

Department of Planning, Housing and Infrastructure

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Uniting Kingscliff Seniors Housing Development

State Significant Development Assessment Report (SSD-47105958)

September 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Uniting Kingscliff Seniors Housing Development (SSD-47105958)
Assessment Report

Cover Image: View north along pedestrian route towards the RCF

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Preface

This assessment report provides a record of the Department of Planning, Infrastructure and Housing's (the Department) assessment and evaluation of the State significant development (SSD) application for the Kingscliff Seniors Housing development located at 24A Kingscliff Street and 27, 29, 31, and 33 Lorient Way, Kingscliff, lodged by Uniting / NSW.ACT. The report includes:

- an explanation of why the project is considered SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the project is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether development consent for the project can be granted and any conditions that should be imposed.

Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application for the Kingscliff Seniors Housing Development (SSD- 47105958) located at 24A Kingscliff Street and 27, 29, 31, and 33 Lorien Way, Kingscliff in the Tweed Shire local government area (LGA).

Uniting (NSW.ACT) (the Applicant) proposes site preparation works the construction of a seniors housing development comprising seven buildings ranging from two to four storeys and basement levels providing for a 120 bed residential aged care facility (RCF), 199 independent living units (ILUs), ancillary amenities and landscaping.

The proposal has an estimated development cost (EDC) of \$219,507,413 and is predicted to generate 260 construction and 51 additional operational jobs.

The proposal is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it satisfies the criteria under schedule 1 section 28 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being seniors housing with an EDC over \$20 million that includes a RCF component.

The proposed development is permissible with consent under the provisions of section 81 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), effective on the date the application was made.

The Department exhibited the Environmental Impact Statement (EIS) from 17 May 2024 until 13 June 2024. During the exhibition period, the Department received:

- a total of 318 public submissions, including 291 objections, 22 in support and three comments
- a submission from Tweed Shire Council (Council) providing comments on the proposal
- advice from eight government agencies.

The Independent Planning Commission (IPC) is the consent authority for the project under section 4.5(a) of the EP&A Act because it satisfies criteria under section 2.7(1) of the Systems SEPP as more than 50 submissions objecting to the proposal were made during the EIS public exhibition period.

The key issues raised during the exhibition period related to height, built form, density, visual impact, flooding, amenity impacts (privacy, solar access, views, noise and light spill), construction and consultation.

The Applicant submitted a response to submissions report (RtS) on 10 December 2024 and additional information on 11 June 2025 providing further justification for the development and outlining amendments to the proposal to address the issues raised in submissions and agency advice. The Department made the RtS and additional information publicly available on the NSW

Planning Portal and consulted Council and agencies. The Department received submissions from Council providing comments and advice from three government agencies.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's response and additional information. The Department's assessment concludes that the project is acceptable as:

- it would support State government priorities to deliver well-located housing as it would deliver 199 new ILUs and 120 RCF beds to meet the changing needs of an ageing population in an accessible location close to Kingscliff town centre
- it is permissible with consent and would provide a housing development consistent with the objectives of the R1 General Residential and R2 Low Density Residential zones under the Tweed Local Environmental Plan 2014 (TLEP)
- the proposed two and 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 in Beach and Kingscliff Streets, Lorien Way, Blue Jay Circuit and Drift Court
- it would regrade ground levels, complies with local flood planning levels, includes refuge above the probable maximum flood level, includes a detailed Flood Emergency Response Plan and results in an overall reduction in the existing flood risk for vulnerable elderly residents and occupants
- it would provide a high level of internal and external amenity for future residents of the ILUs and RCF in line with the principles and design criteria of the Apartment Design Guide and Seniors Housing Design Guide Nov 2023
- it would not result in unreasonable overshadowing, view and privacy impacts on adjoining development or adverse traffic impacts to the local road network
- it would deliver public benefits including the provision of seniors housing and generate 260 construction and 51 additional operational jobs.

The Department has recommended conditions to appropriately address any residual issues.

Following its detailed assessment, the Department considers the proposal is in the public interest and concludes that the project is approvable, subject to conditions.

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1 Introduction

1.1 The proposal

1. Uniting Church in Australia Property Trust (NSW) for Uniting / NSW.ACT (the Applicant) seeks approval for a State significant development (SSD) involving a seniors housing development at (SSD-47105958) at 24A Kingscliff Street and 27, 29, 31, and 33 Lorien Way, Kingscliff (the Proposal).
2. The project description and mitigation measures provided in Sections 3 and 6 of the EIS (as amended by the response to submissions (RtS) and additional information) are the subject of this report and will form part of the development consent if the project is approved.
3. A detailed overview of the proposal is provided in Section 2.

1.2 Project location

4. The site is located in Kingscliff, in the Tweed Shire local government area and approximately 750 m north-west of the Kingscliff Town Centre, 8.5 km south-east of Tweed Heads, 31 km south-east of the Gold Coast, 100 km south-east of Brisbane and 680 km north of Sydney.
5. The key characteristics of the site are summarised in Table 1 and shown in Figure 1 to Figure 3.



Figure 1 | Site location and regional context (Base Source: Nearmap 2025)



Figure 2 | Aerial view of the site, its features and the surrounding context (Base Source: Nearmap 2025)



Figure 3 | View south from the RCF southern car park and across the stormwater drainage basin towards the rears of properties fronting Blue Jay Circuit and Drift Court (Source: Department's site visit 24 February 2025)

Table 1 | Key characteristics of the site

Aspect	Description
Address	24A Kingscliff Street and 27, 29, 31, and 33 Lorien Way, Kingscliff.

Aspect	Description
Legal description	Lot 1 DP 833926 and Lots 5, 6, 7 and 8 DP 1016883.
Site area and lots	- The site is irregular in shape, has an area of 28,862 m² and comprises five lots: - a Uniting residential aged care facility (RCF) at 24A Kingscliff Street (27,183 m²) - four residential (dual occupancy) lots on Lorien Way (1,679 m²). - A Tweed Shire (Council) owned Sewer Pump Station lot (229.5 m²) is located at the north-eastern part of the Uniting RCF lot. However, it does not form part of this application.
Surrounding roads and developments	The site has a small frontage to Kingscliff Street to the north-east and Lorien Way to the west. Surrounding the site to the: - north are two storey residential townhouses and apartments fronting Beach Street, a three storey apartment building fronting Kingscliff Street - south are one and two storey semi-detached dwellings on separate lots (battle-axe format) fronting Lorien Way. Beyond this are single storey detached dwellings - east are 33 ILUs forming part of the one and two storey Kingscliff Beach Retirement Village fronting Blue Jay Circuit - west are one and two storey detached dwellings fronting Drift Court and up to four storey apartment buildings on Kingscliff Street and Marine Parade.
Existing development	- The northern half of the Uniting RCF site comprises: - six single storey RCF buildings (4,584 m² GFA) connected by covered walkways 112 RCF beds (86 existing residents) and 64 RCF staff - a stand-alone, single storey church (996 m²). - The southern half of the Uniting RCF site comprises a surface stormwater drainage basin (the Basin). - The four Lorien Way residences are single storey semi-detached dwellings. - Site access is currently via a driveway off Kingscliff Street.
Public transport	- Bus stops are 50 m west and 750 m south of the site, which provide services to Kingscliff, Tweed Town Centre, Cabarita and Pottsville. - A Uniting RCF 22 seat private shuttle bus service (operated minimum once daily for existing residents) connects the site to Kingscliff Town Centre, broader facilities and regional centres.
Topography	The northern part of the Uniting RCF site is relatively flat and gently slopes

Aspect	Description
	from north to south (from 3.8 m AHD to 3.0 m AHD). - The southern part of the Uniting RCF site (containing the Basin) comprises a 1.5 m to 2 m depression (down to 0.92 m AHD) with sloped embankments (north, west and south) and retaining wall (east) to properties fronting Drift Court. - Neighbouring properties fronting Beach Street and Lorien Way are located on previously filled land (approximate levels between 3.7 - 4 m AHD).
Flooding and stormwater	- The site is subject to inundation during both riverine and overland flooding events. - During the 1 in 100 annual exceedance probability (1% AEP) the northern part of the Uniting RCF site is subject to minor flooding within the southern car park (approximately 0.12 m AHD). The Basin experiences maximum flood depths up to 3 m. - During the probable maximum flood event (PMF) the entire site may experience flooding depths of up to 8 m.
Vegetation	- The northern part of the Uniting RCF site is generally cleared and dominated by built structures and hard surfaces. 77 trees are scattered throughout the site. - The Council Sewer Pump Station site (not part of this application) contains six trees. - The Basin contains several regrowth native trees and exotic and native grasses.
Easements	The site is encumbered by a variety of existing easements, including: - a 4.88 m wide easement relating to underground sewer infrastructure connected to the Council Sewer Pump Station - a 6 m wide easement relating to a watermain and access - other easements relating to rights of access, services and drainage.

1.3 Relevant planning history

- The existing Uniting RCF has operated as an aged care home since the early 1980s and has subsequently been the subject of several Council approvals for additions and alterations. A summary of these approvals is provided at **Appendix E**.

2 Proposal

2.1 Description of development

7. The application seeks approval for site preparation works including bulk earthworks and tree removal, construction of seniors housing development comprising seven buildings two to four storeys and basement levels providing for a 120-bed RCF, 199 ILUs, ancillary amenities and landscaping
8. The key aspects of the project are outlined in Table 2 and shown at Figure 4 to Figure 7.

Table 2 | Key aspects of the proposal

Aspect	Description
Seniors living use	199 ILUs within Buildings A to F comprising: 39 x 1 bedroom ILUs 119 x 2 bedroom ILUs 41 x 3 bedroom ILUs. 120 bed RCF within Building G. - Ancillary amenities including café, gym, cinema, multipurpose room, wellness centre, chapel, clubroom, consulting rooms, offices and swimming pool and back of house areas.
Gross floor area (GFA)	27,565 m ² .
Floor space ratio (FSR)	0.98:1 for the main site lot at 24A Kingscliff Street (R1 General Residential zone). 0.60:1 for the four residential lots at 27-33 Lorien Way (R2 Low Density Residential zone).
Built form and height	- Construction of six four storey buildings up to 17.05m in height - Construction of a two storey building up to 7.9m in height - Construction of two shared, single level basements. - Retention / no change to existing church building and structures (996 m²).
Vehicle and pedestrian access	- Retention and redesign of the existing Kingscliff Street vehicular entrance. - New vehicular entrance and driveway at Lorien Way. - Internal road and footpaths connecting Kingscliff Street and Lorien Way.
Parking	322 car spaces (53 surface, 269 basement spaces).

Aspect	Description
	• 24 bicycle parking spaces (six at ground and 18 at basement levels). • One ambulance bay and one resident mini-bus bay. • Two loading/ service vehicle bays.
Landscaping	• Hard and soft landscaping (12,207 m²) around all buildings and incorporating paths, seating and amenity areas and incorporating: ◦ 3,010 m² deep soil areas (10.35%) ◦ 76 trees removed, one tree retained on-site and six trees retained within the Sewer Pump Station lot ◦ 297 replacement trees throughout the site ◦ communal open spaces centrally and within building boundary setbacks.
Other works	• Demolition of the Uniting RCF facility and the four Lorient Way residences. • Bulk earthworks to infill the Basin, regrade the site. • Stormwater infrastructure, including pipes, inlet pits, five underground stormwater detention tanks and connection to Council's drainage system. • Construction of two pad-mounted electrical sub-stations. • Connection to Council's sewer and water infrastructure.
Development staging	• Construction of the development in two stages predicted to take up to 2.5 years: ◦ Stage 1 (Buildings A to C and G): 19 months ◦ Stage 2 (Buildings D to F): 11 months.
Employment	260 construction jobs and 115 operational (including 51 additional and 64 existing Uniting RCF) jobs.
EDC	• \$219,507,413

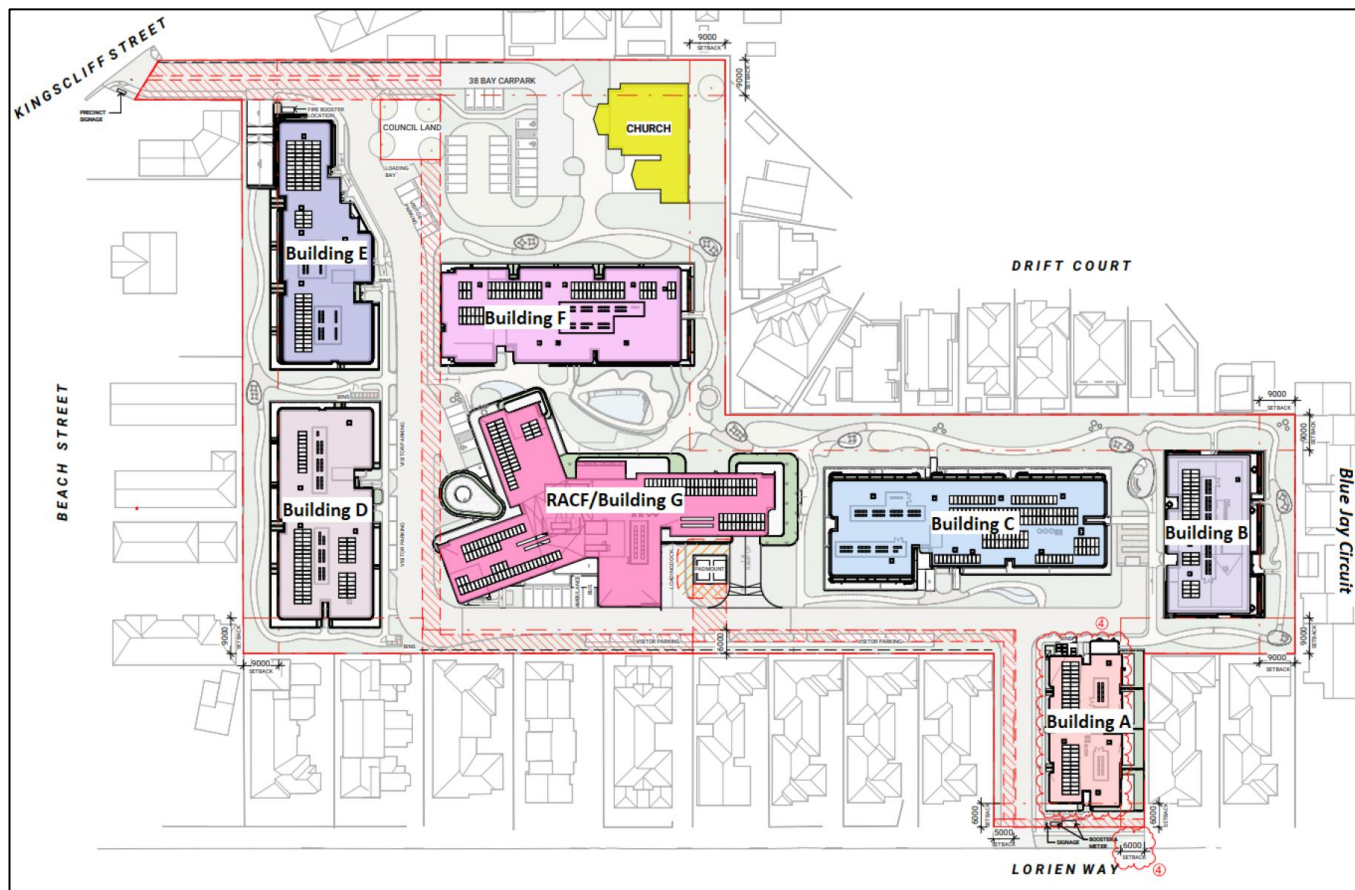


Figure 4 | Proposed site layout (Base source: Applicant's RFI)



Figure 5 | Perspective looking south-west towards the Building G (RCF) (Base source: Applicant's RtS)



Figure 6 | Perspective looking west towards Buildings E, F and Building G (RCF) (Base source: Applicant's RtS)



Figure 7 | Perspective looking east towards Buildings A and C (Base source: Applicant's RtS)

3 Policy and statutory context

3.1 Housing supply

9. The NSW Government has a target of 377,000 well-located homes over the next 5 years. This policy is in support of the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes over 5 years.
10. To support the delivery of seniors housing across NSW, in November 2021 an SSD pathway was introduced for large scale seniors housing development that include RCFs. This SSD application has been submitted pursuant to these initiatives that aim to support the delivery of well-located and accessible seniors housing.
11. The proposal replaces a former seniors housing village that had reached the end of its physical / economic life with new purpose built, modern RCF and ILUs. The proposal would improve access to seniors housing and provides an opportunity for more senior residents to age in place. The proposal supports the overarching strategic goal to alleviate housing pressure, responds to community needs and the needs of an aging demographic.

3.2 Permissibility and assessment pathway

12. Details of the legal pathway under which consent is sought and the permissibility of the project are provided in Table 3.

Table 3 | Assessment pathway, consent authority and permissibility

Description	Consideration
Assessment pathway	The proposal is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) and section 28 of Schedule 1 of the Planning Systems SEPP, being seniors housing. The proposal would provide seniors housing with an EDC of more than \$20 million, includes a RCF and there are no prohibited components of the development under an EPI.
Consent authority	The IPC is the consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the Planning Systems SEPP as 291 submissions objecting to the proposal were received during the exhibition period.
Permissibility	The site is zoned R1 General Residential and R2 Low Density Residential under the Tweed Local Environmental Plan 2014 (TLEP). Seniors housing is permissible with consent under Part 5, Division 1, section 81 of the Housing SEPP.

Description	Consideration
	The other uses (café, gym, cinema, multipurpose room, wellness centre, chapel, clubroom, consulting rooms and offices) are considered to be ancillary to the predominant use for seniors housing as they are minor and sufficiently integrated with the development and therefore can be approved.

3.3 Other approvals and authorisations

13. Under section 4.41 of the EP&A Act, several other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
14. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD (e.g. approvals for any works under the Roads Act 1993). These authorisations must be substantially consistent with any SSD development consent for the proposal.
15. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the proposal (Sections 4 and 5). Suitable conditions have been included in the recommended conditions of consent (Appendix H).

3.4 Planning Secretary's environmental assessment requirements

16. The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 15 August 2022 and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3.5 Mandatory matters for consideration

17. Mandatory matters for consideration include:
 - matters of consideration required by the EP&A Act
 - objects of the EP&A Act and ecologically sustainable development (ESD)
 - biodiversity development assessment report (BDAR)
 - matters of consideration required by the EP&A Regulation
 - matters of consideration required by environmental planning instruments (EPIs).

18. The Department's consideration of these matters is summarised in **Appendix B**. As a result of this consideration, the Department is satisfied that the development meets the statutory requirements.

4 Engagement

4.1 Public exhibition and notification

19. After accepting the development application and EIS, the Department:
- publicly exhibited the project from 17 May 2024 until 13 June 2024 on the NSW Planning Portal

notified occupiers and landowners in the vicinity of the site about the public exhibition

notified and invited comment from relevant government agencies and Council.
20. The Department received 318 public submissions (291 objections, 22 in support and three comments), advice from eight government agencies and comments from Council. The Department also received two late public submissions received outside the exhibition period in the form of objections, which have also been considered as part of this assessment.
21. The Department visited the site and surrounding area to gain a better understanding of the site context, and the issues raised in submissions on 24 February 2025.
22. The Department requested the Applicant to respond to the issues raised in submissions and the comments received from government agencies. The Applicant provided the Response to Submissions (RtS) to the Department on 17 December 2024 and submitted additional information on 11 June 2025 (Appendix A).
23. The Department made the RtS and additional information publicly available on the NSW Planning Portal and notified the relevant government agencies and Council.
24. A summary of the key issues raised in submissions and agency advice is provided in the following sections.

4.2 Summary of advice received from government agencies

25. The Department received advice from eight government agencies on the EIS.
26. A summary of the agency advice is provided in Table 4. A link to the full copy of the advice is provided in Appendix A.

Table 4 | Summary of the final position and any outstanding comments raised in agency advice

Agency	Summary of final advice and outstanding comments
Department of Climate Change Energy,	CHPR advised that all issues relating to biodiversity and flooding have been resolved thorough the RtS and additional information.

Agency	Summary of final advice and outstanding comments
Environment and Water (DCCEEW) Conservation Programs, Heritage and Regulation (CPHR)	
State Emergency Service (SES)	SES did not support the increase in the number of vulnerable people exposed to potential flood risk. In the event that consent is granted, SES provided the following comments: • resolve all flooding and associated risks without reliance on emergency services or a private evacuation plan • due to climate change, inundation events would be more frequent than what is modelled • consider PMF flood and debris loadings to avoid structural failure • all basements entrances and openings should be passively protected / located above the PMF • ensure all future purchasers / user of accommodation are alerted to the site's flood risk, so that they can make informed decisions.
Transport for NSW (TfNSW)	TfNSW recommended adequate, safe and connected active and public transport infrastructure be provided at the site, including: • provisions for cyclists and pedestrians (including mobility scooters) • provision of a bus stop and shelter at one of the entrances of the development • provision of bicycle parking, including storage lockers for bike equipment • inclusion of electric vehicle (EV) charging station(s) within the proposed carpark.
Heritage Council of NSW (HNSW)	HNSW confirmed the site is not listed on the State Heritage Register, in the vicinity of any State heritage items and does not contain any known historical archaeological relics. HNSW did not recommend any conditions.
Heritage NSW - Aboriginal Cultural Heritage (HNSW ACH)	HNSW ACH confirmed the development is unlikely to impact Aboriginal cultural heritage values. Heritage ACH recommended conditions requiring avoidance of harm to Aboriginal objects, consultation with Registered Aboriginal Parties and the preparation of Aboriginal cultural heritage management procedures.
DCCEEW Water	DCCEEW Water advised that the Applicant would need to obtain a water access licence (WAL) to account for the maximum water intake and

Agency	Summary of final advice and outstanding comments
	prepare a Dewatering Management Plan.
Fire and Rescue NSW (FRNSW)	FRNSW recommended the requirements of the National Construction Code (NCC) relating to Electric Vehicle charging be considered.

