

**Submission
No 172**

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS
OF CLIMATE CHANGE ON THE ENVIRONMENT AND
COMMUNITIES**

Name: Jerry Cornford

Date Received: 3 November 2023

Dear Members,

YOUR REF: ToR a (1) & b (1), (2).
Need for Moratorium on Zombie DAs
and cumulative effects of Floodplain filling.

I write to ask that your Inquiry takes note of two proposals to fill and build on the only remaining Flood Basin protecting Kingscliff, NSW 2487 in the Tweed Shire and the wider implications via the cumulative effect that these projects, if approved, would have on the greater Kingscliff – Chinderah precinct.

DA 23/0438

The above DA currently before Council seeks to vary the fill type and delivery method specified in a Land and Environment Court approval of 2009 after an initial Council refusal of the project. The proponent, Gales Kingscliff, wishes to fill the flood basin to the north and south sides of Turnock St, Kingscliff, the main traffic route into the CBD, to build 607 residential units. The LEC approval stipulated that the fill material be sand only, and that the sand be pumped the majority of the way to the site from Gales own quarry in Chinderah, the adjoining township.

The new DA seeks to change the fill material from sand to unspecified material described only as “Natural extracted material” and “Virgin extracted material” which could include anything from road base to general rubble and Fire Ant infested fill from Queensland. The revised application and accompanying maps submitted to Council show the majority of the fill material will be Queensland-sourced.

Filling of this land will remove the last natural flood basin protecting Kingscliff from major inundation, and had the LEC been aware of the dangers and damage manifested by the 2022 flood event it's extremely doubtful that consent would have been granted. The LEC-specified fill, sand, absorbs water. Varying this to include anything from road base to any other water-repellent material places the whole of the Kingscliff CBD and all neighboring residential precincts at grave risk in all future flood events.

This is epitome of the a Zombie DA.

The new delivery method sought comprises transporting fill by trucks and doggie trailers at the rate of 34 inward bound and 34 outward bound movements every hour, six days a week over a period of FOUR YEARS. This amounts to a truck movement every one minute and eight seconds or a truck and trailer entering or leaving the fill sites on either side of Turnock St every 34 seconds. Turnock St is a single lane road with no parking on the south side and a cycle-pedestrian lane only on the north side. There is no street parking. The cycle lane is extensively used by elderly and retired residents from the Noble Park Retirement Estate in the adjoining residential precinct, many of whom rely on walkers and mobility scooters. Quite apart from the absolute traffic chaos generated by the sheer number of truck movements, the danger to those reliant on the cycle lane is substantial.

The proponents' Environmental Overview (attached along with this document) states than any fill sourced from Fire Ant Biosecurity Zones in Queensland will be inspected. I put it to you that to effectively inspect a truck and doggie trailer every one minute and eight seconds, six days a week over a period of four years for a Fire Ant nest or queen is a technical impossibility. Queensland has spend 22 years and millions of dollars trying to stop Fire Ants spreading as far as the NSW Border and has failed. The Queensland Government does not know where Fire Ants occur until a nest is reported. At least one Fire Ant queen has been reported in Melbourne on material imported from Queensland.

To suggest that a private development company has either the expertise or the funds to guarantee no Fire Ants will be imported into New South Wales should this project be approved is an absolute nonsense. The DA, if approved, would probably subject not only Kingscliff and the Tweed Valley but the remainder of NSW, the ACT, Victoria and South Australia to future Fire Ant infestation.

Returning to the flood danger; In 2022 Turnock St flooded at the bottom of the hill adjacent to the Kingscliff Library and across the West/East section between Elrond Dr and Pearl St. The Kingscliff Shopping Centre was flooded almost waist-deep. Elrond Drive flooded as did Bellbird Dr, Monarch Dr, Kingfisher Crt, Oriel Ct, Pitta Ct and Dove Cl. In the Kingfisher/Monarch Dr precinct water flooded driveways, front yards and came within a meter of dwellings.

Had any homes in the Monarch Dr, Bellbird Dr, Kingfisher Crt been flooded the only access to the two nominated evacuation sites, Kingscliff TAFE and Pearl St were impassable to vehicular traffic for at least 12 hours. It was the most extensive flood in Kingscliff and Chinderah in the past 25 years with flood water extending from the Tweed River the length of Wommin Bay Drive and in excess of two blocks south along Kingscliff St.

