

Submission to the Independent Planning Commission
Uniting Kingscliff Redevelopment
SSD-47105958

Helen Edwards-Davis
Lorien Way
Kingscliff

After reading the Department of Housing and Infrastructure's (DPHI) Assessment Report on the Uniting Kingscliff development, I feel I must challenge several findings that have led to the Department recommending approval of the current proposal.

It seems clear to me that the DPHI is under enormous pressure to approve as much as possible to help the government achieve housing targets. This development generally satisfies a lot, but by no means all, technical requirements: there is non-compliance regarding solar access, building separation distance, and open plan room depths, which have been exceeded by up to 25%.

When it comes to the more subjective issues such as visual impact, loss of amenity, and privacy, the DPHI has taken on board the applicant's point of view as presented, with no weight given to the community view.

There have been several assumptions made, which certainly do not fit with the lived experience of the neighbours, and residents of Kingscliff in general.

Here are my main objections.

1. COMMUNITY ENGAGEMENT & CONSULTATION

On Paper, the developer has fulfilled the obligation to consult with the community, but whilst they sent out the right letters, held community consultations, and arranged one on one meetings with several stakeholders, they have failed to take into account several submissions that were made, and what was actually said.

This was demonstrated at the Public Hearing. Commissioner Pearson asked about the idea that building A could be two buildings either side of the driveway. The transcript of the conversation runs as follows:

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?

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.

This is definitely not the first time this idea has been presented to Uniting.

I raised this concept verbally at the second Consultation session. I also raised it verbally when we had a meeting on 27th July 2023 with John Martin (a Uniting Kingscliff Representative) at 37 Lorien Way.

On 29th July 2023 I sent an email (attached) to John Martin confirming the details of our discussion two days earlier, to which he responded, so it was received. I also sent another email on 3rd August 2023 to the Ask Uniting Email address, again referring to the idea.

If Uniting truly intended at any stage to make block A a single loaded corridor (SLC) building, (as stated to the SDRP) then this idea should have resonated somewhere. Instead we got no response...not even anything detailing why it couldn't be done, or a "thank you" for constructive input.

This is a clear indication that the developer was, as we thought, not listening properly to the Kingscliff community, and was certainly not genuinely interested in creating SLC buildings, despite the assertion to the SDRP.

Most of the concessions that have been made are tokenistic at best.

It feels that the very first plans we were presented with were deliberately outrageous, and would allow them to reveal their real plans later on, then claim that they had listened and made concessions. I appreciate that block A has been moved to six metres away from our boundary...but this is the minimum compliance they would need to make anyway.

2. AGED CARE BED RATIO TO INDEPENDENT LIVING UNITS

The number of aged care beds, whilst increased, is disappointingly low, particularly as the intention is for residents in the ILU's to progress to the RAC as their needs rise.

Currently there are technically 112 beds, but only 86 are filled. The increased capacity to 120, or 8 extra beds is inadequate to service the accompanying 199 ILU's. There will likely be between 300 and 350 additional residents once the ILU's are leased, and it is hard to see how the transition can be managed. With Dementia fast becoming one of

the lead causes of death in Australia, whether we like it or not, there will be an increased need for access to safe, round the clock care in an RAC facility.

With 41 three-bedroom ILU's, several of which have additional Study rooms, it is likely that much of the Tweed Shire will be priced out of the development which will appeal to wealthier more advantaged retirees looking for a seachange. The earlier references to the provision of Affordable Housing have been removed from the project, which seems contrary to Uniting's mission as a charity, a religious organisation, and a Not-for-Profit enterprise. So, instead of improving Aged Care availability for the local area, the development may well make it even HARDER to get an Aged Care bed when needed, because of the number of new elderly residents that take up the ILU's.

3. BUILDING HEIGHTS

The buildings, except for block A, are four storeys tall, and exceed the Tweed Local Environment Plan (TLEP height). The DPHI states on page 16 of the Report that this is acceptable because

“the proposal is consistent with the four-storey built form envisaged for the site and surrounding Kingscliff Area”

Again, I must challenge this statement. Firstly, buildings in the surrounding area are mostly one and two storeys and are relatively young...it will be decades before they need to be bulldozed and replaced. Other than this development, there is nothing else anything like this size planned in the immediate or surrounding neighbourhood.