4.3 Summary of council submissions

27. Council provided comments on the proposal in response to the EIS. Council provided further comments in response to the Applicant's RtS and additional information, which confirmed that changes had addressed some previous concerns. However outstanding matters remained.
28. A link to all of Council's submissions is provided in **Appendix A**. A summary of the outstanding issues raised by Council is provided below:
 - the Flood Emergency Response Plan shelter in place strategy is not consistent with the Tweed Development Control Plan 2008 and the SES have highlighted concerns with the proposal
 - undertake additional investigations relating to potential contamination beneath existing slab-on ground development and include the potential for historic pesticide treatments
 - balustrades to ILUs oriented to external boundaries should include opaque or non-permeable materials to limit overlooking impacts
 - skylights should be operable and designed to provide optimum cross ventilation
 - the total size of deep soil area has been overstated noting some areas do not meet the Apartment Design Guide (ADG) 6 m minimum width and/or include impervious surfaces such as footpaths
 - deep soil area is less than the Tree Canopy Guide for Low to Mid Rise Housing 15% recommendation
amend communal open space to provide consolidated (rather than narrow fragmented) areas.

4.4 Summary of public submissions

4.4.1 Summary of public submissions

29. The Department received 318 submissions during the public exhibition of the EIS. Of the 318 submissions, 291 raised objections, three provided comment and 22 were in support.
30. A summary of the key issues raised in public submissions is provided in **Table 5** and a link to all submissions in full is provided at **Appendix A**.

Table 5 | Key issues raised in public submissions in response to the EIS

Issue raised	Number and % of submissions
Traffic impact	226 (71.1%)
Flooding impact (adjoining properties, evacuation, cumulative impact)	221 (69.5%)
Inappropriate building height	218 (68.6%)
Adverse impact on existing local character of the area	118 (37.1%)
Loss of privacy / overlooking	112 (35.2%)
Operational noise impact	109 (34.3%)
Insufficient car parking	108 (34%)
Inappropriate bulk and scale of development	103 (28.6%)
Overshadowing of adjoining properties	91 (28.6%)
Construction impacts	84 (26.4%)
Density / overdevelopment of the site	63 (19.8%)
Affordability of future seniors accommodation	53 (16.7%)
Operational light spill	48 (15.1%)
Adverse impact and demand on existing infrastructure	42 (13.2%)
Private view/outlook loss	40 (13%)
Inconsistent with local planning controls	40 (13%)
Adverse visual impacts on the locality	38 (11.9%)
Adverse visual impact	37 (11.6%)

31. Other issues raised in less than 10% of submissions included the reduction of resident's quality of life, inadequate public consultation, insufficient aged care beds, biodiversity impacts, lack of dementia ward communal open space, inaccurate technical reports, wind impacts, reduction in property values and that the proposal sets a development precedent.

5 Assessment

5.1 Key assessment issues

32. The Department has considered the Applicant's EIS, RtS and additional information and the issues raised in submissions in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:
- built form and design
 - flooding and stormwater
 - amenity.
33. The Department's consideration of other issues is discussed at **Section 5.5** and the Appendices of this report.

5.2 Built form and design

34. The Department considers the following are the key aspects in determining built form suitability:
- building height
 - density
 - scale and visual impact
 - design quality.

5.2.1 Building height

35. Public submissions raised concern that the proposed building heights are excessive and inconsistent with the TLEP building height control.
36. The TLEP specifies a maximum permissible building height of 13.6m for the Kingscliff Street lot (light yellow in **Figure 8**) and 9 m to the four Lorien Way lots (brown in **Figure 8**).
37. The proposal seeks approval for building heights ranging between 7.9 m to 17.05 m (including rooftop enclosures and lift overruns). The heights of Buildings B to G exceed the maximum permissible height between 0.85 m to 3.45 m, while the height of Building A complies.
38. The proposed building heights and the exceedances are outlined in **Table 6** and shown in **Figure 8**.

Table 6 | Building height summary table

Building	TLEP maximum permissible building height	Proposed building height	Variation
Building A (ILU)	9 m	7.9 m	Nil
Building B (ILU)	13.6 m	17.05 m	+3.45 m (25.4%)
Building C (ILU)	13.6 m	16.62 m	+3.02 m (22.2%)
Building D (ILU)	13.6 m	14.45 m	+0.85 m (6.2%)
Building E (ILU)	13.6 m	14.45 m	+0.85 m (6.2%)
Building F (ILU)	13.6 m	14.65 m	+1.05 m (7.7%)
Building G (RCF)	13.6 m	16.82 m	+2.55 m (23.7%)

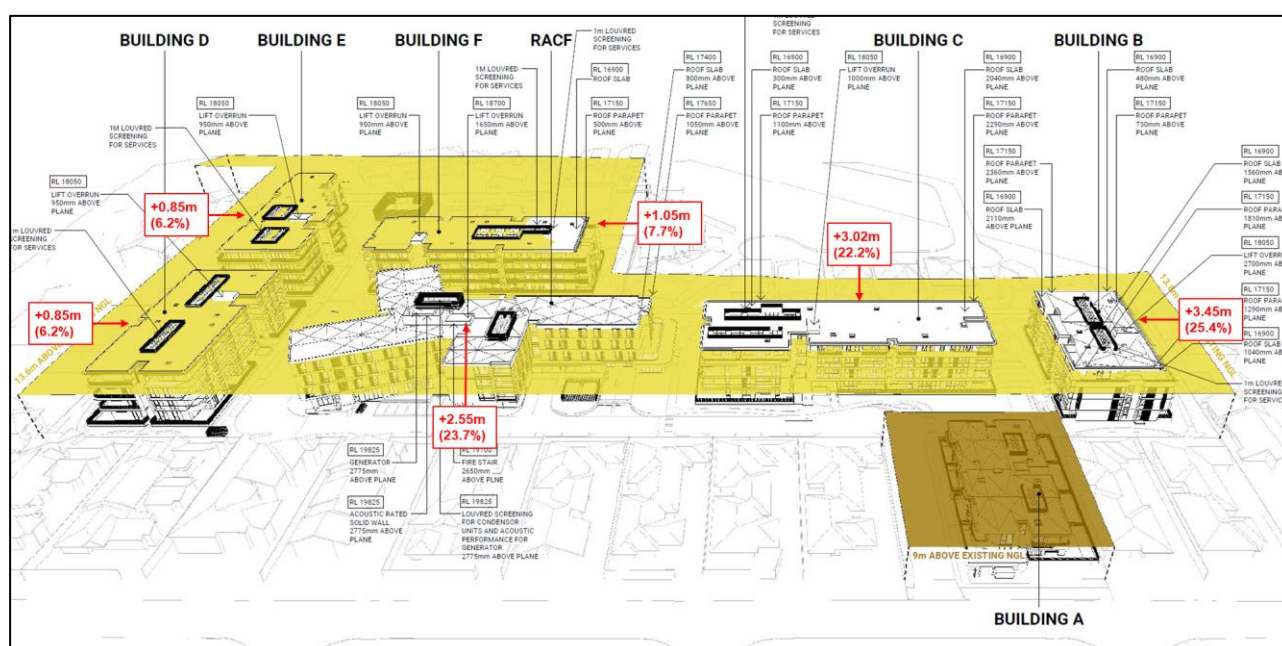


Figure 8 | TLEP height of buildings standard shown in yellow and the location of height exceedances based on the existing ground levels (including Basin depression) (Base source: Applicant's additional information)

39. As illustrated in **Figure 8**, the height exceedances largely relate to the roof level of Buildings B, C and G. The exceedances for Buildings B and C result from their location within the Basin depression. The exceedance for Building G is due to a larger ground level floor to ceiling height and the inclusion of a rooftop generator. Exceedances to Buildings D, E and F are minor and relate to lift overrun and plant screening. All buildings have also been raised 300mm to protect against potential climate change flooding impacts.
40. The Department has carefully considered the Applicant's clause 4.6 variation request in **Appendix D** and is satisfied that the height exceedance is acceptable, there are sufficient

environmental planning grounds to justify the variation and that compliance with the height standard in the Housing SEPP is unreasonable and unnecessary.

41. The Department is satisfied that the proposed building heights, including variations to the base TWLEP controls, are acceptable as:
- the proposal is consistent with the four-storey built form envisaged for the site and surrounding Kingscliff area
 - all buildings are well set back from site boundaries, incorporate recessed upper storeys, and provide a suitable built form transition to neighbouring properties
 - the height exceedance would not result in adverse amenity impacts, including overshadowing, overlooking or private view loss (see Section 5.4)
 - rooftop services, plant and lift overruns are centrally located to minimise visibility from the public domain
 - height variations are primarily due to in-filling of the basin depression, raising ground levels to address flooding, and aligning with adjoining properties
 - the design achieves a high standard of built form and appearance (see Section 5.2.3).

5.2.2 Density

42. Public submissions raised concerns that the proposal represents an overdevelopment of the site and suggested that the development density should be reduced.
43. The TLEP sets a maximum FSR of 1.93:1 across the site, comprising 2:1 for the Kingscliff Street lot (light yellow in Figure 8) and 0.8:1 for the four Lorient Way lots (brown in Figure 8).
44. The Department has carefully considered the concerns raised in the submissions as well as the information provided in the Applicant's EIS, RtS and additional information and is satisfied that the density of the development is appropriate for the following reasons:
- the proposal has a site-wide FSR of 0.96:1, comprising 0.98:1 for the Kingscliff Street lot and 0.60:1 for the Lorient Way lots, which is significantly below the maximum permissible FSR of 1.93:1 under the TLEP
 - the proposed density allows for generous boundary setbacks, landscaping, and communal open space, preserving the amenity of adjoining residential properties, particularly in relation to solar access, visual impacts, and privacy (see Section 5.4)
 - the proposed density is consistent with the four-storey built form envisaged for the site under the TLEP
 - the proposal would not result in adverse traffic impacts on the existing road network and provides adequate on-site parking (see Section 5.5).

5.2.3 Building scale and visual impact

45. Concern was raised in public submissions that the development presents unacceptable bulk and scale, is out of character within the existing low-density context, and would have negative visual impacts.
46. The application includes a Visual Impact Assessment (VIA), which assesses the visual impacts of the development from key public viewpoints (Figure 9). The Applicant's VIA concludes:
- close range views from adjoining streets are likely to experience noticeable visual changes, with more substantial changes from Blue Jay Circuit and Lorien Way. However, overall impacts are considered to be low to moderate
 - medium to long range views are likely to experience perceptible change, with the overall impact considered to be low.



Figure 9 | Existing (top) and proposed (bottom) views of Lorien Way (left) and Blue Jay Circuit (right) streetscapes (Base source: Applicant's RtS)

47. The Department has considered the Applicant's assessment of visual impacts on the public realm and the concerns raised by the community. The Department is satisfied that the scale of the proposed buildings would be compatible with the existing streetscape and would not result in adverse visual impacts as:

- all buildings present a built form that is generally consistent with a compliant development outcome
- the scale and character align with existing and approved apartment buildings within the broader Kingscliff area
- building setbacks and design provide for an appropriate built form transition to adjoining, lower-scale development, which mitigates visual impacts
- the proposed built form is articulated and incorporates a mixture of facade compositions and materiality which break up the design of the facade and reduce the visual bulk and scale
- the proposal has been amended to include screening landscaping within the setbacks between the development and adjoining boundaries that, when fully grown, would further reduce the bulk and scale of the development within the surrounding streetscapes.

5.2.4 Design quality

48. Concern was raised in public submissions that the proposed design of the development is not in keeping with the surrounding area.
49. The SEARs require the Applicant to address the objectives of good design in *Better Placed* and for the proposal to be reviewed by the Government Architect NSW's (GANSW) State Design Review Panel (SDRP).
50. Before lodging the application the proposal was presented to the SDRP for design review on 12 October 2022 and 2 August 2023. The SDRP was generally supportive of the proposal, noting several positive attributes. These included the extensive community consultation to inform design changes, the Connecting with Country framework, setbacks along western boundary, connected and contiguous external communal space, relocation of internal road to the western boundary and reduction in the density of the proposal to support improved to site planning.
51. The SDRP also provided recommendations including:
 - developing a holistic approach to Connecting with Country, incorporating landscape and buildings
 - consideration of landscaping and communal open space design and character
 - further consideration of internal site roads, paths and wayfinding
 - ensuring appropriate ILU and RCF residential amenity
 - integrated buildings sustainability opportunities.

52. The application includes a Design Report which responds to the seven objectives of good design in Better Placed, addresses the design provisions of the Housing SEPP, the Seniors Housing Design Guide, and provides a response to the SDRP advice and recommendations.
53. The Department has carefully considered the proposal and the advice provided by the SDRP. A detailed assessment of the SDRP's recommendations and the design response is provided at **Appendix F**. In summary, the Department is satisfied that the proposal has adequately responded to the SDRP's advice and would achieve a high-quality design outcome as:
- it provides a high standard of architectural design including varied materials, colours, and setbacks to articulate the facades and provide visual interest
 - the top floor / 4th storey is setback and uses darker materials, ensuring it is visually recessive
 - it provides generously sized and well-designed communal open space for all residents, along with the planting of 297 trees
 - it provides for high quality ILU and RCF internal layouts and is consistent with the seniors housing design quality principles in the Housing SEPP
 - it is generally consistent with the ADG, SHDG, and minimises amenity impacts to neighbouring residential properties.
54. On this basis, the Department concludes that the proposal achieves a high-quality design outcome that is compatible with the site's surrounding context, while delivering high amenity for future occupants and employees. To ensure that the building achieves the highest standard of design and appearance and maintains its design integrity, the Department recommends a condition requiring the submission of the final schedule of materials and a materials sample board.

5.3 Flooding and stormwater

Potential flooding of the site

55. The site is mapped as flood prone land that is subject to riverine and overland flooding as described below:
- during a 1% AEP event, flood modelling predicts a flood level of up to 3.12 m AHD, which results in:
 - the northern part of the site (existing United RCF) experiencing low level minor flooding (generally below 0.1 m)
 - flooding within the Basin to maximum depth of 3 m.

- during a 0.2% AEP event (once per 500 years), modelling predicts a flood level of up to 4.52 m AHD, with the majority of the site experiencing flooding depths of up to 1.5 m
- during a PMF event, modelling predicts the entire site may experience flooding depths of up to 8 m AHD
- as the floodplain is flat and broad, peak flood velocities are low with the primary hazard risks due to the potential flood depths.

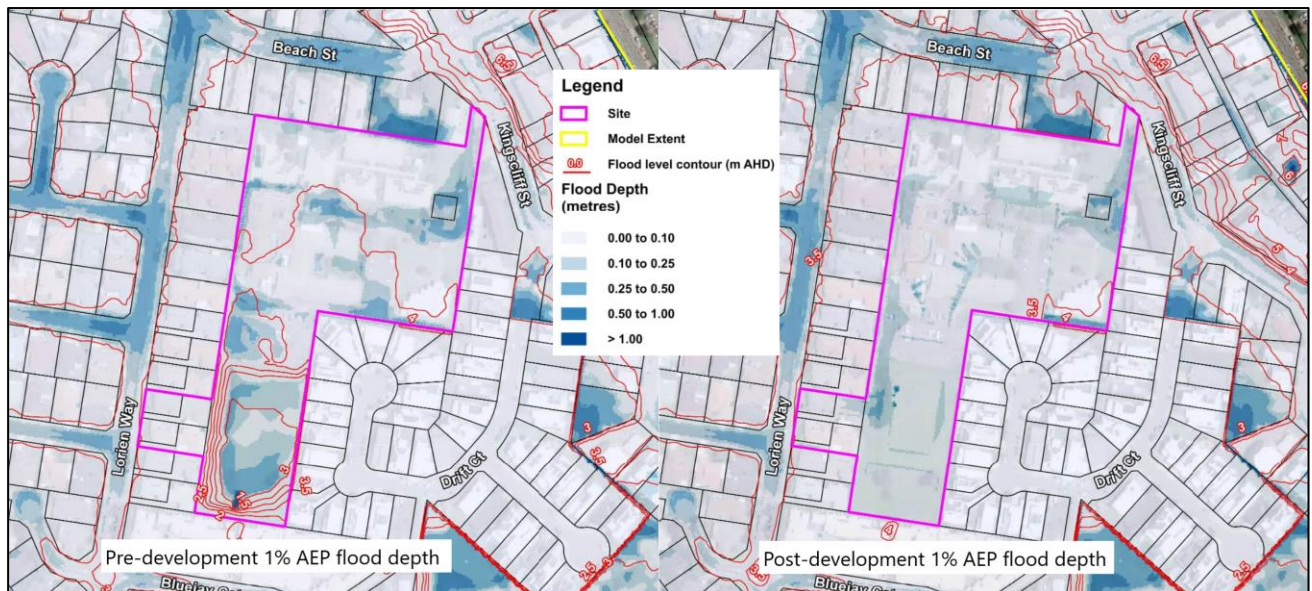


Figure 10 | Existing (left) and predicted post development (right) 1% AEP flood depths (Base source: Applicant's RtS)

56. Public submissions raised concerns regarding increased flood impacts on adjoining properties, the intensification of housing for vulnerable elderly people on a flood-prone site, cumulative flood impacts, and the adequacy of downstream infrastructure capacity.
57. The SES, in its submission, advised that it does not support any increase in the number of vulnerable people exposed to significant flood risk.
58. CPHR however have stated that all flooding issues had been adequately addressed by the applicant in revised plans and additional information.
59. Council raised concerns that the proposal would accommodate vulnerable RCF residents below the Probable Maximum Flood (PMF) level. Council was also concerned the proposed shelter-in-place (SiP) strategy is inconsistent with the TDCP, as it does not provide a refuge area comprising at least 50% of the total floor area above the PMF. Council recommended conditions relating to flood resilience building design, Finished Floor Levels, essential services, basement access design and implementation of the stormwater infrastructure.

Policy framework for flood assessment

60. Clause 5.21 and 5.22 of the TLEP outline matters that must be considered and that the consent authority must be satisfied of prior to granting consent to development on flood prone land. This includes:
- compatibility with the flood behaviours on the land
 - demonstrating no adverse flooding affectation impacts on neighbouring land or the environment
61. safe occupation, evacuation and appropriate mitigation measures to manage risk to life. Although development control plans do not apply to SSD, the Department notes TDCP includes flood design and operational guidelines for development of flood liable land that is specific to the area. Key guidelines include:
- design flood level (DFL) of 3.3 m AHD (3.6 m including climate change impact c.2100 (CC))
 - land filling / earthworks to a minimum of the DFL and essential services above the DFL
 - finished floor level (FFL) located 500mm above the DFL
 - for sensitive development proposing SiP, provide a minimum flood refuge area of no less than 50% of the total floor area above the PMF, or equivalent area that would comfortably accommodate and service the needs of occupants for at least one week.
62. In addition to the TLEP and TDCP, flood risk assessment is supported by a broader State Government policy framework, including the:
- *NSW Flood Risk Management Manual*, which provides a holistic framework for managing flood-prone land, supporting risk-informed land use planning, development controls, and emergency response strategies
 - *NSW Shelter-in-Place Guideline for Flash Flooding*, which helps assess when it's safe for people to remain on-site during flash floods
 - *NSW Planning Circular PS 24-001 Update on addressing flood risk in planning decisions* which enforces a risk-based approach to flood assessment in land use planning and development decisions, ensuring that proposals are evaluated proportionately to their flood risk to support safer, more resilient communities.

Flood and stormwater response

63. The application includes a Flood Impact Assessment (FIA) and Stormwater Impact Assessment (SWIA), which assess existing and predicted flood conditions, potential impacts and proposed stormwater infrastructure. The Applicant also provided a Flood Emergency Response Plan (FERP), which identifies the measures to mitigate flood risks and an action plan for flood events.

64. The Applicant's FIA and SWIA conclude flooding impacts and resident safety can be managed and mitigated subject to the following and the implementation of the FERP and includes the following design / infrastructure to address the flooding impacts and drainage requirements of the site (Table 7):
- bulk earthworks to infill the Basin and regrade the site to levels similar to adjoining properties
 - construct finished floor levels (FFLs) at 4.1 m AHD (being the climate change level of 3.6 m 1% AEP plus 500mm freeboard (as identified in the WDCP))
 - reduction of existing ground floor occupants from 171 (100% RCF) to 52 (100% ILU) residents
 - installation of on-site drainage network (pits, pipes, five underground on-site stormwater detention tanks (OSD)) for controlled discharge to the existing stormwater drainage pipe beneath Blue Jay Circuit
 - buildings to be reinforced concrete capable of withstanding floodwater impacts
 - provision of deep soil areas to maximise water infiltration into the groundwater table.
65. The FERP includes the following management and mitigation strategy:
- staged evacuation (using private vehicles and Applicant's mini-buses) via evacuation route along Marine Parade to high point at Kingscliff Public School, Orient Street
 - shelter in place strategy for high-care residents and associated staff (within refuge at levels 2 and 3 of the RCF) in the event of extreme flood.

Table 7 | Council's FDLs and the proposed FFLs (instances of flood above proposed FFL in red)

Location		Proposed FFL	1% AEP + CC	0.2% AEP	PMF
Buildings B to F	Ground floor	4.1 m AHD	3.6 m AHD	4.52 m AHD	8.01 m AHD
	Level 1	7.25 m ADH	3.6 m AHD	4.52 m AHD	8.01 m AHD
	Level 2	10.40 m AHD	3.6 m AHD	4.52 m AHD	8.01 m AHD
	Level 3	13.65 m AHD	3.6 m AHD	4.52 m AHD	8.01 m AHD
Building G / RCF	Ground floor	4.1 m AHD	3.6 m AHD	4.52 m AHD	8.01 m AHD
	Level 1	7.25 m ADH	3.6 m AHD	4.52 m AHD	8.01 m AHD
	Level 2	10.90 m AHD	3.6 m AHD	4.52 m AHD	8.01 m AHD
	Level 3	14.10 m AHD	3.6 m AHD	4.52 m AHD	8.01 m AHD

66. The Applicant stated that currently all RCF occupants and staff at the existing facility are vulnerable to inundation in a 1% AEP flood event as the existing ground floor level is 3.57 m AHD. The proposal reduces the existing flood risk to life on the site, allows safe occupation and efficient evacuation during a flood.
67. In response to the concerns raised in submissions, the Applicant increased the FFL of all buildings by 300mm, to 4.1 m AHD, to account for predicted climate change flooding impacts. This amendment ensures the ground floor of all buildings will be protected during the 1% AEP. In addition, basement ramps would include crests up to 3.8 m AHD to protect against the 1% AEP event. The applicant has noted that providing crests to protect against the PMF (8 m AHD) is impractical.
68. The primary flood emergency response strategy for the ILU residents and mobile RCF residents is to evacuate from the site in accordance with the submitted FERP. Therefore, only the occupants of the RCF building, who are less mobile, would be required to shelter in place during a flood event. Levels 2 and 3 of the RCF building have been designated as the flood refuge, as the ground floor and Level 1 are located below the PMF level. The flood refuge is designed to accommodate RCF residents for a 72-hour stay, which exceeds modelling predictions that the site would be isolated for up to 50 hours.