If the 2022 event had been combined with either more severe local topical rainfall, a King tide or a Storm surge, as will most certainly happen sometime in the near future, at least 100 residences in West Kingscliff would have been damaged or destroyed with residents having no safe escape route.

Filling of the Turnock St land to remove an essential flood basin with any material will virtually guarantee the loss of dwellings and possibly even life, in any future flood equal to or surpassing the 2022 event.

(The last two pages of this submission comprise pictures of the flood extent in the Turnock St proposed fill area, and the Kingfisher Crt, Bellbird Dr, Monarch Dr precinct during the floods of 2022 and 2017)

THE SLINK PROPOSAL

Gales Kingscliff and the Tweed Shire Council have agreed to a joint project for the future development of the Slink (South link to Kingscliff) to Gales had previously proposed as a haul road to truck their newly-constituted fill for the Turnock St flood basin between the Tweed Coast Road and that fill site. The Gales vision of this proposal may be seen by Googling “kingscliffbeautiful”

The Slink route would divide the remaining area of the Turnock St flood basin, a wetland between the Coast Rd and the Turnock St/Elrond Dr roundabout, immediate south of the hill on which the new Tweed Valley Hospital has been constructed and the residential precinct of Kingfisher Crt, Bellbird Dr, Oriel Lane, Pitta Court and Dove Close.

Should the filling of Turnock St proceed any further reduction of storage capacity resulting from the fill needed to build up a road or development site in the wetland south of Kingfisher Crt would assure the flooding of the adjacent residential area.

Any road built up to safe flood height between the Coast Rd and Elrond Dr/Turnock St would act as a levee, trapping the majority of flood water which sweeps across from the Tweed River on the north side of that wetland assuring the flooding of Kingfisher Crt and Bellbird Dr.

I have spoken to a number of people employed in building the new Tweed Valley Hospital on the hill to the south of the proposed Slink route and they are adamant that hard surface run-off from the completed hospital and grounds will be substantial. This run-off has previously been absorbed by the agricultural land on which the hospital now stands.

With the Turnock St flood basin filled, water trapped by the Slink road levee would then have no escape other than by inundating adjacent residential precincts. The “drainage” canal between the west side of Bellbird Dr and Mistletoe Dr does not currently drain at all during a flood event, but simply channels more water from the River into the Kingfisher/Turnock St wetland. Once the River level rises above the canal flood gate at Chinderah (which it does in every flood) the canal simply increases the flood flow. Water from the canal has penetrated the backyards of homes on the west side of Bellbird Dr during at least 3 previous flood events.

I realise this submission may seem somewhat confusing to those without knowledge of Kingscliff and its' topography. Unfortunately including every appropriate document and map would exceed my email capacity limit. However further paperwork and mapping relating to these matters is available from the TSC and the Gales Environmental Summary attached along with this letter gives a basic overview. I believe that one of your members, Ms Higginson, may also have relevant knowledge of the area I describe.

Finally, I suggest that for any Council or Planning Committee to make a decision on either DA 23/0438 or the proposed Slink prior to the release of government new flood mapping based on the 2022 event would be irresponsible to say the least.

Kind regards

Jeremy Cornford
Bellbird Dr, Kingscliff

Please Note: Pics below of 2022 and 2017 flooding taken well after waters had started to recede.

These 6 pics from 2022



Bottom of Turnock St Hill, just before Elrond Roundabout



North side Turnock St, behind Lorien Way



Cnr of Bellbird Dr and Kingfisher Crt



Wetland between Hospital Hill and Kingfisher Crt, Proposed route of SLink



Turnock St between CBD & Elrond roundabout



Proposed Slink route south of Kingfisher Crt

These 6 pics from 2017



Last house on West side of Bellbird Dr



Proposed Slink area in wetlands at end Bellbird Dr looking West over Noble Park to Coast Rd & River



Slink route South of Kingfisher Crt



Slink route South of Kingfisher Crt facing CBD



Turnock St/Elrond Dr roundabout



Turnock St looking toward CBD