Kingscliff residents have participated to a high degree, responding to council requests for input into the various locality plans, and the maximum building height of 13.6 metres is strongly supported by the community. This height generally means a well-designed building can accommodate three storeys, with some roof pitch and eaves, which contribute to building articulation, and attractive architectural design. Indeed, most buildings in town are in fact three storeys high, and generally located either on the main roads, and along the foreshore. There are *some* buildings that have four storeys, but they are not adjacent to single level homes, and are also on main roads, rather than sited in the middle of single storey dwellings. Whilst you can squeeze four storeys within the 13.6 height limit, there are significant design compromises to do so..flat rooves, lower ceiling heights are two that come to mind.

Whatever is envisaged for the surrounding Kingscliff area, it is NOT development on this scale.

At the second community consultation session, we were assured that buildings would fit within the 13.6 metre height limit...and yet, they don't.

Planit representatives maintain that Drift Court residential land was raised by 200mm to comply with new flood level heights, and that these residents had the right to start their build height from the new level. I can assure you that **not one dwelling in Drift Court comes anywhere near the permitted 13.6 metre height limit.** Just because you CAN, doesn't mean that you SHOULD.

4. BUILDING SCALE

On Page 19 of the assessment report, The DPHI states that *“the scale and character align with existing and approved apartment buildings within the broader Kingscliff Area.”*.

The DPHI needs to consider not just the Broader Kingscliff area, but also the Immediate area. I cannot see how placing seven monolithic buildings within an area of mostly one and two storey homes can possibly be seen as a matchup in scale and character. **At least two of these buildings will be the largest in the area bounded by Cudgen Creek and the Tweed river, excluding the new hospital.** It has already been pointed out that when viewed at an angle, the building separation spaces disappear, and the façade presents as one 248 metres long....larger than the façade of the Tweed Valley Hospital.

The transition between built form is also deemed acceptable by the DPHI, which I consider incorrect. The transition between the southern homes in Lorien Way and Blue Jay Circuit is from mostly one storey to four. The visual impact of this will be obvious to anyone walking the surrounding streets, but even more pronounced to those residents immediately adjacent, in their back yards.

5. VISUAL IMPACT

On page 54, in appendix B, which is a summary of the department's consideration of community views, the DPHI states:

(the development) would not result in significant overshadowing, privacy, or private view impacts other amenity impacts to neighbouring properties.

With one short sentence, the DPHI has dismissed many of the concerns that residents have and removed all merit from the comments made by the community. I am extremely disappointed.

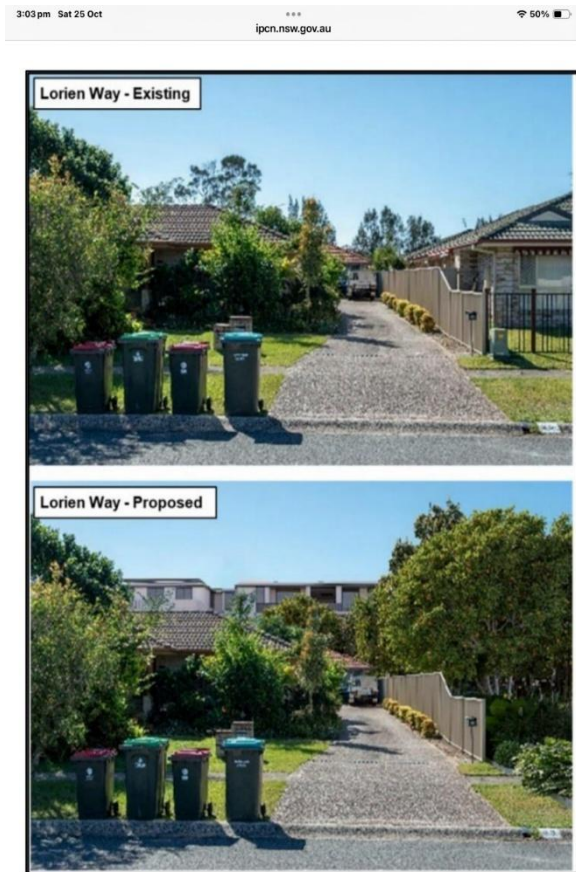
On page 19, where the DPHI assessment discusses the visual impact, noting that there will be **substantial impacts on Lorien Way, and Blue Jay Circuit.**

If these visual street impacts are substantial, then the Private view impacts from our homes must also be so. The two statements contradict each other.

Block C and Block A Driveway Visual Impact

The photo of Lorien Way as it is now, and as it will be proposed (also on page 19), has the majority of block C screened by some mature trees that have been superimposed. It is misleading.

The trees are there to hide the private road going into the development, and the view that will be exposed as people look up that road.