Department's assessment

69. In order to thoroughly consider the concerns raised by the community, SES, CPHR and Council, the Department engaged independent flood engineers, GRC Hydro, to review the flood risks and impacts, mitigation measures proposed and compliance with the TLEP flood provisions (the GRC Advice).
70. The GRC Advice (**Appendix G**) confirms that the Applicant's FIA has been prepared in accordance with the NSW Flood Risk Management Manual, has adequately responded to concerns raised by agencies and Council and has considered the on-site and off-site impacts and emergency management.
71. The GRC Advice concluded the proposed development and proposed flood emergency response measures would result in a net improvement to site flood risk. In addition, the proposed FERP introduces flood preparedness and evacuation measures that are an improvement to the existing facility, offer a better chance of successful protection of life through evacuation and, in an extremely rare worst case scenario, shelter in place for all occupants. The GRC Advice noted in particular:
- the proposed FFLs comply with the TLEP and TDCP, basements are protected and buildings are designed to resist the impact of floodwater forces up to the PMF level

- the development does not have an adverse flood impact the surrounding area and the inclusion of additional physical flood protection measures would likely mitigate off-site impacts
- currently all 171 existing occupants are vulnerable to inundation at the 1% AEP and rarer events up to the PMF. The proposal reduces the 1% AEP exposure to zero occupants and 52 occupants in a 1 in 230 year flood (0.435% AEP) event, which represents a significant improvement
- the proposal would result in a significant reduction in the site's flood risk score (cumulative flood hazard, exposure, and vulnerability) from 1.71 (existing) to 0.096 (proposed), representing a 94% reduction in flood risk to life relative to the existing risk at the site
- the staged FERP evacuation process and route for able-bodied residents is appropriate and in the case that some occupants miss the opportunity to evacuate, the proposed development has refuges areas that:
 - in a 1 in 180,000 year event (0.00056% AEP), allow relocation upstairs to Level 1 and above of Buildings A to F; and
 - in a riverine PMF event, allow relocation upstairs to Level 2 of Buildings B to F above the riverine PMF level
- although the site is expected to remain isolated for up to 50 hours during a PMF event, exceeding the preferred 12-hour limit under the NSW *Shelter-in-Place Guideline for Flash Flooding*, the proposal replaces an existing aged care facility that currently lacks flood protection for immobile residents. The proposed shelter-in-place strategy includes refuge areas on Levels 2 and 3 of the RCF building, offering sufficient space and bedding for less mobile residents and essential staff
- flood refuge areas meet the location specific recommendations of the TDCP, which define a PMF refuge as a structurally safe, accessible space capable of sustaining occupants for the expected duration of a PMF event. The proposed refuge meets these requirements, including provisions for food, water, power, bathrooms, medical facilities, lighting, and ventilation. Even in a worst-case scenario, the refuge would provide over 5 m² per person, consistent with Australian Red Cross guidelines for area size
- while the TDCP recommends one week of supplies for PMF events, the proposal includes at least 72 hours of supplies, which is considered acceptable given the modelled maximum isolation period of 50 hours
- the local flood characteristics, namely the short warning time for a peak flood hazard support a risk-based approach. In this context, the shelter-in-place strategy is considered

a reasonable and tolerable response to managing flood risk and represents a significant improvement over current site conditions.

72. The Department has carefully considered the proposal, the concerns raised in submissions, by Council and agencies and the independent advice provided by GRC.
73. In accordance with 5.21 and 5.22 of the TLEP, the application demonstrates that the proposal would minimise flood risk to life and property, enable development that is compatible with the flood function and behaviour of the land, avoid adverse impacts, and ensure the safe occupation of the site and efficient evacuation in the event of a flood. The proposal is also generally consistent with the TDCP provisions for flood-affected land, including requirements for PMF refuge design and functionality. A risk-based approach has been taken to the flood response, with mitigation measures tailored to the site's specific flood characteristics and the vulnerability of future occupants, consistent with guidance in the NSW Flood Risk Management Manual and NSW Planning Circular PS 24-001.
74. The Department accepts the conclusions of the GRC Advice and notes in particular that there is an overall reduction of vulnerable residents potentially impacted by flooding and those remaining potentially affected are limited to more able-bodied ILU residents. In addition, the predicted flooding impacts can be adequately managed and mitigated subject to implementation of the FERP, the bulk earthworks, building mitigation measures and proposed stormwater infrastructure. The Department considers SiP is the most appropriate emergency response for the RCF, noting the development would include adequate on-site facilities and refuge to facilitate this and as the relocation of vulnerable RCF residents would be extremely complicated and would pose safety risks.
75. The Department notes the proposed basement entry includes a crest height of 3.8 m AHD, which does not take account of predicted climate change impacts. The Department therefore recommends a condition requiring all basement crests be raised to 4.1 m AHD.
76. The Department also recommends conditions requiring:
 - flood resilience building design, FFLs, essential services, basement access design and implementation of the stormwater infrastructure
 - implementation of the FERP management and mitigation measures in perpetuity
 - implementation of worker flood safety induction and procedures during the construction phase.

5.4 Amenity

5.4.1 Future RCF and ILU amenity

77. The Housing SEPP requires the consent authority to assess the design quality of the RCF and ILUs against the Seniors Housing Design Guide (SHDG) and established design quality principles, including amenity. It also requires the consent authority to consider the ADG, which provides planning guidance and principles to ensure acceptable levels of internal amenity are provided to the ILU apartments.
78. The Department has undertaken a detailed assessment of the residential amenity of the proposal at **Appendix C**. The Department is satisfied the proposal has been designed to provide a high level of amenity for future residents generally in accordance with the SHDG, while maintaining a reasonable level of amenity to existing adjacent residents.
79. The Department is satisfied that the design of the proposed ILUs are generally consistent with key ADG design criteria, with the exception of solar access, building separation distance and open plan room depths. These issues, together with the Council's comments relating to communal open space (CoS), natural ventilation and deep soil are discussed within the following sections.

Solar access

80. For sites located outside the Sydney Metropolitan Area, the ADG recommends that at least 70% of apartments receive a minimum of 3 hours direct sunlight between 9am - 3pm at mid-winter (21 June) to living rooms and private open spaces.
81. The Housing SEPP includes a non-discretionary development standard (NDDS) requiring at least 70% of ILUs achieve 2 hours of direct solar access between 9am - 3pm regardless of their location (metropolitan / regional).
82. Between 9am and 3pm at mid-winter:
 - 129 of 199 ILUs (65%) receive 3 hours of direct sunlight, 5% less than the ADG standard
 - 178 of 199 ILUs (89%) receive 2 hours of direct sunlight, 19% more than the NDDS standard.
83. The Department is satisfied that the development provides adequate solar access to the ILUs consistent with the Housing SEPP NDDS and is consistent with the remaining ADG amenity objectives, ensuring that solar access is satisfactory and incorporates shading during warmer months.

Building F and G separation distance

84. The ADG recommends a minimum building separation of 12 m for buildings up to four storeys to ensure adequate visual privacy to future residents.
85. The Department is satisfied that all buildings exceed the recommended 12 m (Table 16 at Appendix C), with the exception of Building F and Building G (RCF), where a small portion of the buildings, specifically windows to two 1-bedroom ILUs and the RCF corner windows are separated by 10 m.
86. The Department has reviewed the Architectural Plans and note the affected RCF windows relate to sitting rooms and the side elevation of communal balconies. To address the potential for overlooking between the buildings, the Department recommends a condition requiring the treatment or redesign of the RCF windows. The Department does not recommend treatment of the affected ILU windows noting that those ILUs are single aspect and treatment would likely have an adverse impact on future residential amenity in terms of loss of outlook.

ILU Room depths

87. The ADG recommends open plan kitchen living rooms should have a depth from an external window of no more than 8 m. The majority of ILUs have open plan rooms with depths up to 10 m from a window.
88. The Department notes the Housing SEPP Seniors Housing Design Guide require layouts with increased internal circulation to all living spaces to ensure appropriate accessibility and adaptability. In this context, it is reasonable that minor variation to the recommended minimum room depth has occurred. This is supported by the fact that all apartments exceed the ADG minimum requirements for apartment and room sizes, and full-height windows are provided to all living rooms to maximise solar access.

Communal open space

89. The ADG recommends that an area equivalent to a minimum of 25% of the site be allocated as communal open space (CoS) with a minimum width of 3m. The ADG also recommends that 50% of the principal usable part of the communal open space should receive direct sunlight for a minimum of 2 hours between 9am - 3pm at mid-winter.
90. The proposal exceeds the ADG guidelines and includes 25.7% (7,415.8 m²) CoS with a minimum width of 3m. These areas are located between buildings and within the building setbacks to side and rear boundaries. More than 50% of the principal area of CoS (i.e adjacent to the RCF and including the pool) receives more than 2 hours of direct sunlight during mid-winter (Figure 11).

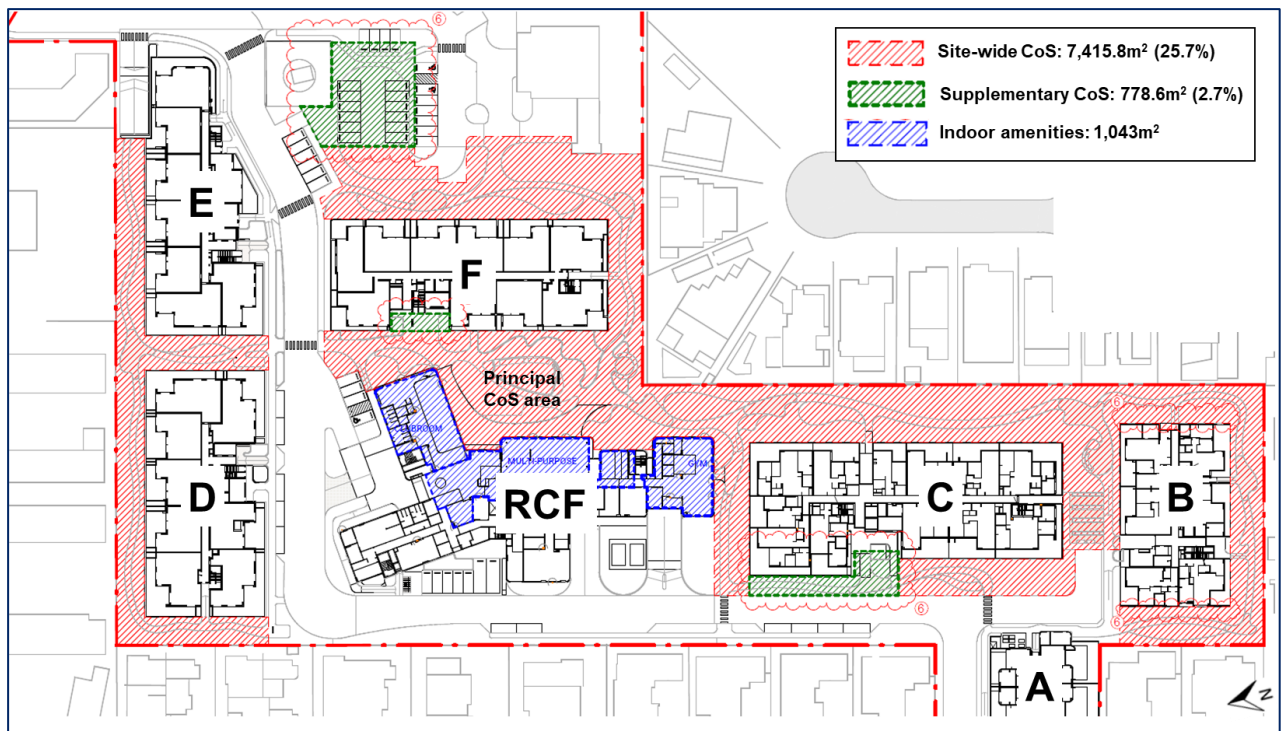


Figure 11 | Communal open space location (Base source: Applicant's additional information)

91. Council have recommended the CoS be amended to provide for more consolidated, rather than narrow and fragmented, areas.
92. In response, the Applicant stated the principal CoS is appropriately 1,200 m² and is a high quality and functional space. CoS within side and rear setbacks include appropriate planting, seating and encourages community gathering and social interactions.
93. The Department considers the CoS to be appropriate and complementary to the overall development as:
 - the CoS exceeds the ADG recommended minimum 25% allocation and 50% solar access guidelines
 - CoS located within side and rear setbacks are between 6 m and 9 m wide and exceed the ADG recommended 3 m minimum width guideline.
 - the principal CoS area located adjacent to the RCF is fronted by key amenities (clubhouse, café and multi-purpose rooms), includes high quality planting and furniture, includes a pool and creates a central focus for the development and future residents
 - all CoS pathways are designed as loops punctuated by cluster seating and pods, which prevent dead-ends, unresolved spaces and encourage community interaction.

Natural cross ventilation

94. The ADG recommends that at least 60% of apartments are naturally cross ventilated in the first nine storeys of a building. The proposal exceeds the ADG guidelines and includes 62.3% of ILUs being naturally cross ventilated.

95. Council noted the development relies on skylights within top floor ILUs to achieve the natural cross ventilation and recommended this form of cross ventilation be verified and that the skylights be operable.
96. The Applicant stated the skylights functionally improve the cross ventilation of apartments.
97. The Department notes the skylights would have a chimney-like effect, drawing air movement through top floor ILUs and is therefore satisfied this approach achieves is an acceptable form of cross ventilation. The Department has recommended a condition requiring the skylights to be operable.

Landscaping and deep soil

98. Council raised concern that the total size of deep soil area may have been overstated noting some areas do not meet the ADG 6 m minimum width and/or include impervious surfaces such as footpaths. Council recommended conditions relating to the implementation of the landscaping.
99. The Application includes a Landscape Report, Arboriculture Impact Assessment (AIA) and landscaping plans. The proposal provides 12,207 m² of hard and soft landscaping around all buildings, incorporating paths, seating and amenity areas. A total of 3,010 m² would be deep soil areas (10.35%). The proposal results in the removal of 76 existing trees and proposes 297 replacement trees throughout the site.
100. The ADG recommends that 7% of the site comprise deep soil zones with a minimum dimension of 6 m. However, the ADG recognises that achieving this figure may not always be possible depending on site constraints.
101. The Department notes the deep soil area calculation includes footpaths and other hard surfaces, and therefore the deep soil area may be less than 10.35%. However, deep soil would remain consistent with the ADG recommendation of 7%. The Department is satisfied the proposal provides a high quality landscape strategy for the site, which includes extensive tree planting, and concludes the landscaping and deep soil area is acceptable noting:
 - the site is constrained by stormwater detention infrastructure and Council's existing large sewer easements, which are located outside building footprints and these areas are excluded from the deep soil area calculation
 - on-site tree canopy coverage is increased from 2,098 m² (7%) to 8,245 m² (22%)
 - replacement planting will include a variety of endemic and indigenous species, providing shading, enhancing site landscaping and adequately compensates for the proposed removal of trees

- the planting palette and landscape design is appropriate, delivers a high-quality outcome that positively contributes to the site's character and streetscape and enhance residential amenity
- the landscaped design includes a through-site link, which is well integrated into the overall site planning and contributes to the visual and functional quality of the development.

102. The Department is satisfied that the proposal results in a high-quality landscape outcome for the site, which will contribute positively to the character of the site and surrounding streetscape. The Department recommends conditions relating to detailed landscape design and a maintenance program.

5.4.2 **Amenity impacts to adjoining properties**

Private outlook

103. Concern was raised in public submissions that the development would block private outlook, including views to nearby mountain ranges. Concern was also raised that potential impact to properties on Lorien Way had not been assessed.
104. Several existing adjoining properties at Lorien Way, Blue Jay Circuit and Drift Court have an existing outlook over the site from a ground floor and first floor perspective.
105. The amended Visual impact analysis (VIA) submitted with the application considers the impact of the proposal on the outlook of adjoining residential properties, including those on Lorien Way. The VIA concluded that the extent of impact from the proposal on adjoining properties would range from minor to moderate (**Figure 12**).
106. The Applicant stated the building design process was informed by community consultation, which led to design changes including a reduction in the bulk and scale of the development, reduction of the number of buildings, reduction in building heights from five to four storeys, increased setbacks and landscaping.



Figure 12 | Existing (top) and proposed (bottom) private outlook from Drift Court and Lorien Way properties (Base source: Applicant's RtS)

107. The Department has carefully reviewed the Applicant's VIA and considered the concerns raised in public submissions. The Department has specifically considered the impacts of the proposal on the adjoining residential properties and considers that impacts to outlooks are reasonable as:
- affected suburban and district outlook does not include iconic or significant elements, and are located at a distance, obtained through or over multiple privately owned properties, including the site
 - the development includes a minimum 9 m landscaped setback from adjoining properties, consistent with the recommended ADG boundary separation for sites adjoining low-density development. This approach maximises potential outlook for both adjoining properties and the site
 - adjoining residential properties affected by the proposal have only nominal building setbacks from the shared boundary (significantly less than the ADG minimum), and any redevelopment of the site would likely result in view and outlook impacts under such conditions
 - any development of the site in accordance with the TLEP height and FSR controls would likely result in a similar degree of outlook interruption, and the proposed height exceedances (Section 5.2.1) would not worsen these impacts.
108. The Department concludes the alteration to existing outlook is reasonable for the reasons outlined above. In particular noting the nature and distance of the affected views and that properties would retain an acceptable degree of outlook.

Overshadowing

109. Public submissions raised concern regarding overshadowing impacts to neighbouring properties.
110. Shadow diagrams submitted with the application show the overshadowing impact at mid-winter between 9am - 3pm and providing a comparison to existing development (Figure 13).

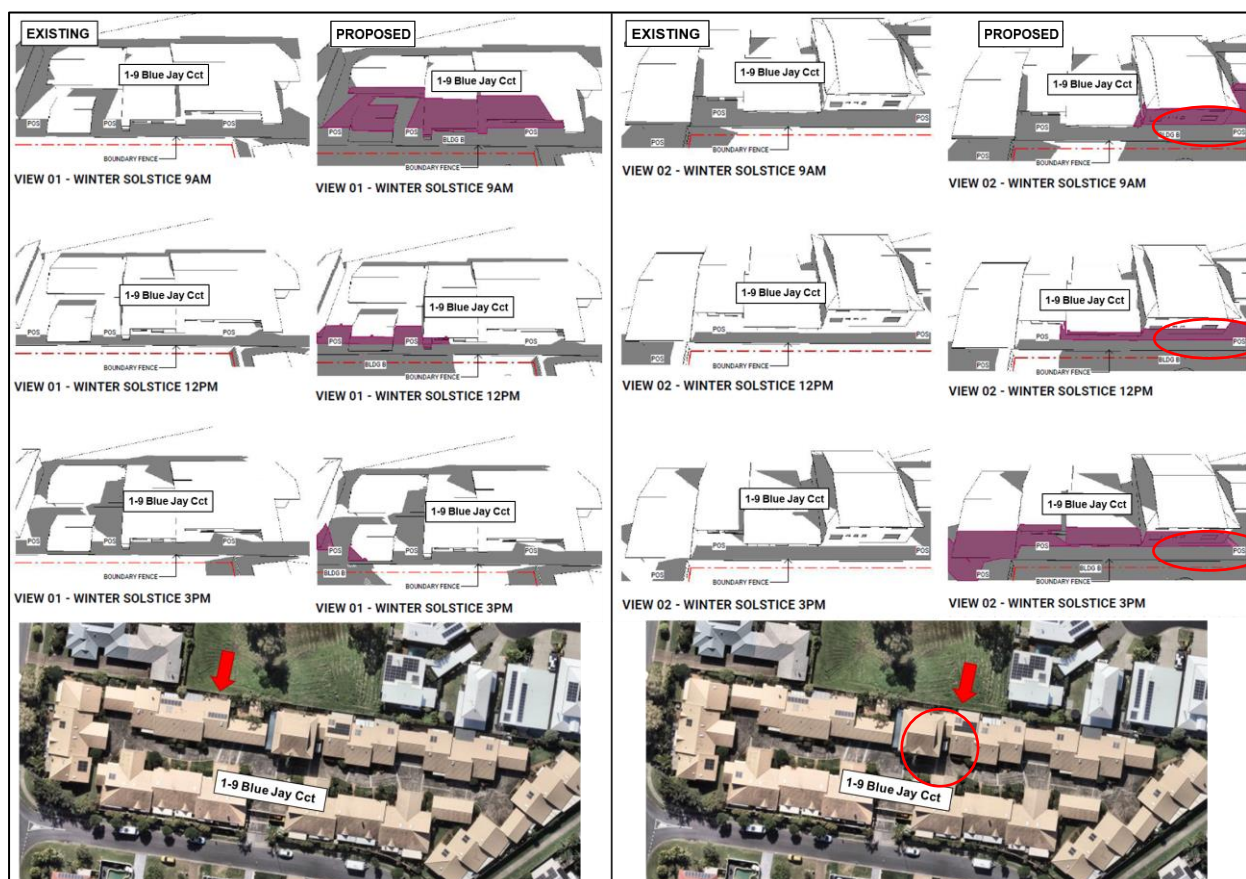


Figure 13 | Shadow diagrams for impacts to 1-9 Blue Jay Circuit between 9am – 3pm during mid-winter (Base source: Applicant's additional information)

111. An assessment of the modelled overshadowing impacts on surrounding residential developments demonstrates:
 - a minority of the ILU properties at 1-9 Blue Jay Circuit would experience a reduction in solar access to their rear-facing windows, as shown in View 2 of Figure 13. However, with the exception of two lower ground level windows (see property circled in red in Figure 13), the proposal would not restrict sunlight access to less than three hours during mid-winter
 - in all other locations, adjoining properties would receive at least three hours of direct sunlight to windows or where windows already receive less than three hours of direct sunlight, the proposal does not worsen the situation further.
112. The Applicant has stated that overall overshadowing impacts are minor and have been largely mitigated by the generous side and rear building setbacks.

