was designed (as per council guidelines) with North facing living areas with bedrooms adjacent to the north side of driveways and neighbours living rooms on the south side of driveways. This maximises passive solar heating, minimises noise, and provides privacy. Our home has been designed to get winter sun all day on north facing windows, glass sliding doors and walls. In summer with the sun directly overhead there is virtually no direct sunlight on external walls, doors and windows. Cross ventilation with windows and doors open is excellent, many of the benefits we currently enjoy will be lost under this proposal.



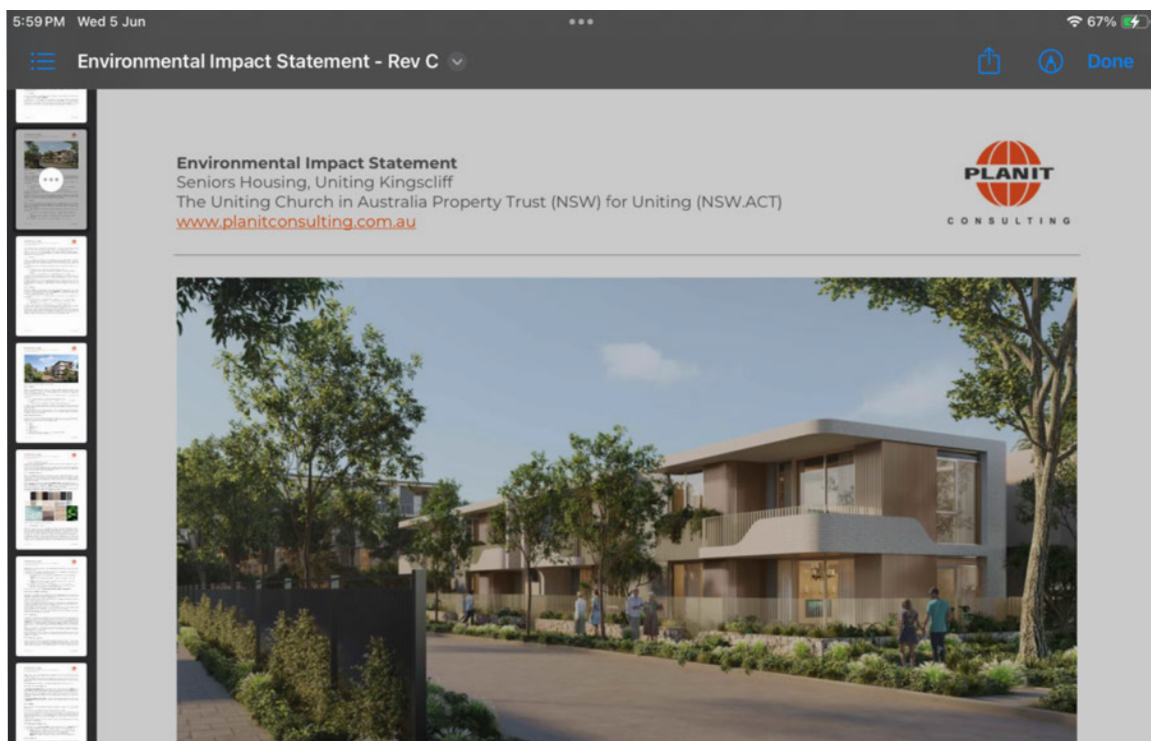
This is a picture taken from our dinning room (kitchen and living room have same aspect) Building A will be 1m further back from the nearest wall on the left but closer than the garage on the right. Being a two storey building you can see that we will **lose sight of the sky**, will be severely overshadowed, private spaces (both internal and external) overlooked, and with **living rooms directly opposite ours**, everyday noise—TVs, radios, conversation—will carry straight across.

With a two story building to the north and two four story buildings to the east Breeze patterns will be severely affected, when taken together with the thermal heat from 7 monolithic buildings, increased impermeable surfaces and loss of green space it will have a detrimental effect on temperatures and our liveability. Light pollution will illuminate the neighbourhood.

Building A could easily fit in with the existing streetscape using a single storey villa type apartments or two storey town houses built in a similar configuration to existing dwellings in Lorien Way but the current proposal trashes the whole concept under which the current built environment was developed.



How can anyone say the proposed building below fits in with the existing surroundings as above? NB disingenuously the drawing below only shows half of Building A?



Traffic will also intensify dramatically. The TIA predicts a **161% increase** in peak-hour volumes, that is despite using outdated modelling data which understates the probable impact. Even using the lower figure the stated **minimal** impact, seems incorrect. All vehicles will enter or exit across the only pedestrian footpaths available on either Kingscliff St or Lorien Way, this being a residential neighbourhood there will always be parked cars obstructing sight lines increasing the risk of negative interactions between other vehicle road users, cyclists and pedestrians. This proposal replaces the traffic from 4 dwellings **(total 12 bedrooms)** with that of 199 apartments **(total 400 bedrooms)**, plus staff, visitors, delivery and garbage trucks, given the monumental size of the development the latter will be much more frequent than the weekly collection frequency of the surrounding neighbourhood.

7. Delivers public benefits and jobs.

While job creation is acknowledged, it cannot justify breaches of planning controls. It is also worth noting that large projects always cite job creation as a benefit when the reality is that the existing pool just gets spread thinner, making it even harder for residents to source tradespeople and inflating costs. The timescale of this project will coincide with the 2032 Brisbane Olympics further exacerbating the problem.