A more accurate depiction is to the right, although I could only manage a three storey building...so reality will be worse again at four storeys.

Visual Impact Block B

The photo below was taken looking down the driveway to 37 Lorien Way.



The trees in the background are planted in the bottom of the basin, and in 2023 were measured at 9, 12, and 14 metres. They are considered mature, with no further height growth since measurement. They are planted approximately 18 metres away from the boundary fence of 37 Lorien Way: twice the setback planned for block B.

The basin is estimated to be between two and three metres deep... so in this photo, the trees **appear 2- 3 metres shorter than they actually are**, and are further away than the planned position of block B.

Once the basin is filled to the 3.8 metre height, it becomes easy to imagine the true visual impact of block B on the direct neighbours, and the streetscape of Lorien Way.

It is clear that the visual impact is far greater than Uniting would have us believe. It is wrong for the DPHI to support this view.

6. PRIVACY

I have dealt with the privacy issues for my home, and others, in my oral submission, but would like to add further information about the use of planting and vegetation as a tool to deliver privacy.

There was a key decision in the NSW Land and Environment court, regarding the Super Studio v Waverley case.

In that case, the Commissioner made it clear that landscaping should be given only limited weight when used as the main safeguard against overlooking. The reason is simple: the effectiveness of landscaping depends on ongoing maintenance, favourable weather, and, as the commissioner puts it at paragraph 6, "good luck".

The Commissioner also noted that in practice, councils rarely enforce landscaping conditions to the extent needed to ensure it performs as intended over time. So, while the proposed planting might look good on paper, it's not a reliable or durable solution for managing privacy impacts—especially when those impacts are likely to persist for years. Relying on vegetation alone to protect residential amenity is not only inadequate, but it also risks creating long-term problems for neighbouring properties."

Reliance on vegetation to provide privacy is not acceptable.

7. TRAFFIC & PARKING

There were 226 submissions from the public objecting to the proposal because of traffic issues: 71% of all objection letters submitted listed Traffic as a concern.

Despite this, the department has sought to minimise the concern, by excluding Traffic from the Key Assessment issues, and including it as a minor item under item 5.5, "Other" Issues, on page 36.

I believe that whilst the total parking provision is generally adequate, providing only 6 designated spots for Block A residents, leaves the remaining 10 owners to find space themselves ...probably on Lorien Way which will be more convenient to their homes. Each ILU should have a designated parking spot.

The DPHI also states in the executive summary that the proposal will not result in adverse traffic impacts on the existing road network.

What the developer has stated, and the DPHI has accepted, doesn't match with lived experience.

On page 37, the developer has predicted that seven extra cars will make a right turn into the site from Kingscliff street during peak hours. The Assessment report states that

"...Kingscliff Street has sufficient width to allow cars to pass any cars waiting to enter the site, there will be no predicted queueing impact.."



Refer to the photo above. Passing a car turning right into the development will entail slow speed and careful Manoeuvring. If there is a car parked on the side of the street as depicted, there is no option other than to wait. This will then cause tailbacks through the already busy roundabout at Beach Street.

Exiting the development at the Kingscliff Street address to turn right (towards the shopping centre) is also likely to be difficult due to the angle of the driveway, and the need to cross northbound traffic.

The Lorien Way entrance will be created as part of Building A. To create building A and the private road into the development, four single storey homes will be demolished. These homes currently have double garages, so we can assume two cars per home.

So, suddenly we have gone from 8 cars coming down Lorien Way as they leave and come home, to the cars of the residents of block A (16 units,) B(25 units), and C (48 units), and likely substantial traffic for the remainder of the site as well, as people work out that the Kingscliff street entrance is too difficult to navigate. On top of this, there will be deliveries and waste removal vehicles, Ambulances, and community transport vehicles, all using the Lorien Way entrance. There are two buses running every half hour (one in each direction on Lorien Way and Beach Street), as well as extra school bus services. How this cannot be considered an adverse result is very difficult to understand.

Uniting says that there will be a bus for residents to use, but the general policy in their aged care developments is to use the bus primarily for the RAC residents, with the ILU residents organising their own transportation.

Furthermore, on page 36 in Table 8, the developers have assumed 94 vehicular movements at peak hour in the morning and afternoon: an increase of 58 cars, or 161%. I cannot see how this could possibly be deemed acceptable. These numbers may seem small in a place like Sydney, but on the roads of Kingscliff which are narrow,

and shared with bicycles, some of which carry surfboards, and e-bikes and sometimes even skateboards, there **will** be significant impact.