113. The Department considers the overshadowing impacts generated by the proposed development to be reasonable, noting that in all but one instance, all neighbouring properties would retain at least three hours direct sunlight during mid-winter. While the Department acknowledges the solar impacts to 1-9 Blue Jay Circuit, these are considered acceptable noting:
- the proposal has incorporated a generous 9m setback from the southern boundary that is 3m greater than the ADG minimum for four storey development to minimise overshadowing impacts
 - 1-9 Blue Jay Circuit is located directly south of the site, with a minimal rear setback of approximately 2-3m from the shared boundary. While Building B exceeds the TLEP height control (refer to **Section 5.1**), some level of overshadowing would be expected from any compliant development on the site
 - overshadowing from the proposed development during the summer solstice and spring and autumn equinoxes would be negligible.

Privacy

114. Concern was raised in public submissions that the development would result in overlooking of adjoining residential properties and a loss of privacy. Specific recommendations from submissions included increasing the rear setback of Building A from the semi-detached dwellings at 35 and 37 Lorien Way, and designing the apartments to be single-loaded (i.e. all facing one way, away from neighbouring properties) rather than double loaded, to reduce overlooking.
115. Council recommended that balustrades oriented toward external boundaries should include opaque or non-permeable materials to limit overlooking impacts.
116. The proposal has been designed so that Buildings B to G have been set back a minimum of 9 m from all adjoining boundaries shared with properties fronting Kingscliff and Beach Streets, Lorien Way, Blue Jay Circuit and Drift Court. The development therefore meets or exceeds the ADG minimum boundary separation distances for maintaining privacy. The ADG does not apply to Building A as it is only two storeys in height.
117. In response to concerns raised in submissions, the Applicant:
- increased the Building A rear setback to 35 and 37 Lorien Way semi-detached dwellings from 4.35m to 6 m
 - revised and increased the density of proposed screen planting located within the setbacks shared with all adjoining properties
 - stated the generous building setbacks and balcony planters soften building interfaces and provide adequate visual buffers.

118. Based on the above refinements to the development, the Department is satisfied the proposal meets or exceeds the ADG recommended boundary separation distances, includes appropriate screening and therefore would maintain an appropriate level of visual privacy.
119. Noting the above, the Department does not consider it necessary that balconies be revised to be opaque or non-permeable in line with Council recommendations.

5.5 Other issues

120. The Department's consideration of other issues is summarised in Table 8.

Table 8 | Assessment of other issues

Issue	Consideration	Recommendation												
Traffic	- Concern was raised in public submissions about traffic generation, impact on the road network, adequacy of sightlines at vehicle entrances, cumulative impact with other developments, accidents / safety, capacity of Lorien Way, vehicle queuing at Kingscliff Street entrance and need for pedestrian crossings. - The application includes a Traffic Impact Assessment (TIA) which predicts the proposal would result in the following traffic generation per AM and PM peak hour:<table><tr><th>Peak</th><th>Existing RCF</th><th>Proposal</th><th>Difference</th></tr><tr><td>AM</td><td>36</td><td>94</td><td>+58</td></tr><tr><td>PM</td><td>36</td><td>94</td><td>+58</td></tr></table> - The table above shows that the development is modelled to generate approximately one additional vehicle per minute during peak weekday periods. - The application also includes a draft green travel plan (GTP) aimed at promoting sustainable travel and reducing reliance on private cars. - The TIA concludes: - vehicle movements would have a minimal impact on the operation and efficiency of local road network. - nearby intersections currently operate with minimal delay and the development would not adversely impact intersection performance following construction or within the future (10 year) scenarios.	Peak	Existing RCF	Proposal	Difference	AM	36	94	+58	PM	36	94	+58	The Department has recommended conditions requiring the preparation of a GTP and provision of car and bicycle parking in accordance with the proposal.
Peak	Existing RCF	Proposal	Difference											
AM	36	94	+58											
PM	36	94	+58											

Issue	Consideration	Recommendation
	○ Lorian Way has sufficient width (8.5 m) to accommodate local traffic and the development, adequate sightlines are provided at entrances and pedestrian crossings are provided within the development. ○ seven additional vehicles are predicted to make a right-turn into the site from Kingscliff Street during the AM and PM peak hours. However, as Kingscliff Street has sufficient width to allow cars to pass any cars waiting to enter the site there is no predicted queuing impact on the free-flow of traffic. ● Based on the TIA conclusions, the Department considers the: ○ predicted vehicle traffic generation would not result in adverse impact on the local road network or on intersection performance ○ the development has access to public transport options and includes 24 bicycle spaces ○ a private bus service would continue to operate reducing reliance on single vehicle travel ○ implementation of the GTP sustainable transport measures is likely to further reduce traffic impacts. (subject to finalisation of mode share targets, implementation and monitoring measures).	
Car parking	● Concern was raised in public submissions that insufficient staff and resident car parking has been provided and the development would result in additional parking pressure within surrounding roads. ● The Housing SEPP provides NDDS minimum parking standards for RCF and ILUs. A consent authority must not require a more onerous standard or refuse an application on the grounds of car parking if it provides the minimum amount set out by the NDDS.	The Department has recommended conditions requiring the: ● parking be provided in accordance with the proposal ● compliance with the applicable Australian Standards ● parking be used only by occupants, visitors and staff of the development ● provision of EV infrastructure in

Issue	Consideration	Recommendation																																			
	- The proposal includes 322 on-site car parking spaces, which exceeds the NDDS minimum of 74 as shown below:<table><tr><th>Type</th><th>NDDS min rate</th><th>NDDS min required</th><th>Proposed</th><th>Complies</th></tr><tr><td>ILU</td><td>1 per 5 ILUs</td><td>40</td><td>236</td><td>Yes (+196)</td></tr><tr><td>RCF visitor</td><td>1 per 15 beds</td><td>8</td><td>12</td><td>Yes (+4)</td></tr><tr><td>RCF Staff</td><td>1 per 2 staff</td><td>26</td><td>28</td><td>Yes (+2)</td></tr><tr><td>General</td><td>-</td><td>-</td><td>23</td><td>N/A (+23)</td></tr><tr><td>Church</td><td>-</td><td>-</td><td>23</td><td>N/A (+23)</td></tr><tr><td>Total</td><td></td><td>74</td><td>322</td><td>Yes (+248)</td></tr></table> - The Department considers the proposed parking for the development is acceptable as: - the proposal meets the NDDS minimum parking rates - the proposal includes more than one car parking space per ILU, in addition to dedicated visitor parking, which is considered adequate for the locality and the proposed development - the proposal would not result in adverse traffic generation impact - future ILU residents are likely to receive professional in-home care. These providers commonly drive and if resident's car spaces are not available, they would occupy visitor spaces.	Type	NDDS min rate	NDDS min required	Proposed	Complies	ILU	1 per 5 ILUs	40	236	Yes (+196)	RCF visitor	1 per 15 beds	8	12	Yes (+4)	RCF Staff	1 per 2 staff	26	28	Yes (+2)	General	-	-	23	N/A (+23)	Church	-	-	23	N/A (+23)	Total		74	322	Yes (+248)	accordance with the NCC.
Type	NDDS min rate	NDDS min required	Proposed	Complies																																	
ILU	1 per 5 ILUs	40	236	Yes (+196)																																	
RCF visitor	1 per 15 beds	8	12	Yes (+4)																																	
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Church	-	-	23	N/A (+23)																																	
Total		74	322	Yes (+248)																																	
Biodiversity	- The Applicant has submitted a Biodiversity Development Assessment Report (BDAR) that considers the biodiversity impact and offsetting obligation of the development. The findings and conclusions of the BDAR are set out below: - the site has previously been cleared and partially developed and remaining vegetation within the site is primarily planted gardens, lawns and exotic plant species - the Basin within the southern part of the site contains several regrowth native trees (Swamp Oak) and ground-layer vegetation dominated by exotic grasses. - the native vegetation on-site (approximately 0.4 ha) is generally aligned with plant community type (PCT) 3989	The Department has recommended conditions requiring: - the retirement of ecosystem and species credits - implementation of the BDAR management and mitigation measures and BSMP - landscaping and replacement tree planting in accordance																																			

Issue	Consideration	Recommendation
	– Far North Paperbark Fern Swamp Forest, an Endangered Ecological Community (EEC) ○ the proposal results in the removal of: - 0.4 ha of PCT 3989 generating an obligation of six ecosystem credits - 1.94 ha of potential habitat for the Wallum Froglet and Bush Stone-curlew generating an obligation of 13 species credits ○ mitigation and management measures and a Bush Stone-curlew Management Plan (BSMP) will limit direct and indirect biodiversity impacts during construction and operational phases ○ the BDAR was assessed in accordance with the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, and Matters of National Environmental Significance are not likely to be significantly impacted by the proposed development. • Public submissions raised concern about the biodiversity impact of the in-filling of the Basin and removal of PCT 3989. • Council recommended the retirement of credits, implementation of the BSMP and BDAR construction management and mitigation measures. • CPHR confirmed that the information provided in the RtS and additional information has addressed all of its comments. • The Department has considered the BDAR and advice provided by Council and CPHR and is satisfied the biodiversity impacts are acceptable for the following reasons: ○ the site comprises highly modified, disturbed and fragmented vegetation of low ecological value, within an urban setting ○ much of the affected vegetation is within the Basin, below the natural ground level and due to necessary flood mitigation retention of the vegetation is impractical ○ native vegetation and habitat removal is offset by six	with the landscape plans.

Issue	Consideration	Recommendation
	ecosystem and 13 species credits and landscape works (including tree planting). The Department's assessment concludes that the proposal has been designed to avoid and minimise impacts on the local biodiversity where possible. The residual impacts would be satisfactorily offset via recommended conditions including retiring ecosystem and species credits in accordance with the BDAR and landscape works.	
Operational waste	- The application includes a draft Waste Management Plan (WMP), which considers operational waste management and confirms compliance with Council's requirements and best practice standards. The WMP proposes: - a private contractor would collect waste - appropriately sized waste rooms / storage bin storage is provided at ground level - waste management by the building manager and contractors. - The site access and internal road design accommodates an 8.8 m waste truck to service the site. - Council recommended standard operational waste conditions and that site servicing only occur between 7am and 6pm Monday to Friday and 8am to 6pm Sunday and public holidays. - The Department considers the waste facilities and processes acceptable, subject to conditions requiring the implementation of the final operational WMP and Council's recommended hours of operation.	The Department has recommended a condition requiring the Applicant develop and implement a final OWMP and the servicing hours of operation.
Operational noise	- Concern was raised in public submissions about the potential for noise from the amenities, open spaces, mechanical plant, waste collection and traffic. Council recommended standard operation noise conditions. - The application includes a Construction, Noise and Vibration Assessment, which confirms the nearest sensitive receivers to the site are the adjoining residential properties fronting Beach and, Kingscliff Streets, Lorien Way and Blue Jay Circuit. Operational noise sources would primarily arise	The Department has recommended conditions requiring implementation of: - Construction, Noise and Vibration Assessment management and mitigation measures - RCF amenities hours of

Issue	Consideration	Recommendation
	from the use of ILU and RCF indoor amenities, outdoor communal areas, mechanical plant, loading dock and road traffic. • The Construction, Noise and Vibration Assessment undertook noise monitoring to determine the existing background and ambient noise levels and establish the following project noise trigger levels at the nearest sensitive receivers during in accordance with the Noise Policy for Industry: ◦ 43 to 46 dB(A) during the day and evening (7am - 10pm) ◦ 38 dB(A) at night, being after 10 pm. • The Construction, Noise and Vibration Assessment concludes the proposed operation of the communal open spaces, mechanical plant, waste collection and traffic would not result in noise exceedances above the project noise trigger levels subject to the implementation of the following mitigation measures: ◦ installation of a site boundary acoustic fence / barrier, acoustic louvres to rooftop mechanical plant and emergency generator ◦ limit waste collection to between 7am and 6pm. • The Department notes the Construction, Noise and Vibration Assessment indicates that the RCF amenities would not be used after 10pm, however, it does not propose hours of operation. To address concerns raised relating to noise from the RCF amenities, the Department recommends those indoor facilities only operate between 7am to 10pm and no amplified music be played within the communal open spaces that gives rise to a nuisance. • Subject to the implementation of the above management and mitigation measures, the Department is satisfied the development would not result in adverse operational noise impacts.	operation • Council's waste collection hours.
Aboriginal cultural heritage	• The Aboriginal Cultural Heritage Assessment Report (ACHAR) submitted with the application found that no Aboriginal objects or areas of archaeological potential are identified within the site. The ACHAR recommended	The Department has recommended conditions requiring the implementation of the

Issue	Consideration	Recommendation
	mitigation measures including continued consultation with Registered Aboriginal Parties and an unexpected finds protocol in relation to Aboriginally specific relics or remains. • HNSW ACH reviewed the ACHAR, agreed with its findings and recommended conditions of consent. • Subject to compliance with Heritage ACH's conditions, the Department is satisfied that sufficient consideration has been given to the Aboriginal cultural heritage of the site.	ACHAR mitigation measures and compliance with Heritage ACH's conditions.
Signage	• Concern was raised in public submission about the potential impact of signage illumination on adjoining properties. Council recommended standard signage conditions. • The plans submitted with the Application indicate the provision of two, illuminated business identification signs, one located at the Kingscliff Street entrance and the other at the Lorient Way entrance to the site. • In response the Applicant stated in its additional information that no signage is proposed. However, the signage has not been removed from the plans. • The Department notes the above ambiguity relating to signage provision. For the avoidance of doubt, the Department has recommended a condition confirming that no consent is granted for signage.	The Department has recommended a condition confirming no consent is granted for signage.
Light spill	• Concern was raised in public submissions that operational lighting would have an adverse impact on adjoining properties. Council recommended the Applicant prepare a Light Impact Assessment (LIA). • In response the Applicant prepared a LIA, which outlines the lighting design, standards and confirms compliance with the relevant Australian Standards to prevent adverse light spill impacts. • Subject to a condition requiring compliance with the LIA and the relevant Australian Standards preventing obtrusive lighting, the Department is satisfied the operational	The Department has recommended a condition requiring compliance with the LIA.

Issue	Consideration	Recommendation
	development would not result in adverse light spill impacts to adjoining neighbours.	
Fire and rescue	- FRNSW recommended the development address the relevant National Construction Code (NCC) requirements relating to Electric Vehicle (EV) charging. - In response the Applicant stated the proposal has been reviewed by a fire safety engineer, would comply with the NCC Fire Safety Performance Requirements and the fire safety design of the building will include a mixture of prescriptive and address the provisions relating to EVs and EV chargers. - Subject to the development obtaining the necessary fire safety certificate(s) and meeting NCC requirements, the Department is satisfied the development would adequately address fire risk and management.	The Department has recommended a condition requiring the development meets NCC requirement.
Wind	- Concern was raised in public submissions about the potential wind impact of the development. - The Qualitative Wind Assessment (QWA) submitted with the application concluded: - the development would have some effect on the local wind environment. However, changes would not have an adverse impact on pedestrian comfort or safety - conditions within the development are suitable for pedestrian standing to walking, with pedestrian sitting conditions in more protected areas - the development passes the wind safety criterion. - Based on the findings of the QWA, the Department is satisfied the development would not have an adverse impact on the wind environment within or external to the site.	No conditions or amendments necessary.
Construction noise and vibration	- Concern was raised in public submissions about construction noise impacts. - The Interim Construction Noise Guidelines (ICNG) recommend limits to construction noise impacts in NSW. In particular, it sets noise management levels (NML), standard construction hours (7am to 6pm Monday to Friday and 8am	The Department has recommended conditions requiring the implementation of the Applicant's and Department's construction

Issue	Consideration	Recommendation																				
	to 1pm on Saturdays) and notes that noise impacts above 75 dB represent a point where sensitive receivers may be ‘highly noise affected’ and additional mitigation is warranted. - The Applicant confirms construction would be carried out in accordance with ICNG standard hours of construction (with the exception of potential out of hours deliveries), however construction noise is predicted to exceed the ‘highly noise affected’ levels without mitigation (as summarised in the following table): <table><tr><th>Receiver</th><th>NML dB(A)</th><th>Predicted dB(A)</th><th>Exceedance dB(A)</th></tr><tr><td>Beach and Kingscliff Streets</td><td>49</td><td>13 – 87</td><td>Up to 29</td></tr><tr><td>Drift Court</td><td>51</td><td>21 – 77</td><td>Up to 26</td></tr><tr><td>Blue Jay Cct</td><td>51</td><td>12 – 78</td><td>Up to 27</td></tr><tr><td>Lorien Way</td><td>51</td><td>12 – 86</td><td>Up to 35</td></tr></table> - The CNVA indicates that the most significant noise exceedances would occur during intensive excavation, demolition and preliminary works phases and impacts would reduce during general construction works. Vibration impacts could occur during excavation and construction works. - To address the predicted exceedances the CNVA recommends: - installation of a temporary 2.4 m high noise screen around the site (up to 15 dB(A) reduction) - plant and equipment selection (5-12 dB(A) reduction) - worker induction, community consultation, noise complaint procedure. - implement vibration buffer distances and monitoring. - The Department has considered the findings of the Applicant’s CNVA and considers some noise exceedances to surrounding properties during construction would be unavoidable, given the scale of the development and the proximity to residential properties in the immediate	Receiver	NML dB(A)	Predicted dB(A)	Exceedance dB(A)	Beach and Kingscliff Streets	49	13 – 87	Up to 29	Drift Court	51	21 – 77	Up to 26	Blue Jay Cct	51	12 – 78	Up to 27	Lorien Way	51	12 – 86	Up to 35	noise and vibration mitigation measures and adherence to the ICNG construction hours.
Receiver	NML dB(A)	Predicted dB(A)	Exceedance dB(A)																			
Beach and Kingscliff Streets	49	13 – 87	Up to 29																			
Drift Court	51	21 – 77	Up to 26																			
Blue Jay Cct	51	12 – 78	Up to 27																			
Lorien Way	51	12 – 86	Up to 35																			

Issue	Consideration	Recommendation
	surrounding area. - The Department notes the most significant noise impact would be temporary and largely limited to excavation and preliminary works. Notwithstanding this, the Department acknowledges that, even including proposed mitigation measures, the works are likely to exceed the NMLs and potentially the ICNG's highly noise effected criteria. The Department therefore considers the following noise mitigation measures, in addition to the CMVA measures, are also necessary to further mitigate impacts: - prepare and implement a final CNVMP - no out of hours vehicle deliveries - providing advance notice to neighbours of high-noise activities - idle plant and vehicles are switched off - implementation of noisy work respite periods - construction hours to ICNG standard - Based on the above assessment, the Department is satisfied construction works can be appropriately managed to allow efficient construction while minimising and managing disruption to nearby amenity.	
Groundwater	- The Hydrogeological Assessment submitted with the application concluded groundwater will be encountered within the basement excavations and therefore the site would need to be dewatered during earthworks / construction. - DCCEE Water recommended conditions requiring sufficient water entitlement be held in a water access licence (WAL) unless an exemption applies, the basement should be a tanked design, and a Dewatering Management Plan (DMP) be implemented. - Council recommended standard dewatering and disposal of water take conditions. - The Department is satisfied that the site will not result in an unacceptable groundwater impact subject to conditions.	The Department has recommended conditions requiring: - a WAL (or exemption) - a tanked basement design - implement the DMP - Council's standard dewatering and water take disposal conditions.
Other	Concern was raised in public submissions about	The Department has

Issue	Consideration	Recommendation
construction impacts	construction impacts relating to dust, air pollution and vehicle movements. The Application includes draft Construction Pedestrian and Traffic Management Plan (CPTMP) and WMP, which consider traffic and waste impacts and suggests processes and mitigation measures. • The site is located within an established urban environment, which is accessed via existing residential streets and in this context, it is likely that some construction impacts would be unavoidable. However, the Department considers construction impacts can be kept within acceptable parameters subject to the construction occurring in accordance with the hours of construction and works being undertaken in accordance with standard practices for development sites within urban areas. • The Department has recommended the preparation of a detailed CEMP to holistically address the likely environmental impacts arising during construction phase (noted above). The Department also recommends the Applicant prepare dilapidation report(s), a construction worker transport strategy and flood safety measures during construction to ensure these matters are addressed.	recommended conditions requiring the implementation of the CEMP, dilapidation report(s), construction worker transport strategy and flood safety measures.
Sewer	• The site is affected by easements, which accommodate underground culverts from Council's sewer pump station (SPS). • A gravity sewer drainage system is proposed to reticulate throughout the site and connect to the existing SPS. In addition, the SPS would be supplied with electricity from one of the two proposed new on-site electrical sub-stations. • Council recommended the entire sewer load of the development be directed to the SPS, electricity be maintained to the SPS at all times and that private sewer infrastructure not be located within existing easement(s). The Applicant agreed to Council's requirements. • The Department is satisfied the sewer connection and SPS power requirements can be met subject to conditions.	The Department has recommended conditions requiring: • the entire sewer load be directed to the SPS • power be maintained to the SPS at all times • private sewer infrastructure not be located within existing easement(s).
Development contributions	• The development is subject to the following contribution requirements:	The Department has recommended conditions to

Issue	Consideration	Recommendation
	○ Section 7.11 and contributions under the Tweed Contribution Plan Nos. 4, 7, 11-13, 15, 18, 22 and 26 (the Contributions Plans). • Council recommended a condition requiring the payment of \$3,948,209 in accordance with the Contribution Plans. • A condition of consent is recommended requiring the payment of contributions in line with Council's Contribution Plans.	ensure contributions are paid in accordance with the Contribution Plan
Demand on medical services and open spaces	• Concern was raised in public submissions that the proposal would place undue additional pressure on existing hospitals and public open spaces. • The Department does not consider the proposal would place undue pressure on medical services and public open spaces, noting: ○ the local strategic planning framework and site zoning envisages an intensification of use on the site ○ the proposal is below the maximum FSR permitted under the TLEP, and is consistent with the density of development and resident population anticipated for the area ○ the RCF will include on-site medical staff to address likely needs of residents and the development incorporates communal open spaces conveniently located to the ILU and RCF accommodation ○ the ongoing review and upgrade (as necessary) of local health services and parks is the responsibility of NSW Health and Council, which ensures these facilities address community need.	No conditions or amendments necessary.
Insufficient RCF beds	• Concern was raised in public submissions that the proposal should include more RCF beds and less ILUs. • The project would increase RCF beds up to 120. The Department supports the provision and expansion of seniors housing on the site, the increase in RCF beds and the incorporation of ILUs, which would allow for residents to age in place.	No conditions or amendments necessary.