The principal public 'benefit'—additional seniors housing—does not outweigh the significant amenity, flooding, and character impacts. True public benefit arises from well-designed, context-appropriate housing that enhances community character and resilience.

DPHI assessment report

The Department's Assessment Report understates the scale and cumulative impact of the proposal on local character, amenity, and flooding behaviour. Community and Council concerns regarding non-compliance with LEP and DCP provisions have not been given adequate weight. Flood modelling does not transparently assess off-site impacts from altered overland flow and reduced infiltration. View loss, overshadowing, and privacy impacts on directly adjoining residents have not been accurately represented. The Department seems to have given more weight to the UK's engineered flood mitigation even though the UK team couldn't identify to the Commissioners where the detention tanks would be situated and their own commissioned flood report than to the SES submission i.e. those with the lived experience and site specific knowledge. Surely the weighting should favour the experts on the ground.

I also call into question the DPHI's depth of interrogation of the assessment report and related documents. Blatant errors, have either been missed or ignored, such as Fig 12 page 33, showing the existing and proposed private outlook from 31 Lorien Way. **31 Lorien way is to be demolished to accommodate Building A.** Similarly drawing PLA-DRW- DA-0703

Visual Impact Analysis 04; has diagrams of the visual impact from buildings A & B on 33 Lorien Way. Again **33 Lorien way is to be demolished to accommodate Building A.** Drawing PLA-DRW-DA-0583 Neighbouring Shadow Study Proposed Winter Solstice, view 1 shows 37 Lorien Way but it is labelled 33 and view 2 shows effect on number 33- which as mentioned above will be **demolished**. It really brings into question the veracity of the documents on which life changing decisions are being made.

I attended a meeting which was part of the Community Cabinet with Minister P. Scully. I brought up with him that I was very concerned that the proponent said to the SDRP on three occasions that Building A was a single loaded corridor building while the plans have always shown it to be a double loaded corridor. I might add that while the plans showed it to be a double loaded corridor the artist impressions shows only one half of the building! Minister Scully said that the Departmental employees were highly qualified as the jobs were much sought after and that they had a highly developed "██████" detector, which at the time gave me some confidence in the process. Unfortunately that confidence seems to have been misplaced as the DHPI report has played down, ignored or dismissed the non-compliance issues of the proposal and treated community objections / suggestions e.g. opaque balustrades in the same way. **Giving a win to the proponent at the expense of the existing community.**

I know there is a housing crisis but the community needs to have confidence that the vetting and approval processes are robust, fair and applied equally. Political agendas and crises come and go but the community has to live with the results.

The proposal sets a damaging precedent for overdevelopment inconsistent with the Kingscliff Locality Plan and the Tweed Shire's strategic planning framework.

Uniting Kingscliff Development Team

The disingenuousness that we have experience throughout this process was demonstrated at the IPC Public Hearing 28/10/25. When answering a question from the Commissioner the spokesman said that they had increased the setback to 6m (re privacy concerns from neighbours) 6M is the minimum allowed under the SHDG, which they are using to override the TLEP which prohibits Residential Flat Buildings on R2 zoned land. Furthermore in answer to the Commissioners question re Building A being redesigned as two Single Loaded Corridor buildings either side of the new road the spokesman said the it was the first time this has been presented to them, when in fact we presented this suggestion to John Martin when the residents of 35,37,39 and 41 met with him at 37 Lorien Way. My wife has an email trail following up on this suggestion post meeting.

At a community consultation I asked a group of 5 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 everyone avoiding my eye contact.

They are so dismissive of neighbours concerns that they have placed the roof top air-conditioning units on the south side of Building A which will mean more noise for us when they could just as easily put them on the north side which has the buffer of a road between the nearest neighbours.

Conclusion

If Seniors Housing or SSD status is being used to trigger legislation overriding the TLEP the community should at the very least be entitled to full compliance, not “generally complies” as stated in the DPHI report. Particularly when the amenity of existing residents will be so adversely impacted. 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. **That is neither fair or balanced.**

For the reasons detailed above, the Department’s conclusion that SSD-47105958 is acceptable is unsupported by evidence and inconsistent with local and State planning objectives. The proposal represents overdevelopment of a landlocked site, fails to respect the low-density coastal character of Kingscliff, and introduces significant amenity, flooding, and traffic risks.

The proponent seems to have convinced the DPHI that the proposal will be unfeasible and valuable seniors housing lost if they don’t get the consents requested. Given the volume of consents, variations and non-compliance issues associated with this project, when taken together with the level of community push back, doesn’t it suggest that the site is not suitable for the scale of this proposal? Seniors housing will not be lost (you can’t lose what you don’t have) there will just be a smaller gain. On the other hand the current community **will experience a real loss of amenity and liveability.**

Protecting residential amenity isn’t an abstract policy—it’s the foundation of good planning and fair community outcomes.

I respectfully urge the Independent Planning Commission to refuse the proposal in its current form and require a substantially reduced, better integrated design that aligns with the intent of the Tweed LEP 2014, Tweed DCP 2008, and the Housing SEPP.

Sincerely,
Colin Lidiard