I am also concerned for ILU residents who have a motorised scooter, in place of a car. The journey to the supermarket along Kingscliff Street is along a narrow and uneven footpath. It is too busy and dangerous to consider using the road. Access to Marine Parade and to the foreshore, is also going to be difficult for these residents.

In the transcript of the IPC meeting with Uniting, I note that the representative from Planit, Luke Blandford stated

“...Planit has just helped Council secure approval for the widening of major corridor networks, and so there will be major road upgrades occurring in the next few years. Some of it is already underway, you will see when you visit the town.”

A text I received from a Councillor when I asked about this, stated that this funding relates to one road, The State road 38 or Tweed Coast Way as we know it. This road leads from the freeway, up to the intersection near the hospital, and then on to the new suburb of Kings Forest, and Casuarina, Hastings Point, and Pottsville. It is designed to service the hospital and the southern coastal villages in the area.

Kingscliff, Chinderah and Fingal are served by an exit from the Freeway further north. This is the exit and entrance to the M1 used by most residents, as it leads to the Tweed shopping districts, the airport, and many government services. The widening of the Tweed Coast Way has little relevance to the traffic situation in Kingscliff, and I am surprised that the information was presented as if it did. Furthermore, the area of Kingscliff Street where the development entrance is located has only recently been resurfaced. There are no plans to widen this part of the street.

8. WIND ASSESSMENT

Residents raised concerns regarding the potential wind impact of the development. The concerns were largely regarding the disruption of ocean breezes.

The Developer commissioned a wind report that deals with the safety for pedestrians within the precinct and on balconies. This report makes no mention of the interruption of cooling breezes that current residents rely on in summer, when the wind comes from the oceanside of Kingscliff. It is likely that building C will largely block this valuable breeze for many of the residents in Lorien Way. The SDRP specifically requested that the Developer:

“Consider the visual and wind permeability of the expansive built forms in relation to the Surrounding Neighbourhood pattern”. (State Design Review Panel Meeting Minutes V1.)

Whilst the safety of pedestrians has been considered and deemed acceptable by the DPHI, the impact on the surrounding neighbourhood, particularly those residents located south and west, has not been considered or mentioned at all in the DPHI Assessment.

ALTERNATIVES

I'd like to end on a positive note.

The whole community supports redevelopment of the RAC building, and sustainable development of an ILU complex that truly fits the land and surrounding area. No one is against better aged care outcomes.

Just imagine what **COULD** be.....

What if Uniting decided NOT to develop the basin but instead retained it as a sensory garden for dementia patients, and perhaps a picnic area for visiting families and relatives. This would mean abandoning blocks B and C. Then, for the remaining buildings excluding the RAC and block A, they removed the top floor, making them three storeys high. There would be a loss of 99 ILU's...**but there would STILL be 100 ILU's to be developed, which would STILL make it the largest residential complex in the area.** However, it would be PROPERLY sized for an in-fill project, given the constraints of the land. The basin would still be a useful flood mitigator, and our streets would not have to cope with quite so much extra traffic. Neighbours would have better privacy, and the development would not dominate the landscape.

IT IS POSSIBLE!

	Total	Top Floor	ILU
	ILU's	ILU's	Loss
BLOCK A	16	8	0
BLOCK B	25	5	25
BLOCK C	48	10	48
BLOCK D	34	8	8
BLOCK E	34	8	8
BLOCK F	42	10	10
total	199	49	99
100 Remain			

CONCLUSION

Most residents in my community support the redevelopment of the Aged Care home and understand the need for additional accommodation for seniors.

This does not mean, however, that we are willing to accept whatever development is put forward. Uniting has sought a myriad of concessions and variations to overcome the constraints of the land available, to squeeze as much profit as possible out of it. Sadly, this comes at the expense of the character of the town, and with scant regard for the amenity of neighbours. The safety of vulnerable Aged Care residents during severe weather events has been compromised. It is obvious to me that it would be far wiser to build **WITHIN** the constraints of the land to achieve a sympathetic, appropriately scaled development that complements the existing built landscape.

Good developments, and good design come from imagination, rigorous and sincere consultation, and a deep knowledge of the land and its constraints. Uniting have proven in the past that they **can** deliver sensitive and sustainable development: their project in Yamba is testament to this. It consists of one multi storey ILU building with street frontage on the main road into the township, and a series of single level, terraced villas of varying size.

The Yamba Sales brochure states

“Uniting Yamba’s overall design vision is for retirement living that is in harmony with the beautiful tropical location.”

I believe that Kingscliff and its residents deserve the same respect.