Issue	Consideration	Recommendation
Dementia ward open space	- Concern was raised in public submissions that the RCF did not include dedicated open space for the dementia ward. - The project would provide a 170 m² balcony space at Level 1, adjacent to the dementia ward. This space will provide a calming and safe outdoor communal space where residents can gather, socialise, and participate in activities together.	No conditions or amendments necessary.
Community engagement	- Concern was raised in public submissions about a lack of community consultation and that insufficient consideration has been given to objections raised. - The Applicant submitted a Consultation Outcomes Report with the EIS, stating that community engagement was carried out in accordance with the Department's 'Undertaking Engagement Guidelines for State Significant Projects'. In addition, the Applicant provided a RtS detailing the matters raised in submissions, its responses to these and amendments to the proposal. - The Department's engagement is summarised in Section 4. - The Department considers consultation and engagement on the proposal has been reasonable and proportionate.	No conditions or amendments necessary.
Development precedent	- Concern was raised in public submissions that the proposal would set a precedent for other seniors housing developments within the area. - The Department notes the development of any other site for seniors housing would be subject to a separate local development application or SSD application (depending on the size and nature of development), and would be publicly exhibited and determined in accordance with the relevant planning controls. - The Department concludes the proposal would therefore not set a development precedent.	No conditions or amendments necessary.
Property value	- Concern was raised in public submissions that the proposal would adversely impact existing adjoining property values. - The Department has assessed the merits of the proposal in detail within Section 5 and concludes, subject to conditions, the development has acceptable impacts. The	No conditions or amendments necessary.

Issue	Consideration	Recommendation
	Department is therefore satisfied the proposal is unlikely to result in any significant adverse amenity impacts.	

6 Evaluation

121. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, Council and public submissions, and government policies and plans
122. The Department's assessment concludes that the proposal is acceptable as:
- it would support State government priorities to deliver well-located seniors housing as it will deliver 199 new ILUs and 120 RCF beds to meet the changing needs of an ageing population in an accessible location close to Kingscliff town centre
 - it is permissible with consent and would provide a housing development, and ancillary uses, consistent with the objectives of Zone R1 General Residential and R2 Low Density Residential under the TLEP
 - the proposed two and 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
 - it would regrade ground levels, complies with local flood planning levels, includes refuge above the PMF level, includes a detailed FERP and results in an overall reduction in the flood risk for vulnerable occupants
 - it would provide a high level of internal and external amenity for future residents of the ILUs and RCF in line with the principles and design criteria of the ADG and SHDG
 - it would not result in unreasonable overshadowing, view and privacy impacts on adjoining development or adverse traffic impacts to the local road network
 - it would deliver public benefits including the provision of seniors housing and generate 260 construction and 51 additional operational jobs.
123. The Department has recommended a range of conditions to manage any residual environmental impacts. Refer to the recommended conditions of consent at **Appendix H**.
124. The Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is approvable, subject to conditions.

Glossary

Abbreviation	Definition
1% AEP	1 in 100 annual exceedance probability
ACHAR	Aboriginal Cultural Heritage Report
ADG	Apartment Design Guide accompanying the Housing SEPP
Applicant	Uniting (NSW.ACT)
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Reg	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
CC	Climate change
CPHR	DCCEEW - Conservation Programs, Heritage and Regulation
Commission	Independent Planning Commission
Consent	Development Consent
Council	Tweed Shire Council
Department	Department of Planning Housing and Infrastructure
DCCEEW	Department of Climate Change, Energy, the Environment and Water
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
EV	Electric vehicle
FDL	Flood design level
FERP	Flood Emergency Response Plan

Abbreviation	Definition
FFL	Finish floor level
FIA	Flood Impact Assessment
FSR	Floor Space Ratio
GFA	Gross Floor Area
GRC Advice	GRC Hydro review of the Applicant's Flood Impact Assessment
Housing SEPP	State Environmental Planning Policy (Housing) 2021
ICNG	Interim Construction Noise Guidelines
ILU	Independent living unit
Infrastructure SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021
LGA	Local government area
Minister	Minister for Planning and Public Spaces
NDDS	Non-discretionary development standards
NCC	National Construction Code
Planning Secretary	Planning Secretary of the Department of Planning and Environment
PMF	Probable maximum flood
RAP	Remediation Action Plan
RCF	Residential aged care facility
RtS	Response to Submissions
SDRP	NSW State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SHDG	Seniors Housing Design Guide, November 2023
SiP	Shelter in place
SSD	State significant development

Abbreviation	Definition
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
TDCP	Tweed Development Control Plan 2008
TfNSW	Transport for New South Wales
TIA	Traffic Impact Statement
TLEP	Tweed Local Environmental Plan 2014

Appendices

Appendix A – Reference documents, submissions and advice

The following documents can be accessed at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/uniting-kingscliff-redevelopment>

- Environmental Impact Statement
- Response to Submissions
- Applicant's additional information
- Submissions (public and Council)
- Government agency advice

Appendix B – Summary of the Department's consideration of community views

Table 8 | Key issues and how they have been considered

Issue	Consideration
Traffic and parking	The proposal is expected to generate 58 additional vehicle trips during the AM and PM peak periods, which is not anticipated to result in an adverse impact on the local road network or on intersection performance. In addition, car parking, ambulance and service vehicle spaces meet or exceed the non-discretionary development standards, bicycle parking exceeds the Tweed Development Control Plan 2008 requirement and implementation of a green travel plan is likely to further reduce traffic impacts. <i>Recommended conditions:</i> • Provision of car, ambulance, service vehicle and bicycle parking and associated facilities in accordance with the proposal. • Implementation of the green travel plan.
Height, scale, impact on local character and visual impact	The proposal provides for an acceptable height, bulk and scale as: • the height and scale would be consistent with the existing and emerging character of the locality and is consistent with the site's R1 general and R2 low density residential zoning • the proposal includes generous setbacks to side boundaries and provides for an appropriate built form transition to adjoining low-density properties • it would not result insignificant overshadowing, privacy or private view impacts other amenity impacts to neighbouring properties.

Issue	Consideration
	The potential visual impacts of the proposal are also considered to be appropriate and would not generate adverse impacts on the surrounding existing streetscapes. <i>Recommended condition:</i> • Submission of the final schedule of materials and a materials sample board.
Density	The Department considers the density of the development is acceptable noting it complies with the <i>Tweed Local Environmental Plan 2014</i> (TLEP) maximum floor space ratio development standards, and the impacts of the proposed density (built form, visual, amenity and traffic impact) are acceptable. No conditions recommended.
Flooding	The proposal includes a Flood Impact Assessment (FIA) and Flood Emergency Response Plan (FERP), which concludes flooding impact and resident safety can be managed and risks can be adequately mitigated. The FERP recommends the site be evacuated during extreme flood events with less able-bodied RCF residents to shelter in place. The Department engaged an independent flood engineer (GRC Hydro) to review flood risks and impacts. GRC Hydro concluded that the proposal would result in an improvement to site flood risk and the FERP introduces flood preparedness and evacuation measures that are an improvement to the existing facility. GRC Hydro also confirmed the development has been appropriately designed to address flood and flood impacts and has adequately addressed all on-site and off-site impacts and emergency management. <i>Recommended conditions:</i> • implementation of the FERP • implementation of appropriate flood resilient design, finished floor levels, essential services, basement access and stormwater infrastructure • implementation of construction worker flood safety induction and procedures.
Construction impacts	Construction impacts associated with the proposal can be appropriately managed, subject to conditions of consent in line with the recommendations of submitted construction impact assessments and management. Additional conditions are also recommended ensuring the works do not cause unreasonable impact to the amenity of adjoining residents or result in any damage to adjoining development and public domain. <i>Recommended conditions:</i>

Issue	Consideration
	• implement CNVA's construction noise mitigation measures, including sound barriers • prepare and implement a final Construction Noise Vibration Management Plan • adhere to Interim Construction Noise Guidelines standard construction hours and no out of hours deliveries • implementation of noisy work respite periods and switching off idle vehicles • implementation of a Construction Pedestrian and Traffic Management Plan, Waste Management Plan, Environmental Management Plan and worker transport strategy • undertake dilapidation report(s) and flood safety measures.
Operational noise	The operation of the communal open spaces, mechanical plant, waste collection and traffic would is not anticipated to result in noise exceedances above the project noise trigger levels subject to the implementation of mitigation measures relating to the installation of acoustic treatments. <i>Recommended conditions:</i> • Implementation of the construction noise and vibration assessment's recommended noise mitigation measures. • The operation of the indoor ancillary amenities is limited to 7am to 10pm and no amplified music be played within the communal open spaces that gives rise to a nuisance. • Waste collection to occur to between 7am and 6pm.
Privacy	The proposal has been designed so that Buildings B to G have been set back a minimum of 9 m from all adjoining boundaries. The development therefore meets or exceeds Apartment Design Guide minimum boundary separation distances for maintaining privacy. The Applicant increased the Building A side setback with 33 Lorien Way from 4.35m to 6 m, to be consistent with ADG separation distance for sites within the same zone and screening planting is provided within all setbacks shared with all adjoining properties. No conditions recommended.
View/outlook impacts	The alteration to existing outlook is considered reasonable noting that key aspects of the views are situated at distant locations from affected properties and through / over numerous privately owned properties.

Issue	Consideration
	The affected properties would retain an acceptable degree of outlook and any redevelopment of the site would likely result in similar degree of interruption of view / outlook. No conditions recommended.
Overshadowing	The proposal does not result in unacceptable overshadowing impacts and the affected properties would generally continue to maintain an acceptable level of sunlight access during mid-winter. No conditions recommended.
Light spill	The Light Impact Assessment submitted with the application outlines the lighting design, standards and confirms compliance with the relevant Australian Standards to prevent adverse light spill impacts. <i>Recommended condition</i> • Compliance with the relevant Australian Standards.
Affordability	There is no legislative requirement or local provisions requiring the provision of low-cost / affordable seniors housing. Notwithstanding this the proposal offers ILU and RCF senior housing typologies, ILUs comprise a good mix of dwelling sizes and therefore the development would accommodate people of various income levels and needs. No conditions recommended.
Demand on infrastructure	The proposal would not place undue pressure on medical services and public open spaces, noting local controls envisage an intensification of use on the site and the proposal includes on-site medical facilities and communal open spaces conveniently located to the ILU and RCF accommodation. No conditions recommended.
Consultation	Public consultation was undertaken by the Applicant, as outlined in its EIS, prior to the lodgement of the SSD application. The EIS was publicly exhibited in accordance with the relevant policies and legislation and considers consultation and engagement on the proposal has been reasonable and proportionate. No conditions recommended.

Appendix C – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in Table 10.

Table 10 | Matters for consideration

Matter for consideration	Department's assessment
EPIs, proposed instruments, development control plans and planning agreements	Appendix C
EP&A Regulation	Appendix C
Likely impacts	Section 5 – Assessment
Suitability of the site	Section 1.2 – Proposal location, Section 3 – Policy and statutory context and Section 5 – Assessment
Public submissions	Section 4 – Engagement and Section 5 – Assessment
Public interest	Section 4 – Engagement, Section 5 – Assessment and Section 6 – Evaluation

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in Table 91.

As a result of its analysis, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table 9 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and	The proposal promotes the social and economic welfare of the community by providing employment and seniors housing on the site of a former aged care facility, with good access to transport and urban services, and, in doing so, contributes to

Object	Consideration
conservation of the State's natural and other resources,	the achievement of State and regional planning objectives. The proposal is predicted to generate 260 direct construction jobs and 51 new operational jobs (in addition to the 64 jobs related to the existing Uniting RCF). The proposal would not result in adverse impacts on the State's natural or other resources subject to conditions as discussed in Section 5.5.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal has integrated ESD principles as discussed in Appendix C.
(c) to promote the orderly and economic use and development of land,	The proposal promotes the orderly and economic use and development of land as it will increase employment and housing opportunities near existing services and public transport.
(d) to promote the delivery and maintenance of affordable housing,	The proposal will assist in alleviating supply pressure on the local market for seniors housing, which is necessary to improve the quantity and diversity of affordable housing options in the locality.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal comprises a seniors housing development on an existing developed urban site and includes the redevelopment of a previously partially cleared site that contains some native regrowth trees. The proposal includes the removal of 76 existing trees. As discussed at Section 5.5, the Department concludes the proposal would not result in unacceptable biodiversity or habitat impacts, subject to management and mitigation measures. In addition, the provision of replacement and new trees and landscaping is acceptable. The application includes a BDAR, which recommends offsets to address identified impacts. The Department has been considered biodiversity impacts and the BDAR in detail at Section 5.5.
(f) to promote the sustainable management of built and cultural	The proposal would not result in adverse heritage impacts noting the site is not identified as a local or State heritage item, is not

Object	Consideration
heritage (including Aboriginal cultural heritage),	located within a heritage conservation area and no local or State heritage items or conservation areas are located near to the site. The application has confirmed the site has no potential to encounter Aboriginal and non-Aboriginal archaeological deposits. The Department has recommended a condition requiring the implementation of an unexpected finds protocol during the construction phase of the development.
(g) to promote good design and amenity of the built environment,	The proposal has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity. Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal as outlined in Section 4 . This included consultation with Council and other government agencies, and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application, which included notifying adjoining landowners, previous submitters and displaying the application on the Department's website. The Applicant's RtS and additional information was made available on the Department's website. Engagement activities carried out by the Department are detailed in Section 4 .

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD

requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving the following minimum sustainability targets:

- achieve minimum average of 8.2 star NatHERS rating
- exceed the minimum BASIX Energy and Water Requirements
- meet and attempt to exceed the requirements of Section J of the National Construction Code for energy-efficiency.

The development also provides for good sustainable design through the provision of adequate cross-ventilation, solar access, inclusion of solar photovoltaic panels and EV charging infrastructure.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The conservation principle has been applied through the provision of new landscaping around, on and within the development and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of significant new employment opportunities.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposed development would be consistent with ESD principles, and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

The EIS included a BDAR, which assessed the biodiversity values on the site, impacts of the proposal in accordance with the BC Act and includes offsets and mitigation measures. The BDAR was subsequently updated by the RtS and additional information.

The BDAR confirmed the development results in the removal of 0.40 ha native vegetation and 0.71 ha potential habitat vegetation listed under the BC Act. To address the removal, the BDAR recommended the retirement of six ecosystem credits and 13 species credits together with other management and mitigation measures.

The Department has considered biodiversity impacts in detail at **Section 5.5** and concludes impacts can be managed and mitigated subject to conditions requiring the retiring of the ecosystem and species credits and the implementation of the BDAR management and mitigation measures.

EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant to have regard to the following:

- Social Impact Assessment Guideline for State Significant Projects
- Undertaking Engagement Guidelines for State Significant Projects
- Cumulative Impact Assessment Guidelines for State Significant Projects.

The Department considers that the Applicant has considered the requirements of the EP&A Regulation including the above guidelines, as relevant to the application. The application includes a SIA and the Applicant has consulted with the local community and key stakeholders.

Environmental Planning Instruments

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainability SEPP)
- State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
- Tweed Local Environmental Plan 2014 (TLEP).

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 of the Planning Systems SEPP aims to identify SSD, State significant infrastructure and regionally significant development and is relevant to the proposal.

The proposal is SSD under section 2.6(1) and section 28 of Schedule 1 of the Planning Systems SEPP, being seniors housing development with an EDC of more than \$20 million (\$219,507,413), including a RCF and other components of the development area not prohibited on the land under an EPI.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of the Infrastructure SEPP is relevant to this proposal and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development. It also requires consultation with relevant public authorities about certain development during the assessment process.

The proposed development does not front a classified road, is not considered to be a traffic generating development and consultation with TfNSW as defined in Chapter 2 of the Transport SEPP is therefore not required. Notwithstanding this, the Department has consulted TfNSW (Section 4) and TfNSW's recommended conditions have been applied.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

Chapter 2 of the Hazards SEPP gives effect to the objectives of the *Coastal Management Act 2016* from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply these criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Hazards SEPP identifies the northern half of the site is located within the Coastal Use Area Zone. An assessment of the proposal against the relevant Hazard SEPP requirements is provided at Table 10.

Table 102 | Consideration of the relevant sections of the Hazards SEPP regarding Coastal Management

Hazards SEPP section	Consideration / comment
Section 2.11 Development on land within the coastal use area	
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority: (a) has considered whether the proposed development is likely to cause an adverse impact on the following:	
i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal would not impact on access to any existing foreshore, beach or headland areas and the concept proposal includes provision of appropriate through-site pedestrian permeability.
ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The Department has considered overshadowing, wind and view impacts at Sections 5.4 and 5.5 and concludes the proposal has acceptable impacts on surrounding amenity.
iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The site is set back and inland from the coastline / foreshore and the proposed buildings are of an acceptable height, have acceptable visual impact and achieve a high standard of design, as discussed at Section 5.2. The visual amenity of the local coastal zone and its surroundings will not be impacted on by this proposal.
iv) Aboriginal cultural heritage, practices and places	The development would not result in adverse impact on Aboriginal cultural heritage values or archaeology, as discussed at Section 5.5.
v) cultural and built environment heritage, and	There are no State or local heritage items within the vicinity of the site.
(b) is satisfied that:	
i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	The proposal located within existing urban R1 and R2 zones. The Department has considered the built form aspects of the development at Section 5.2 and concludes the proposed building heights and scale are acceptable.

Hazards SEPP section	Consideration / comment
ii) if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or	The proposed continued use site and its intensification for seniors uses would not give rise to adverse impacts on the existing coastal use area. Flooding and drainage impacts have been considered in detail at Section 5.3.
iii) if that impact cannot be minimised – the development will be managed to mitigate that impact, and	
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The Department has considered the height, scale and impact of the proposed buildings at Section 5.2 and concludes the proposal is acceptable and would achieve a high standard of design and appearance (Section 5.2.4).
2.12 Development in coastal zone generally – development not to increase risk of coastal hazards	
Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposal located within existing urban R1 and R2 zones and would not increase the risk of coastal hazards on the site or other surrounding land.

Chapter 4 Remediation of Land

Chapter 4 of the Hazards SEPP is relevant to this proposal and aims to provide a State-wide planning approach to the remediation of contaminated land, reduce risk of harm to human health and the environment and ensure that potential contamination issues are considered in the determination of a development applications.

Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to be satisfied, before consent is granted for a development, whether the land subject to the development is contaminated and if contaminated, whether the land is suitable in its contaminated state or will be suitable after remediation.

Historically, the site has been subject to earthworks and used for agricultural and residential and aged care uses from the mid-1960s.

The application was accompanied by a Stage 1 Preliminary Site Investigation (PSI). The PSI confirmed a site inspection, soil sampling from 20 boreholes (maximum depth of 3 m below ground

level) and laboratory analysis. Findings outline that a natural sequence of surficial fill materials (silty sands or sands) were encountered underlain by natural sands to the 3 m borehole depth, and:

- soil analysis indicates the site is not contaminated by previous or current land use or by any previous temporary infrastructure, with all parameters being below the respective criteria for residential land use
- a single fragment of asbestos was observed in the field. However, this does not constitute a need for active management or remediation and does not impact any current or foreseeable future uses of the site
- the majority of aboveground structures were constructed prior to 1987 and may contain asbestos. If identified as a significant building material in existing structures on site to be demolished then asbestos will require disposal at an appropriately licensed landfill that can accept asbestos waste and carried out by a licensed asbestos remover
- based on the findings, the PSI concluded site is considered suitable for the proposed development and no further contaminated land investigations are required.

Council recommended additional investigations be undertaken to consider the potential for contamination beneath existing slab-on ground development and including the potential for historic pesticide treatments.

The Department notes that due to the existence of existing operational seniors housing buildings on the site it has not been possible to test soils beneath the existing development. The Department therefore supports Council's recommendation that additional analysis be undertaken to address this matter and recommends conditions accordingly.

The Department also recommends conditions requiring the implementation of a Contamination Unexpected Finds Protocol and the appropriate removal of any asbestos, should it be encountered during the demolition or construction.

Subject to the above conditions the Department accepts the findings of the PSI and is satisfied that the land is, or can be made, suitable for its intended purpose.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the Biodiversity SEPP is relevant to this proposal and aims to protect the biodiversity value of trees and other vegetation in non-rural areas of the State and the amenity of non-rural areas through this preservation.

The proposal includes the removal of 76 existing trees. The Department has considered biodiversity impacts, tree removal and retention in detail at **Section 5.5**.

The Department concludes the tree removal is unavoidable and compensated for by the retirement of six ecosystem and 13 species credits, provision of new / replacement trees and associated

landscaping and protection of the existing tree to be retained. Overall, the Department considers the identified impacts can be appropriately managed and mitigated subject to conditions.

State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainability SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets increased sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

A BASIX certificate was submitted demonstrating the proposal achieves compliance with BASIX water, energy and thermal comfort requirements under the Sustainability SEPP. The Department recommends a condition requiring compliance with the BASIX certificate.

State Environmental Planning Policy (Housing) 2021

The Housing SEPP seeks to enable the development of diverse housing types that meet the needs of the community, provide housing in areas of existing infrastructure and services, provide housing that minimises environmental impacts and reflects / enhances its locality, support short-term rental accommodation and mitigate the loss of existing affordable rental housing.

Chapter 3 of the Housing SEPP includes provisions related specifically to seniors housing development and RCFs. An assessment of the development against the relevant considerations of the Housing SEPP (excluding the Housing Amendment below) is provided at Table 11 and Table 12.

Table 11 | Consideration of the relevant sections of the Housing SEPP

Housing SEPP section / requirement	Consideration / comment	Complies
CHAPTER 3 – PART 5 HOUSING FOR SENIORS AND PEOPLE WITH A DISABILITY		
Division 1 – Land to which Part Applies		
79. Land to which Part applies This Part applies to land in the following zones— (c) Zone R4 High Density Residential	The site is zoned R1 General Residential and R2 Low Density Residential under the TLEP, comprising: - 24A Kingscliff Street: R1 zone - 27, 29, 31, 33 Lorient Way: R2 zone.	Yes
80. Land to which Part does not apply— general This Part does not apply to the following land— (b) land to which the Warringah LEP applies (b) land described in Schedule 3	The site is not located within the Warringah LGA or identified as biodiversity land under the BCR 2017.	N/A

Housing SEPP section / requirement	Consideration / comment	Complies
(Land identified on the Map within the meaning of the <i>Biodiversity Conservation Regulation 2017 (BCR 2017)</i>)		
81. Seniors housing permitted with consent Development for the purposes of seniors housing may be carried out with development consent – (a) on land to which this Part applies, or (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.	Development for the purposes of seniors housing is permitted with development consent on the site under the provisions of the TLEP and section 81 of the Housing SEPP.	Yes
Division 3 – Development Standards		
84. Development standards–general (1) This section applies to development for the purposes of seniors housing involving the erection of a building.	The proposal includes the erection of a building. This section applies.	Yes
(2) Development consent must not be granted for development to which this section applies unless – (a) the site area of the development is at least 1,000m², and (b) the frontage of the site area of the development is at least 20m measured at the building line, and	Clause 2(a) and 2(b) relating to site area and frontage do not apply to social housing providers. Notwithstanding this, the site is larger than 1,000 m ² and is wider than 20 m.	N/A
(c) for development on land in a residential zone where residential flat buildings are not permitted – (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more	Residential flat buildings are: - permitted within the R1 zone - not permitted with consent within the R2 zone (c)(i) Building A is not taller than 9.5 m (c)(ii) Building A rooftop servicing equipment does not result in the building having a greater height than 9.5 m	Yes

Housing SEPP section / requirement	Consideration / comment	Complies
than 9.5m — the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys — the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	(c)(iii) Building A is not greater than 2 storeys.	
(3) The servicing equipment must — (a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and (b) be limited to an area of no more than 20% of the surface area of the roof, and (c) not result in the building having a height of more than 11.5m.	Residential flat buildings are permitted within the R1 zone under the TLEP. Building A is not taller than or have servicing equipment taller than 9.5 m.	N/A
(4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following — (a) the Land and Housing Corporation, (b) another social housing provider.	The Applicant is a social housing provider.	N/A
85. Development standards for hostels and independent living units (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.	The development comprises 199 ILUs. The relevant sections of Schedule 4 have been considered at Table 12.	Yes
(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom.	The Applicant is a social housing provider and therefore the requirements in Schedule 4, sections 2, 5–13 and 15–21 do not apply. The requirements of sections 1, 3–6, 14 and 21 have been considered at Table 12.	Yes

Housing SEPP section / requirement	Consideration / comment	Complies
87. Additional floor space ratios (1) This section applies to development for the purposes of seniors housing on land to which this Part applies if — (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or (b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core. (2) Development consent may be granted for development to which this section applies if — (a) the site area of the development is at least 1,500m², and (b) the development will result in a building with the maximum permissible floor space ratio plus — (i) for development involving independent living units — an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or (ii) for development involving a residential care facility — an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or (iii) for development involving independent living units and residential care facilities — an additional 25% of the maximum	Residential flat buildings are permitted within the R1 zone. However, not permitted with consent within the R2 zone. Additional floor space ratio bonus does not apply to the R2 zone. The Applicant does not seek approval to apply the FSR bonus under section 87 of the Housing SEPP to the R1 or R2 zoned land.	N/A

Housing SEPP section / requirement	Consideration / comment	Complies
permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and (c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.		
88. Restrictions on occupation of seniors housing (1) Development permitted under this Part may be carried out for the accommodation of only the following – (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part. (2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.	(1) The proposal includes ILUs and RCF beds and would accommodate groups listed in section 88(1)(a)-(c). (2) The Department has recommended conditions to ensure occupation is restricted to only persons specified by section 88 and the EP&A Act.	Yes
90. Subdivision (1) Development consent may be granted for the subdivision of land on which development has been carried out under this Part. (2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	The Applicant has clarified that no subdivision or lot consolidation is proposed. For the avoidance of doubt, the Department has recommended a condition confirming that no consent is granted for subdivision or lot consolidation.	N/A

Housing SEPP section / requirement	Consideration / comment	Complies
91. Fire sprinkler systems in residential care facilities (1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system. (2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.	The proposal includes a RCF combined fire hydrant and sprinkler system, including two onsite water storage tanks (2 x 65kL, total 130kL) and 2 diesel booster pumps. The Department has recommended conditions requiring the installation of a RCF fire sprinkler system.	Yes
Division 4 – Site Related Requirements		
93. Location and access to facilities and services – independent living units (1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services – (a) by a transport service that complies with subsection (2), or (b) on-site. (2) The transport service must – (a) take the residents to a place that has adequate access to facilities and services, and (b) for development on land within the Greater Sydney region – (i) not be an on-demand booking service for the transport of passengers for a fare, and (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and	(1)(a) Bus public transport services operate along Kingscliff Street and Lorient Way. The Applicant has committed to providing a private bus service. (1)(b) The proposal includes on-site amenities and services for future residents including gym, cinema, multipurpose room, wellness centre, chapel, clubroom, consulting rooms, offices and swimming pool. (2) The Applicant has committed to operate a 22 seat private bus services, which can be accessed via accessible grade footpaths. The service would access the town centre of Kingscliff as well broader facilities and regional centres. These services would operate at a minimum, once daily during daylight hours. (3) The existing King Street bus stop is located 200 m to the north and the Lorient Street bus stop is located 50 m to the west.	Yes

Housing SEPP section / requirement	Consideration / comment	Complies
(c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday. (3) For the purposes of subsections (1) and (2), access is adequate if— (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and (b) the distance is accessible by means of a suitable access pathway, and (c) the gradient along the pathway complies with subsection (4)(c).		
94. Location and access to facilities and services—residential care facilities (1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services— (a) on-site, or (b) by a transport service other than a passenger service.	Complies, refer to response to section 93.	Yes
95. Water and sewer (1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will— (a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of sewage.	(1) The application includes an Infrastructure Report detailing existing and proposed servicing and network utility upgrades and arrangements for the site. (2) The Department is satisfied adequate provisions and connections can be made for essential services and recommends a condition accordingly.	Yes

Housing SEPP section / requirement	Consideration / comment	Complies
(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority— (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.		
Division 5 – Design Requirements		
97 Design of in-fill self-care housing (1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the <i>Seniors Housing Design Guide</i> (SHDG), published by the Department in December 2023. (2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8	The proposal has been designed in accordance with the SHDG, as outlined in Table 15.	Yes
Division 7 – Non-Discretionary Development Standards		
107. Non-discretionary development standards for hostels and residential care facilities—the Act, s. 4.15 (2) The following are non-discretionary development standards in relation to	(a) The TLEP allows for a maximum building height of 13.6 m and the proposed RCF has a maximum height of 17.05 m. The Applicant has submitted a clause 4.6 variation	No (Section 5.2 and Appendix D)

Housing SEPP section / requirement	Consideration / comment	Complies
development for the purposes of hostels or residential care facilities— (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building. (b) servicing Equipment on the Roof of a Building which results in the building having a height of more than 9.5m— (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m. (c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less. (d) internal and external communal open spaces with a total area of at least— (ii) for a residential care facility— 10m² for every bed. (e) at least 15m² of landscaped area for every bed. (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site. (h) for a residential care facility— at least 1 parking space for every 15 beds in the facility,	request to vary the maximum building height (Section 5.2 and Appendix D). (b) The building exceeds 9.5m and: (i) roof enclosures, solar panels and lift overrun are sufficiently setback from roof edge to minimise visibility, fully integrated into the design and suitably screened from view. (ii) enclosures are less than 20% (iii) the Applicant has submitted a clause 4.6 variation request to vary the maximum building height (Section 5.2 and Appendix D). (c) The TLEP allows for a maximum FSR of part 2:1 and part 0.8:1 (in excess of section 107), the proposal has a FSR of 0.96:1. (d) the proposal provides 1,456 m² combined RCF internal / external communal open space and exceeds the 1,200 m² minimum requirement. (e) 12,207 m² landscaped area is provided across the whole site and exceeds the combined RCF (1,800 m²) and ILU (6,965 m²) minimum requirement of 8,765 m². (f) 3,010 m² (10.35%) deep soil area. The proposal provides acceptable deep soil area and landscaping as discussed at Section 5.4.1. (h) 12 RCF visitor parking spaces are provided, which exceeds the eight minimum requirement. (i) 28 RCF staff parking spaces are provided which exceeds the 26 minimum requirement.	

Housing SEPP section / requirement	Consideration / comment	Complies
(i) at least 1 parking space for every 2 employees who are on duty at the same time, (j) at least 1 parking space for the purpose of ambulance parking.	(j) An ambulance parking bay is provided adjacent to the RCF.	
108 Non-discretionary development standards for independent living units— the Act, s 4.15 (2) The following are non-discretionary development standards in relation to development for the purposes of independent living units— (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building, (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m, (c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less, (d) for a development application made by a social housing provider— at least 35m² of landscaped area per dwelling, (e) if paragraph (d) does not apply— at least 30% of the site area is landscaped, (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if	(a) The proposal has a maximum height of 17.05 m. The Applicant has submitted a clause 4.6 variation request to vary the maximum building height (Section 5.2 and Appendix D). (b) The building exceeds 9.5m and: (i) roof enclosures, solar panels and lift overrun are sufficiently setback from roof edge to minimise visibility, fully integrated into the design and suitably screened from view. (ii) enclosures are less than 20% (iii) The Applicant has submitted a clause 4.6 variation request to vary the maximum building height (Section 5.2 and Appendix D). (c) The TLEP allows for a maximum FSR of part 2:1 and part 0.8:1 (in excess of section 107), the proposal has a FSR of 0.96:1. (e) 12,207 m² landscaped area is provided across the whole site and exceeds the combined RCF (1,800 m²) and ILU (6,965 m²) minimum requirement of 8,765 m². (f) 3,010 m² (10.35%) deep soil area. The proposal provides acceptable deep soil area and landscaping as discussed at Section 5.4.1	No (Section 5.2 and Appendix D)

Housing SEPP section / requirement	Consideration / comment	Complies
practicable, at least 65% of the deep soil zone is located at the rear of the site, (g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces, (h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building – (i) at least 15m² of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor (i) for a dwelling in a multi-storey building not located on the ground floor – a balcony accessible from a living area with minimum dimensions of 2m and – (i) an area of at least 10m², or (ii) for each dwelling containing 1 bedroom – an area of at least 6m², (j) for a development application made by, or made by a person jointly with, a social housing provider – at least 1 parking space for every 5 dwellings,	(g) 178 of 199 (89%) of ILUs receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter. (h) each ground floor dwelling is provided with a minimum of 20 m² private open space with a minimum dimension of 3 m. (i) each above ground dwelling includes a balcony of terrace with minimum dimension of 2 m: - 2-beds are between 10.7 m² to 70.3 m² - 1-beds are between 8 m² to 30.6 m² (j) The proposal exceeds the Housing SEPP minimum 40 space requirement. The Department considers parking is acceptable in the circumstances of the site (Section 5.5).	

Table 12 | Consideration of the relevant sections of Schedule 4 of the Housing SEPP

Schedule 4 Standards	Consideration / comment	Complies
Schedule 4 Standards applying to hostels and independent living units		
Part 1 Standards applying to hostels and independent living units		
1. Application of standards in this Part	The proposal includes ILUs and therefore Schedule 4 Part 1 applies.	Yes

Schedule 4 Standards	Consideration / comment	Complies
The standards set out in this Part apply to any seniors housing that consists of hostels or independent living units	However, pursuant to section 85(2) of the Housing SEPP, as the Applicant is a social housing provider the requirements in sections 2, 5–13 and 15–21 Schedule 4 do not apply.	
3 Letterboxes (1) Letterboxes— (a) must be situated on a hard standing area and (b) have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and (c) must be lockable by a lock that faces a wheelchair accessible path. (2) If a structure contains multiple letterboxes, the structure must be in a prominent location. (3) At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).	The Accessibility Report submitted with the RtS has confirmed the development is capable of meeting these requirements. Detailed design and construction would form part of construction certificates. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.	Yes
4 Private car accommodation (1) If parking spaces attached to or integrated with a class 1 building under the <i>Building Code of Australia</i> are provided for use by occupants who are seniors or people with a disability, at least 1 parking space must— (a) be at least 3.2m wide, and (b) be at least 2.5m high, and (c) have a level surface with a maximum gradient of 1:40 in any direction, and (d) be capable of being widened to 3.8m without requiring structural modifications to a building. (2) If parking spaces associated with a class 1, 2 or 3 building under the <i>Building Code of Australia</i> are provided in a common area for use by occupants	The Accessibility Report submitted with the RtS has confirmed the development is capable of meeting these requirements. Detailed design and construction would form part of construction certificates. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.	Yes

Schedule 4 Standards	Consideration / comment	Complies
who are seniors or people with a disability, the following applies— (a) for a parking space not in a group— the parking space must comply with AS/NZS 2890.6, (b) for a group of 2–7 parking spaces— (i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and (ii) 50% of the parking spaces must— (A) comply with AS/NZS 2890.6, or (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction, (c) for a group of 8 or more parking spaces— (i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and (ii) at least 50% of the parking spaces must— (A) comply with AS/NZS 2890.6, or (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction. (3) To avoid doubt, a parking space that complies with AS/NZS 2890.6 is only counted toward 1 of the requirements in subsection (2)(b)(i) or (ii) or (c)(i) or (ii). (4) At least 5% of any visitor parking spaces must comply with AS/NZS 2890.6. (5) A parking space required by this section to comply with AS/NZS 2890.6, other than a visitor parking space, is not required to include the international symbol of access. (6) If multiple parking spaces are accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.		

Schedule 4 Standards	Consideration / comment	Complies
(7) A parking space, other than a parking space under subsection (6), must be — (a) secured by a power-operated door, or (b) capable of accommodating the installation of a power-operated door, including by having — (i) access to a power point, and (ii) an area for motor or control rods for a power-operated door. (8) A requirement in this section for a parking space to comply with AS/NZS 2890.6 extends to the associated shared area within the meaning of AS/NZS 2890.6.		
Part 2 Additional standards for independent living units		
14 Application of standards in this Part The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of independent living units.	The proposal includes ILUs and therefore Schedule 4 Part 2 applies. However, pursuant to section 85(2) of the Housing SEPP, as the Applicant is a social housing provider the requirements in sections 2, 5–13 and 15–21 Schedule 4 do not apply.	Yes
22 Garbage and recycling A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.	The proposal includes communal operational waste storage areas in convenient and accessible locations. The Accessibility Report submitted with the RtS has confirmed the development is capable of meeting these requirements. Detailed design and construction would form part of construction certificates. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.	Yes

Table 13 | Consideration of the relevant sections of Schedule 8 of the Housing SEPP

Schedule 8 Design Principle	Consideration / comments
Schedule 8 Design Principles for Seniors Housing	
1. Neighbourhood amenity and streetscape	The proposal is located within a mixed density context, with Kingscliff Street, Beach Street and Lorien Way, Drift Court all having differing medium and low density streetscapes. The proposal responds to the character of the surrounding area by setting back and centralising the taller 4 storey buildings, providing appropriate separation to adjoining lower scale buildings and including appropriate building articulation and modulation. The Department has considered the height, scale and design of the development at Section 5.2 and concludes the proposal responds to the existing context of the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.
2. Visual and acoustic privacy	The proposed buildings have been all set back from adjoining site boundaries and tree planting has been provided within the intervening spaces to prevent adverse loss of privacy for existing and future resident (Table 16). The development includes appropriate operational and construction noise mitigation measures to prevent adverse noise disturbance (Section 5.5).
3. Solar access and design for climate	Buildings have been designed to ensure adequate sunlight continues reach adjoining residential properties. Future ILUs would receive adequate solar and ventilation access in accordance with the ADG recommended standards (Section 5.4). The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.
4. Stormwater	The development includes appropriate stormwater infrastructure to address stormwater requirements and flooding impacts can be managed and mitigation as discussed at Section 5.3.
5. Crime prevention	The application includes an assessment against Crime Prevention through Environmental Design (CPTED) principles. The proposal includes management and mitigation measures and provides for passive and active surveillance of the surrounding area. The Department has recommended a condition requiring the implementation of the CPTED mitigation measures.
6. Accessibility	The proposal includes accessible on-site amenities and services for future residents including gym, cinema, multipurpose room, wellness centre, chapel, clubroom, consulting rooms, offices and swimming pool. Bus public transport services operate along Kingscliff Street and Lorien Way. The

Schedule 8 Design Principle	Consideration / comments
	Applicant has committed to operate a 22 seat private bus services from within the site which can be accessed via accessible grade footpaths. The service would access the town centre of Kingscliff as well broader facilities and regional centres. These services would operate at a minimum, once daily during daylight hours.
7. Waste Management	The development includes communal facilities conveniently located to each building for operational waste and recycling.

Table 14 | Consideration of the relevant sections of Schedule 9 of the Housing SEPP

Schedule 9 Design Principle	Consideration / comments
Schedule 9 Design Principles for Residential Apartment Development	
1. Context and Neighbourhood Character	The proposal is located within a mixed density context, with Kingscliff Street, Beach Street and Lorien Way, Drift Court all having differing medium and low density streetscapes. The proposal responds to the character of the surrounding area by setting back and centralising the taller four storey buildings, providing appropriate separation to adjoining lower scale buildings and including appropriate building articulation and modulation. The Department has considered the height, scale and design of the development at Section 5.2 and concludes the proposal responds to the existing context of the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.
2. Built Form and Scale	The height and scale of the development is appropriate in this location and context and the development is considered to achieve a high standard of layout, design and appearance (Section 5.2). The built form adequately defines the through site link and building setbacks and design provided for an appropriate built form transition to adjoining properties.
3. Density	The density of the development is acceptable, would not have adverse built form, traffic or amenity impacts (Section 5.2). The increase of the density of seniors housing on the site is considered acceptable and flooding impacts can be managed and/or mitigated (Section 5.3).
4. Sustainability	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.

Schedule 9 Design Principle	Consideration / comments
5. Landscape	The proposal includes hard and soft landscaping. Internal and external communal open spaces are provided for future residents and ILUs are provided with generous private balconies and terraces. The Department considers the landscaping achieves a high standard of design and forms an integral part of the development (Section 5.4.1). The proposal includes the unavoidable removal of 76 existing trees, which would be offset by the provision of 297 new and replacement trees. The proposal includes the retirement of six ecosystem and 13 species credits to address potential biodiversity impacts (Section 5.4.1 and Section 5.5).
6. Amenity	The proposal is generally consistent with the key ADG criteria and would achieve satisfactory internal amenity (Section 5.4 and Table 16).
7. Safety	The application includes an assessment against CPTED principles. The proposal includes management and mitigation measures and provides for passive and active surveillance of the surrounding area. The Department has recommended a condition requiring the implementation of the CPTED mitigation measures.
8. Housing Diversity and Social Interaction	The development will improve housing supply and choice for seniors and provides for a mix of ILU apartment types and a RCF to cater for a range of senior households and needs. The provision of new seniors housing will aid in social interaction and the creation of a mixed and balanced community.
9. Architectural Expression	The development includes appropriate building articulation, modulation and setbacks to complement the desired character for the site and surrounding area. The palette of materials and finishes complement and appropriately articulate the building forms. The architectural detail responds appropriately to the site's opportunities and constraints and would provide for visually interesting and contemporary buildings. The development is considered to achieve a high standard of design as discussed in Section 5.2.

Seniors Housing Design Guide (SHDG)

The SHDG seeks to inform the design and assessment of seniors housing and ensure high quality design of seniors housing developments are achieved. The term seniors housing is used as an overarching description to identify the different types of accommodations for older people. The SHDG provides objectives and design guidance to provides a framework to understand the site, the context and future resident needs.

An assessment against the principles presented in Part 2 of the SHDG is provided in Table 15.

Table 15 | Assessment against the design principles of the SHDG

SHDG – Principle	Proposal	Complies
CHAPTER 1.0: DESIGN FOR COUNTRY		
	- The Applicant has engaged with the community and developed a materials palette that is responsive to the experience of the local people. - Connecting with country framework celebrates the surrounding bean and hinterland context and First Nations' design has been incorporated into the development.	Yes
CHAPTER 2.0: CARE FOR THE PLANET		
2.1 Leadership	The building has been sustainably designed to reduce long-term running costs and carbon emissions.	Yes
2.2 Construction impacts	The development would minimise waste through avoidance, recycling and reuse.	Yes
2.3 Life-cycle and maintenance	The development would utilise quality materials to create a building with longevity.	Yes
2.3 Sustainable design	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.	Yes
CHAPTER 3.0: SITE ANALYSIS – ENVIRONMENTAL RESPONSE		
2.1 Environmental Conditions	- The proposal includes the regrading of site levels to remove the existing Basin, level the site and improve protection against flood impacts. - The proposal includes the removal of 76 existing trees. However, this removal is offset by the provision of 297 replacement trees. - The application includes a BDAR and commitment to retire ecosystem and species credits relating to the removal of vegetation (Section 5.5).	Yes
2.2 Planning for Environmental Constraints	The Department has considered flooding and drainage at Section 5.5 and concludes, subject to conditions, the flooding and drainage impacts can be managed and/or	Yes

SHDG – Principle	Proposal	Complies
	mitigated. The application includes a BDAR and commitment to retire ecosystem and species credits relating to the removal of vegetation (Section 5.5).	
CHAPTER 4.0: SITE ANALYSIS – URBAN RESPONSE		
4.1 Urban Identity	The building fabric is sympathetic and responsive to its context and local environment and would positively contribute to the neighbourhood.	Yes
4.2 Typology and Scale	The built form has been modulated to reflect the local character and urban arrangement to acknowledge its surroundings.	Yes
4.3 Setbacks	Suitable setbacks have been provided to enhance a landscaped setting and maintain privacy for neighbouring residential properties.	Yes
4.4 Height	The Department has considered building height and scale at Section 5.2 and concludes it is appropriate for the site.	Yes
4.5 Storeys	The proposal would not result in adverse overshadowing or overlooking of neighbouring properties and includes extensive landscaping within the site and along boundaries.	Yes
4.6 Social infrastructure	The Applicant has consulted with the local community to obtain feedback. The application has been amended to improve its design and layout. The Department considers the impacts of the development have been addressed by the Applicant or would be addressed by the recommended conditions.	Yes
4.7 Local Character	The proposal responds to the character of the surrounding area by setting back and centralising the taller four storey buildings, providing appropriate separation to adjoining lower scale buildings and including appropriate building articulation and modulation.	Yes
CHAPTER 6.0: CARE, WELLBEING AND COMMUNITY		

SHDG – Principle	Proposal	Complies
6.1 Care	The proposal replaces a former RCF seniors housing village that had reached the end of its physical / economic life with new purpose built, modern RCF and ILUs. The proposal would improve access to seniors housing and provides an opportunity for more senior residents to age in place.	Yes
6.2 Physical and Mental Wellbeing	The proposal includes extensive areas of communal open space, communal amenities and services. All ILUs and RCF rooms are afforded a high standard of outlook, access to light and ventilation.	Yes
6.3 Mobility and Access	The development encourages mobility of residents outside of their immediate private space and all spaces and places are designed to be accessible.	Yes
6.4 Environmental Connection	The proposal has been designed to maximise good solar orientation and natural ventilation.	Yes
6.5 Universal Design	The proposal promotes inclusive design.	Yes
CHAPTER 7.0: DESIGN FOR PHYSICAL AGING AND DEMENTIA		
7.1 Design for Physical Ageing	The proposal's places and spaces have been designed to be easy to navigate and have been designed for safety, environmental comfort and auditory comfort.	Yes
7.2 Governmental Review	The proposal has been designed with familiar domestic character and promotes a home-like environment.	Yes
7.3 Design for Dementia	The proposal caters for physical ageing and people with dementia and has been designed to aid visual perception, wayfinding and promote sensory interaction with the environment.	Yes
DENSITY AND RELATED DESIGN PRINCIPLES The proposal comprises development categorised as residential aged care and independent living for medium density category of developments under the SHDG. Assessment against the design principles for this type of development is outlined below:		
DESIGN PRINCIPLES FOR RESIDENTIAL AGED CARE FACILITIES		
General Planning	The general arrangement of the RCF enables efficient	Yes

SHDG – Principle	Proposal	Complies
	workflows, presents as a residential (rather than institutional) building and would create an environment where staff can work efficiently to care for groups of people in a communal living setting. The building has an appropriate interface with ground floor and adjoining landscaped areas.	
External Form	The internal layout of spaces informs the articulation of external forms to break up the external facades. The façade design is broken down into groups / vertical bays and smaller elements to articulate and modulate the appearance of the building and respond to the appearance of the adjoining ILUs and surrounding built character.	Yes
Neighbourhood amenity and streetscape	The proposal responds to the character of the surrounding area by setting back and centralising the taller four storey buildings, providing appropriate separation to adjoining lower scale buildings and including appropriate building articulation and modulation.	Yes
Entrances	The entry to the RCF is clearly identifiable and includes a porte cochere where vehicles can temporarily stop to pick-up or drop people off. Dedicated ambulance and service vehicle parking bays are provided.	Yes
Public space and front-of-house	A large and welcoming reception area is provided, which is connected to a café and fronting the central landscaped area.	Yes
Resident accommodation	The RCF has been designed to provide for four separate wings, radiating out from the central spine of the building. The proposed layout results in a highly articulated building, which has reduced the instances of repetitive and long facades.	Yes
Visual and acoustic privacy	The proposal would not result in adverse overlooking of neighbouring residential properties and would be subject to a Operational Management Plan to address operational impacts	Yes

SHDG – Principle	Proposal	Complies
Solar access and design for climate	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.	
Stormwater	The application includes an assessment of flooding and stormwater impacts and includes management and mitigations measures. The Department has considered stormwater at Section 5.3 and has recommended conditions to manage and mitigate impacts.	Yes
Accessibility	The RCF has been designed to address contemporary design and layout standards to provide for a modern and accessible facility. The application includes an Access Report, which confirms the development would be fully accessible and compliant with NCC requirements.	Yes
Waste Management	The RCF includes a centralised waste storage and management area, accessed from within the building and the loading dock. The RCF operator would manage the waste and recycling strategy for the building.	Yes
PRINCIPLES FOR INDEPENDENT LIVING FOR MEDIUM DENSITY		
Building communities	The proposal includes a variety of ILU types providing for a diverse housing mix. The site includes extensive areas of communal open space and shared amenities to encourage interaction, activities and socialising.	Yes
Neighbourhood amenity and streetscape	Housing clusters are created within each of the ILU buildings (A to F). The buildings achieve a high standard of design and appearance and incorporate landscaped buffers to adjoining existing properties. All entries and paths are clearly identifiable and communal in nature.	Yes
Solar access and design for climate	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.	Yes
Stormwater	The application includes an assessment of flooding and stormwater impacts and includes management and	Yes

SHDG – Principle	Proposal	Complies
	mitigations measures. The Department has considered stormwater at Section 5.3 and has recommended conditions to manage and mitigate impacts.	
Crime prevention	The buildings have been designed in accordance with CPTED principles. All communal open space (COS) benefit from passive surveillance.	Yes
Accessibility	Shared pedestrian entries are clearly identifiable and ILUs have been designed to be accessible and adaptable to meet the needs of physical ageing and mobility issues.	Yes
Waste management	The proposal includes communal operational waste storage areas in convenient and accessible basement locations.	Yes

Apartment Design Guide

The ADG sets out guidelines for residential apartment development to ensure apartments are appropriately designed, achieve an appropriate level of residential amenity and have acceptable impacts. The ADG applies to the ILU component of the development (excluding Building A).

An assessment of the proposal against the ADG best practice design principles is provided at **Table 16**.

Table 16 | Consistency with ADG design criteria

ADG – Relevant Criteria	Proposal	Complies
3B Orientation - Building type/layouts respond to streetscape, optimising solar access - Where the street frontage is to the east or west, rear buildings should be orientated to the north - Solar access to living rooms, balconies and private open spaces of neighbours should be considered and overshadowing of neighbouring properties is minimised - Where an adjoining property does not currently receive the required hours of solar	- The buildings are setback from side adjoining property boundaries to provide an appropriate urban form. Solar access has been maximised in this context. - The Department has considered overshadowing at Section 5.4 and concludes the impacts are acceptable. - The development does not overshadow adjoining solar panels.	Yes

ADG – Relevant Criteria			Proposal	Complies						
access, solar access to neighbouring properties should not be reduced by more than 20% A minimum of 4 hours of solar access should be retained to solar panels on neighbouring buildings										
3C Public Domain Interface - Transition between public/private without compromising security - Amenity of public domain is retained and enhanced - On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking - Where development adjoins public parks, open space or bushland, the design positively addresses this interface			- Active frontage is provided at ground level. Residential lobbies and vehicle entrances are easily identifiable. - Windows and balconies overlook the COS’ and lengths of solid walls have been limited along building frontages. - All landscaping and COS’ are of a high quality and the building / open space interface has been appropriately designed. - Basements do not protrude above ground levels.	Yes						
3D Communal and Public Open Space - minimum 25% of the site - minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter			- A total of 25.7% (7,415 m²) COS is provided. - More than 50% of the COS receive 3 hours of direct sunlight in mid-winter.	Yes						
3E Deep Soil Zones For sites greater than 1,500m² a minimum of 7% of the site should provide for deep soil zone(s)			The proposal includes 3,010 m² (10.35%) deep soil area. The Department has considered deeps soil area provision at Section 5.4.1.	Yes						
3F Visual Privacy Minimum building separation distance to side and rear boundaries: <table><tr><th>Height</th><th>Habitable rooms / balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr></table>			Height	Habitable rooms / balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	<u>Side boundaries</u> - the proposal provides minimum 9 m separation distance between Buildings B to G and all adjoining side boundaries. - In accordance with Housing SEPP section 144(3)(b), as Buildings A is a two storey buildings the ADG does not apply to that building.	Yes, except for Building F and G (Refer to Section 5.4)
Height	Habitable rooms / balconies	Non-habitable rooms								
Up to 12m (4 storeys)	6m	3m								

ADG – Relevant Criteria			Proposal	Complies
Up to 25m (5-8 storeys)	9m	4.5m	• <u>Internal building separation</u> - the proposal provides for the following building separation distances: ◦ Building A and C - 22.8m ◦ Building A and B - 16.9m ◦ Building B and C - 15.9m ◦ Building C and G (RCF) - 12m ◦ Building G (RCF) and D - 18.3m ◦ Building D and E - 12.1m ◦ Building E and F - 19.6m ◦ Building F and G (RCF) - 10m	
Over to 25m (9+ storeys)	12m	6m		
• Minimum building separation for buildings on the same site are double the above standard(s).				
3G Pedestrian Access to Entries • Building entries and pedestrian access connects to and addresses the public domain. • Access, entries and pathways are accessible and easy to identify.			• Building entries and pedestrian access connect to and address the public domain. • Entries are well located, designed and easily identifiable. • All access, entries and pathways are accessible and residents have accessible pathways to all parts of the development.	Yes
3H Vehicle Access • Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.			• Vehicle and pedestrian entrances are separated and identifiable. • Appropriate sight lines are provided. • The carpark entry, ambulance and loading bays are appropriately design and located.	Yes
3J Bicycle and Car Parking • Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less • Parking is available for other modes of transport • Car parking design access is safe and secure			• 23 bicycle parking spaces, including six visitor spaces at ground and 17 resident / staff spaces at basement levels. • The proposal would provide for 322 car parking spaces for ILU and RCF residents, visitors and staff. The proposal exceeds the Housing SEPP ILU minimum 26 space requirement.	Yes

ADG – Relevant Criteria	Proposal	Complies
Visual and environmental impacts of underground, at grade or above ground car parking are minimised	The Department concluded parking is acceptable (Section 5.5). Surface and basement car parking does not result in adverse visual impacts.	
4A Solar and Daylight Access - Minimum of 70% of apartments' living rooms and private open spaces receive 3hrs direct sunlight between 9am-3pm in mid-winter outside the Sydney Metropolitan Area - Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter - Shading and glare control is provided	129 of 199 ILUs (65%) receive 3 hours of direct sunlight during mid-winter. 18 of 199 ILUs (9%) receive no direct sunlight in mid-winter. - Balconies and architectural features provide passive solar protection to apartments.	Partly, Refer to Section 5.4
4B Natural Ventilation - At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) - Overall depth of a cross-over or cross-through apartment does not exceed 18m	124 of the 199 ILUs (62.3%) achieve natural cross ventilation. - No cross-through / over ILUs are proposed.	Yes
4C Ceiling Heights - Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable rooms 2.7m - Non-habitable rooms 2.4m	Proposed minimum habitable ceiling heights and non-habitable ceiling heights comply with, or exceed, the ADG recommended minimums.	Yes
4D Apartment Size and Layout - Minimum apartment sizes - Studio 35sqm 1 bedroom 50 m² 2 bedroom 70 m² 3 bedroom 90 m² - Every habitable room must have a window in	- The proposed ILU sizes include: 1 bedroom – 50 to 74 m² 2 bedroom – 72 to 104 m² 3 bedroom – 105 to 115 m² - Habitable room depths (excluding living rooms) are less than 2.5 x ceiling height	Partly Refer to Section 5.4

ADG – Relevant Criteria	Proposal	Complies
an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms - Habitable room depths are limited to 2.5 x the ceiling height - In open plan layouts the maximum habitable room depth is 8m from a window - Master bedrooms have a minimum area of 10 m² and other bedrooms have 9 m - Bedrooms have a minimum dimension of 3 m (excluding wardrobes) - Living rooms have a minimum width of: 3.6 m for studio and one bed 4 m for 2 and 3 bed - The width of cross-over or cross-through apartments are at least 4 m internally.	- ILUs have open plan rooms with depths up to 10m from a window - All main bedrooms are equal to or greater than 10 m² and secondary bedrooms are equal to or greater than 9 m² - All bedrooms exceed the 3m dimension requirement - All living rooms exceed the minimum width requirements - All ILUs exceed 4m internal width.	
4E Private Open Space and Balconies - Primary balconies are provided to all apartments providing for: 1 bedroom min area 8m² min depth 2m 2 bedroom min area 10m² min depth 2m 3 bedroom min area 12m² min depth 2.5m - For apartments at ground floor level or similar, private open space must have a minimum area of 15sqm and depth of 3sqm - Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building - Primary open space and balconies maximises safety	- Balconies exceed the minimum 1 bedroom – 8 m² to 30.6 m² 2 bedroom – 10.7 m² to 70.3 m² 3 bedroom – 12 m² to 93.3 m² - Some balconies have minimum depths less than 2m. However, these are compensated for by other parts of the balcony that significantly exceed the minimum. - Ground level ILUs all have terraces between 19.8 to 70.3 m². - All balconies are integrated into the architectural form/detail of the building. - Balcony design avoids opportunities for climbing and falls.	Yes
4F Common Circulation and Spaces Maximum number of apartments off a circulation core is eight – where this cannot	- Total ILUs accessed off a circulation core ranges between eight and 12. - The development is not 10 storeys	Yes

ADG – Relevant Criteria	Proposal	Complies
be achieved, no more than 12 apartments should be provided off a single circulation core. - For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 - Natural ventilation is provided to all common circulation spaces where possible - Common circulation spaces provide for interaction between residents - Longer corridors are articulated	- The communal corridors have access to windows for natural light and ventilation. - Communal corridors at each level include ground floor lobbies and wide corridors that allow for interaction. - The internal corridors are of acceptable lengths.	
4G Storage - The following storage is required (with at least 50% located within the apartment): - Studio apartments 4m³ 1 bedroom apartments 6 m³ 2 bedroom apartments 8 m³ 3 bedroom apartments 10 m³	- Adequate internal and external storage is provided to all ILUs, including (combined): 1 bedroom ILUs – 6.56 m³ to 11.77 m³ 2 bedroom ILUs – 8.13 m³ to 15.0 m³ 3 bedroom ILUs – 10.11 m³ to 13.96 m³	Yes
4H Acoustic Privacy and 4J Noise and Pollution - Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. - Noise impacts are mitigated through internal apartment layout and acoustic treatments.	ILUs are appropriately laid out to prevent noise transfer and would meet BCA noise / acoustic requirements.	Yes
4K Apartment Mix - Provision of a range of apartment types and sizes - Apartment mix is distributed to suitable locations within the building.	- The proposal includes a range of ILU apartments sizes (Buildings A to F), including: 39x1 bedroom ILUs (19.6%) 119x2 bedroom ILUs (59.8%) 41x3 bedroom ILUs (20.6%)	Yes
4L Ground Floor Apartments Direct street access should be provided	Ground floor ILUs have direct street access (via courtyards) and activate surrounding streets and pedestrian	Yes

ADG – Relevant Criteria	Proposal	Complies
- Street frontage activity is maximised where ground floor apartments are located - Design of ground floor apartments delivers amenity and safety for residents	routes. Ground floor ILUs include front terraces enclosed in a fence, which provide adequate street level security.	
4M Facades - Building facades provide visual interest along the street while respecting the character of the local area - Building functions are expressed by the façade	- The development is of a high standard of design and appearance (Section 5.2). - The building design has been appropriately expressed to indicate a seniors housing development.	Yes
4N Roof Design - Roof treatments are integrated into the building design and positively respond to the street - Opportunities to use roof space for accommodation and open space is maximised - Roof design includes sustainability features	- The top floor is recessed, clad in a different material and includes a projecting canopy to differentiate it from lower levels. - The development includes a rooftop solar panels.	Yes
4O Landscape Design and 4P Planting on Structures - Landscape design is viable and sustainable - Landscape design contributes to streetscape and amenity - Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) - Plant growth is optimised with appropriate selection and maintenance - Building design includes opportunity for planting on structure	- The site includes extensive landscaping, which would be viable and sustainable and contribute to the streetscape and overall amenity. - Communal gardens, including on-structure planting, is provided throughout the development.	Yes
4Q Universal Design 20% of apartments meet the Universal Design Guidelines. - A variety of apartments with adaptable	- All 199 ILUs will comply with the Universal Design criteria. - ILUs are adaptable in accordance with the Housing SEPP requirements	Yes

ADG – Relevant Criteria	Proposal	Complies
designs are provided Apartment layouts are flexible and accommodate a range of lifestyle needs	ILU layouts are regular in shape and flexible to accommodate a range of lifestyles.	
4S Mixed Use - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement - Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	The proposal is not a mixed use development.	N/A
4T Awning and Signage - Awnings are well located and complement and integrate with the building - Signage responds to the context and design streetscape character	- Awnings are provided over building entries and incorporated into the design of the building. - Signage is shown on the plans, however, the Applicant has stated no signage is proposed. For the avoidance of doubt, the Department has not recommend a condition confirming no consent is granted for signage (Section 5.5).	Yes
4U Energy Efficiency - Development incorporates passive environmental and solar design - Adequate natural ventilation minimises the need for mechanical ventilation	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.	Yes
4V Water Management and Conservation - Potable water use is minimised - Urban stormwater is treated on site before being discharged to receiving waters - Flood management systems are integrated into the site design	The Department has considered flooding and drainage at Section 5.5 and concludes, subject to conditions, the flooding and drainage impacts can be managed and/or mitigated.	Yes
4W Waste Management	The development includes appropriate	Yes

ADG – Relevant Criteria	Proposal	Complies
- Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity - Domestic waste is minimised by providing safe and convenient source separation and recycling	operational waste and recycling facilities and management strategy. The Department has recommended operational waste management conditions (Section 5.5).	
4X Building Maintenance - Building design detail provides protection from weathering - Systems and access enable ease of maintenance - Material selection reduced ongoing maintenance cost	- The building has been appropriately designed to allow ease of maintenance. - The materials are robust.	Yes

Tweed Local Environmental Plan 2014

A summary of the Department's considerations of the relevant standards contained in the TLEP are provided in Table 17. The Department concludes the development is consistent with the TLEP.

Table 17 | Consideration of the relevant clauses of the TLEP

Clause	Control	Consideration and comments	Complies
Clause 2.3 Zoning objectives and Land Use Table	The proposed development is on land zoned R1 General Residential and R2 Low Density Residential.	Seniors housing and respite day care centres are permissible with consent in the R1 and R2 zones. The proposal meets the objectives of the R4 zone as it: - provides for the housing needs of seniors in a scale and density of development that is appropriate within the R1 and R2 zones - will assist in meeting the current and growing need for additional seniors housing within the community - provides a variety of services and facilities to support the delivery of seniors housing on site - is unlikely to impact on the amenity of the surrounding area or existing services.	Yes

Clause	Control	Consideration and comments	Complies
Clause 2.6 Subdivision	Land can be subdivided subject to consent.	The Applicant has clarified that no subdivision or land consolidation is proposed as part of this application. The Department has recommended a condition confirming consent is not granted for any subdivision.	Yes
Clause 2.7 Demolition	Buildings or works can be demolished subject to consent.	The proposal includes the demolition of existing buildings and structures.	Yes
Clause 4.3 Height of buildings	Maximum building heights apply to the site, including: 13.6 m in the R1 zone 9 m in the R2 zone.	Buildings B to G exceed the maximum building height of 13.6 m in the R1 zone. The Application has submitted a variation request relating to height of buildings under the provisions of clause 4.6. The Department has considered the height of buildings and the variation request at Section 5.2 and Appendix D .	No (Section 5.2 and Appendix D)
Clause 4.4 FSR	Maximum FSRs apply to the site, including: 1:1 in the R1 zone 0.62:1 in the R2 zone.	The development is consistent with the FSR requirements. The Department has considered FSR and density at Section 5.2 .	Yes
Clause 4.6 Exceptions to development standards	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	The Application has submitted a variation request relating to height of buildings (clause 4.3) under the provisions of clause 4.6. The Department has considered the height of buildings and the variation request at Section 5.2 and Appendix D .	Yes
Clause 5.21 Flood planning	Minimise flood risk to life and property, allow development on land compatible with the flood function and	The application demonstrates that the proposal would minimise flood risk to life and property, allow development on land compatible with the flood function and behaviour of the land, avoid adverse	Yes

Clause	Control	Consideration and comments	Complies
	behaviour of the land, avoid adverse impacts and enable the safe occupation and efficient evacuation in the event of a flood.	impacts, and enable the safe occupation and efficient evacuation in the event of a flood. The Department has considered flooding at Section 5.3 and has recommended conditions to manage and mitigate impacts.	
Clause 5.22 Special flood considerations	Consideration of safe occupation, efficient evacuation and management of risk.	The application has considered the ability for the safe occupation and evacuation of the of the site during flood events and includes management and mitigation measures. The Department has considered flooding at Section 5.3 and has recommended conditions to manage and mitigate impacts.	Yes
Clause 7.1 Acid sulfate soils	Ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is identified as Class 2 and 5 Acid sulfate soils. The application includes an Acid Sulphate Soils Management Plan to address potential impacts.	Yes
Clause 7.2 Earthworks	Ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposal includes the creation of basement levels and requires earthworks associated with the redevelopment of the site. The application has considered the potential of contaminated land, impacts on archaeology, stormwater and dewatering impacts. The Department has considered earthworks, contamination and archaeology and has recommended conditions to manage and mitigate impacts.	Yes
Clause 7.6 Stormwater management	Minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters	The application includes an assessment of flooding and stormwater impacts and includes management and mitigations measures. The Department has considered stormwater management at Section 5.3 and has	Yes

Clause	Control	Consideration and comments	Complies
		recommended conditions to manage and mitigate impacts.	
Clause 7.10 Essential services	Make available (or adequate arrangements for) services that are essential for the development when they are required.	The application has considered the provision of essential services.	Yes

Other policies

In accordance with Section 2.10 of the Planning Systems SEPP, development control plans do not apply to SSD. Notwithstanding this, the Department notes that the TDCP would apply to the site were it not for the development being SSD.

The Department has considered the relevant parts of the TDCP at Section 5.

Appendix D – Consideration of clause 4.6 variation request

The proposal seeks variation of the clause 4.3 height of building development standard of the TLEP.

Clause 4.6(2) of the TLEP permits the consent authority to consider a variation to a development standard imposed by the TLEP or any other EPI. The objectives of clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. In consideration of the proposed variation, clause 4.6(3) requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that-*
 - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances; and*
 - (b) *there are sufficient environmental planning grounds to justify contravention of the development standard.*

In accordance with section 35B of the *Environmental Planning and Assessment Regulation 2021*, the Applicant has prepared a written request to vary the development standards (Appendix A).

Building height

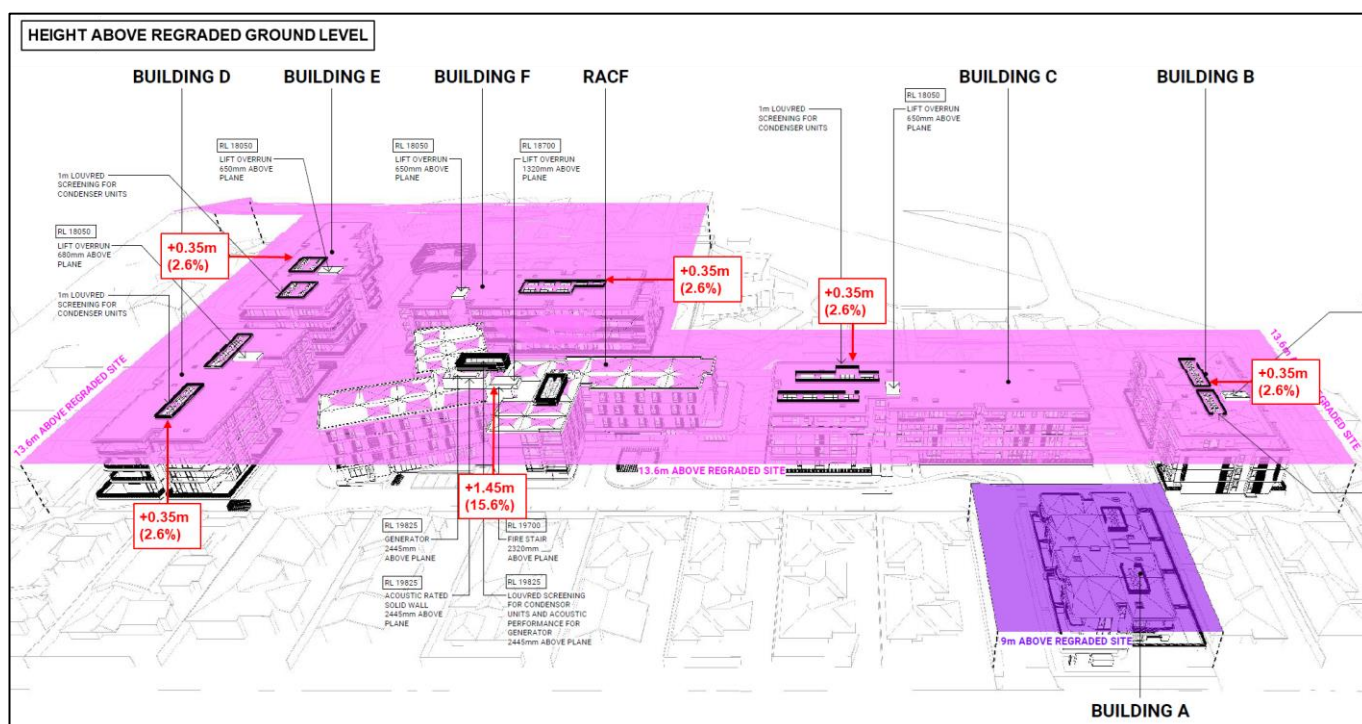
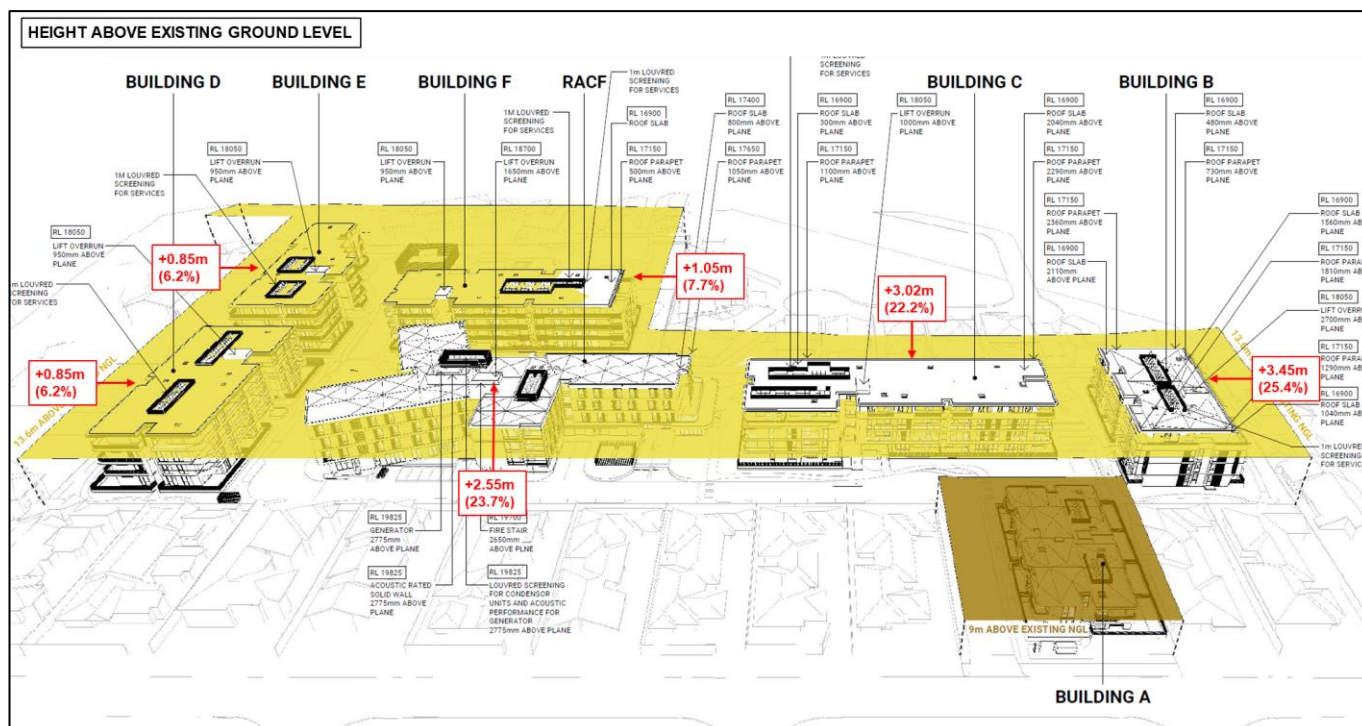
The TLEP maximum building height controls for the site are set out below. As discussed at Section 5.2.1, the Applicant does not seek to apply the seniors housing ILU/RCF development height and FSR bonuses (section 87 of the Housing SEPP) and the TLEP building height controls are therefore the relevant controls for the development:

- 13.6 m to the Kingscliff Street lot
- 9 m to the four Lorien Way lots.

The proposal seeks variations to the maximum permissible building height under clause 4.3, ranging from 0.85 m (6.2%) to 17.05 m (25.4%) as detailed in Table 18 and shown at Figure 14 and Figure 16. The height variations are illustrated in detail in the Applicant's Architectural Plans at Appendix A. Building A does not exceed the height of the 9 m building height standard within the R2 Low Residential zone.

Table 18 | Maximum building height summary table

Building	TLEP max. building height	Max. height above existing ground level	Variation	Max. height above regraded ground level	Variation
B (ILU)	13.6 m	17.05 m	+3.45 m (25.4%)	13.95 m	0.35 m (2.6%)
C (ILU)	13.6 m	16.62 m	+3.02 m (22.2%)	13.95 m	0.35 m (2.6%)
D (ILU)	13.6 m	14.45 m	+0.85 m (6.2%)	13.95 m	0.35 m (2.6%)
E (ILU)	13.6 m	14.45 m	+0.85 m (6.2%)	13.95 m	0.35 m (2.6%)
F (ILU)	13.6 m	14.65 m	+1.05 m (7.7%)	13.95 m	0.35 m (2.6%)
G (RCF)	13.6 m	16.82 m	+2.55 m (23.7%)	15.76 m	1.45 m (15.6%)



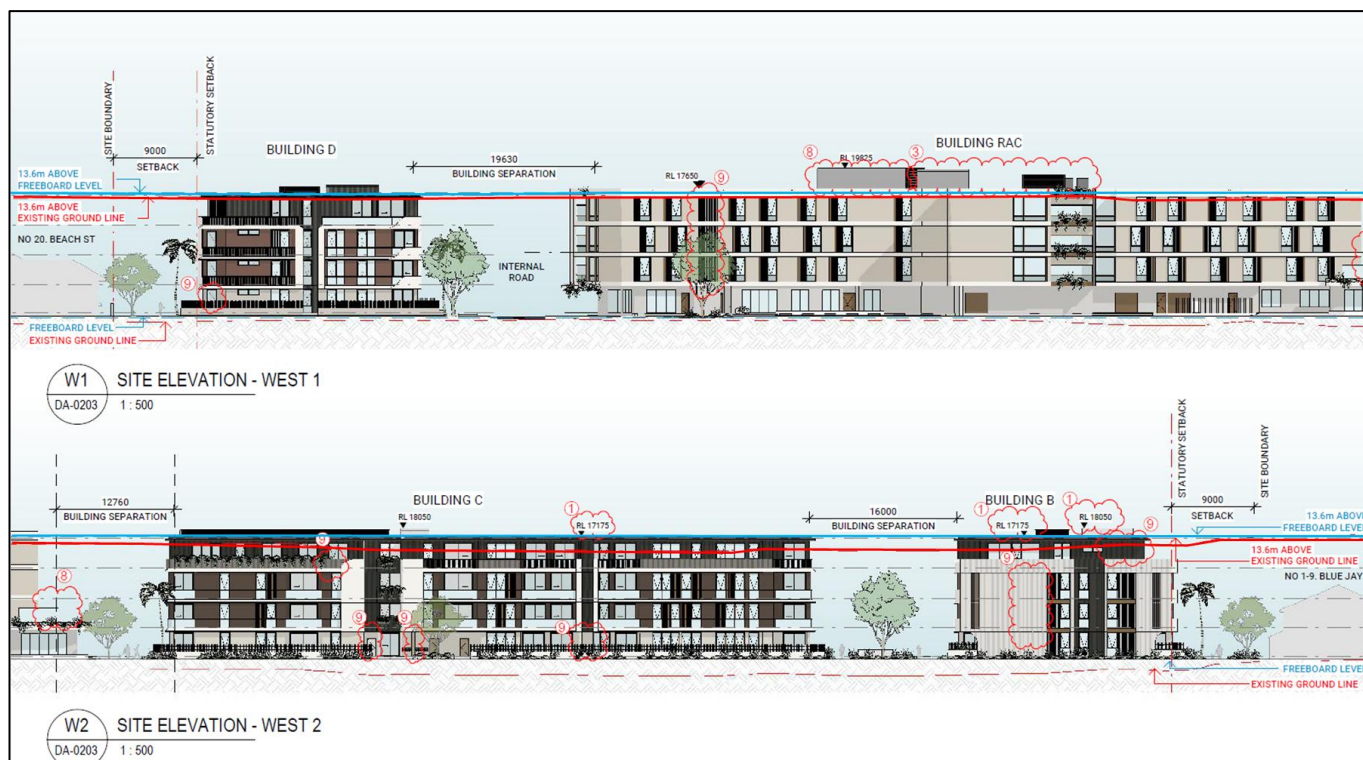


Figure 16 | Western elevations of Buildings B, C, D (ILUs) and G (RCF) identifying height exceedances (Base source: Applicant's additional information)

The following provides an assessment of the proposed exception to the section 16(3) of the Housing SEPP under clause 4.6 of TLEP, applying the tests summarised by Chief Justice Preston of the NSW Land and Environment Court in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 and *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 (Wehbe case) as reaffirmed in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34].

1. Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The Applicant has submitted a written request (**Appendix A**) seeking variation to clause 4.3 height of building development standard that applies to the site under clause 4.3 of the TLEP.

In summary, the Applicant's clause 4.6 request demonstrates that compliance with the maximum permissible building height is unreasonable and unnecessary in the circumstance of the case as the proposal:

- is consistent with the objectives of the building height standard clause 4.3 of the TLEP
- in keeping with the first test of the five-part tests in *Wehbe v Pittwater Council* [2007] NSWLEC 827.

More specifically, the Applicant's request demonstrates the proposal responds to the objectives of clause 4.3 under the TLEP in keeping with the first test of the five part tests in *Wehbe v Pittwater Council* [2007] NSWLEC 82 as follows:

- the proposed height variation is primarily a consequence of historic earthworks which lowered the existing ground levels and created undulating surfaces and a deep depression in the southern part of the site, in addition the earthworks / fill:
 - will establish consistent grades across the land, consistent with adjoining properties and address flooding impact
 - could have been carried out under a separate earlier application to establish the regraded site (and a lower / negligible level of height exceedance, see Table 18)
- as measured from the existing ground level, building elements that are above the 13.6m height limit are limited to part roof levels, not habitable spaces and lift overruns and rooftop service areas
- GFA has been distributed away from the lower scale development, the development includes generous minimum 9 m setback to all property edges, rooftop services have been set-back from the building edge and building articulation further reduces the scale of the built form to relate to the existing context
- the development is a similar four storey built form character, height and typology as other apartment development within the R1 zone of Kingscliff, east of the site
- pursuing an alternative building typology, such as a reduction to three storeys, would require an unreasonable and unnecessary loss of development potential, housing provision and social and economic benefit
- the variation does not result in an increase in FSR beyond what is permitted under the TLEP
- the proposal would not result in adverse overshadowing or view loss impacts to adjoining properties
- the site is located within a strategic location, being close to town and services, is not within a visually sensitive location, has limited natural environmental constraints, no bushfire risk and flood impacts can be addressed.

For the reasons provided above, the Department accepts that compliance with the building height development standard is unreasonable or unnecessary given the circumstances of the case.

2. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?

The Department considers there are sufficient environmental planning grounds to justify the proposed contravention to the height of buildings development standard in the circumstances as provided in the Applicant's written request as summarised below:

- the proposal represents a contemporary, engineered solution for flood and stormwater management than what currently exists at the site. This solution requires changes to the legacy existing ground levels (which have consequences for height non-compliance) and achieves flood and stormwater control and flood-compatible floor levels

- the proposal is compatible with the desired future scale and character of the locality which envisages up to four storey residential development along the Kingscliff coastal fringe
- the setbacks of the four storey buildings from adjoining boundaries shared with existing lower-scale residential development all meet or exceed the ADG recommended minimum standard and provides for an appropriate, stepped built form transition to existing lower-scaled development
- the proposal will not result in any adverse impacts on neighbouring development beyond what would be expected within the residential zone in terms of view loss, overshadowing, bulk and scale or privacy
- strict compliance would result in development with a built form and character that is inconsistent with the emerging height and scale of development east of the site, fails to meet the objectives of the R1 General Residential zone and remove the opportunity to deliver sufficient and appropriate seniors housing on the site.

3. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?

The Department is satisfied that the proposed development is consistent with the objectives of the standard and that it would not have any significant detrimental visual impacts, view / outlook impacts, privacy impacts, or solar access impacts to existing (and approved future) development.

4. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?

The Department is satisfied the Applicant's written request has sufficiently demonstrated the development will be consistent with the objectives of the R1 General Residential zone, despite the variation.

Conclusion

Having considered the written request, the Department considers the Applicant has provided sufficient environmental planning grounds to justify the contravention of the height development standard and the matters required to be demonstrated have been adequately addressed. The Department considers that the proposal will deliver a better planning outcome for the site and the proposed additional building height is acceptable because:

- the proposal meets the objectives of the zone and height of building control as it enables development with a built form that is compatible with the size of the land to be developed
- strict compliance is likely to result in the loss of seniors housing, which would be contrary to the purpose of subsection 87(2)(c) of the Housing SEPP as well as the principles of the Housing SEPP

- the application includes ILUs and an RCF but does not seek to apply the seniors housing ILU/RCF development bonuses under section 87 of the Housing SEPP. This is because the proposal is under the maximum FSR for the site and is therefore ineligible for the additional 3.8 m of bonus height. If the proposed FSR exceeded the maximum under the TWLEP, the bonus height would apply and the development would be compliant with the height of building controls within SEPP Housing
- the proposal would not result in any unreasonable impacts on neighbouring development in terms of view loss, overshadowing, bulk and scale, on privacy, as discussed in Section 5
- the development is of a scale and form compatible with the established and emerging character of the area and what is envisioned for the broader Kingscliff area
- the proposal will have a mixture of facade compositions and materiality which will to break up the facade, while also enabling a design that to appear articulated to reduce the visual height and bulk.

Based on the discussion above, the Department concludes the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the TLEP. The proposed development is in the public interest because it is consistent with the building height objectives in the TLEP and the objectives for development within the zone.

Appendix E – Relevant planning history

The site has been the subject of several previous development applications, as summarised at **Table 19**.

Table 19 | Summary of relevant planning history

DA ref	Description	Decider	Date
DA90/308	Extension of Office Facility.	Council	25 May 1990
DA90/438	Extension to Existing Church Building for Public Worship and General Church Activities.	Council	25 Sep 1990
DA93/9	Establishment of hostel development involving 6 bed hostel, 10 bed hostel, 12 bed hostel, 12 bed special care and community buildings.	Council	11 Feb 1993
DA94/269	Erection of Thirteen (13) Single Storey Buildings to Comprise a total of 26 Self Contained Dwellings to be used for Accommodation for Aged or Disabled Persons. This DA was never constructed.	Council	21 Sep 1994

DA ref	Description	Decider	Date
DA98/220	Additions to Existing Hostel (Dining Room Extension).	Council	6 Aug 1998
K99/372	Alterations & Additions to Existing Aged Care Accommodation Facility.	Council	19 Aug 1999
DA745/2000	Erection of a Storage Shed for Nursing Home.	Council	2 Aug 2000
DA0994/2001	Addition of Children's Shade Cover Area to Existing Church Building.	Council	10 Oct 2001
0044/2002DA	Construction of a Car Park.	Council	29 Apr 2002

Appendix F – Consideration of SDRP comments

Table 18 | Department's consideration of SDRP comments

SDRP comment	Applicant's response	Department's consideration
1. Consider connecting with Country principles including: a) strengthening landscape design through an understanding of seasonal variations	The landscape design strengthens the connection to Country through an understanding of seasonal variation by selecting a wide variety of predominantly native and endemic species that flower and change throughout the year.	The Department considers the design incorporates a suitable holistic approach and supports the Applicant's approach to connecting with Country.
b) considering the movement of water and water sensitive design opportunities	Water is directed away from buildings into drainage swales and the stormwater network. There will be ephemeral moments during and after storm events to hear and see water movement across the site.	The Department has considered stormwater and flooding at Section 5.3 and supports the Applicant's mitigation measures.
c) expanding landscaped areas to create a meaningful heart associated with the RCF.	The community heart is located adjacent to the RCF, including indoor community facilities, outdoor dining terrace, flexible open lawn space and swimming pool. First Nation inspired features are provided throughout the site reinforcing the connection to Country.	The Department is satisfied this has been suitably demonstrated. The Department has considered communal open space at Section 5.4 . The Department supports the Applicant's approach to connecting with Country.

SDRP comment	Applicant's response	Department's consideration
d) explore integrating colours derived from Country into material palettes, expanding beyond whites and neutrals. e) explore local Indigenous understandings of seasonal variations to inform an engaged and appropriate architecture	During the first round of community consultation, the local recognised Aboriginal parties expressed a desire for the site to encompass the diverse colours of Country and wished to see the colours of the surrounding bushlands within the mountains also reflected across the site. The material palette has been carefully composed to integrate a selection of warm, tactile, and texturally rich materials that enhance the architectural composition.	The Department supports the design of the proposal subject to the submission of the material palette as discussed at Section 5.2.4.
2. Native and endemic planting palettes are encouraged for all landscaped areas	The landscaping includes endemic and native species that reflect local plant character, reinforce local identity, provide shaded pathways and communal areas with a cool subtropical environment, give privacy to neighbouring properties and internal private patio areas, and support native wildlife.	The Department is satisfied this has been suitably demonstrated and supports the provision of endemic and native planting within the landscaping.
3. Consider a wholistic and embedded approach to the design development of the landscape and built form.	During the documentation phase the Applicant will actively reach out to the Bunjalung community to seek inputs and collaboration ideas for how we can best work together to embed their needs beyond simple surface treatments	The Department is satisfied this has been suitably demonstrated.
4. Continue to develop a detailed flood response with safety for the inhabitants and neighbours the key consideration.	Since presenting to the SDRP, the project has developed a comprehensive stormwater and flooding design response for the site and emergency response.	The Department is satisfied this has been suitably demonstrated. The Department has considered stormwater and flooding at Section 5.3 and supports the Applicant's mitigation measures.
5. Consider the following:	The proposal reflects a balanced approach that seeks to optimise site outcomes within a scale that is	The Department considers the development form, density and height is

SDRP comment	Applicant's response	Department's consideration
a) increasing heights and reducing building footprint where feasible.	appropriate and acceptable to the existing community context.	appropriate and would not have adverse visual or amenity impacts as discussed at Section 5.2.
b) Reducing or relocating parking surrounding the Church to allow a redistribution of GFA and enhanced open space offerings.	The church car parking is relocated and the overall number of spaces is retained. The overflow carpark adjacent the church will include reinforced turf cell to provide a flexible open space offering when not in use.	The Department is satisfied this has been suitably demonstrated. The Department considers the proposal provides for adequate communal open space, as discussed at Section 5.4.1 and Appendix C.
6. Consider how the site can provide beyond the minimum 15% landscaping requirements	The Church location and immediate lands surrounding it are fixed by the requirements of the Uniting Church. As such, the lands and parking which surround the existing Church have been made available for flexible open space uses but are not made available for redevelopment or moving new buildings inside these grounds.	The Department is satisfied this has been suitably demonstrated. The proposal provides for sufficient landscaping and communal open space areas, as discussed at Section 5.4.1 and Appendix C.
a) Reposition the RCF closer to the Church to create a larger consolidated community landscaped area.		
b) Provide a balance of quality built form and quality open space focusing on creating a community heart to the project.	The community heart is previously described in item 1.c. above. This area is approximately 1200m ² and the design consists of high-quality built form elements and functional spaces that encourages community gatherings and social interactions.	The Department is satisfied this has been suitably demonstrated. The proposal provides for sufficient landscaping and communal open space areas, as discussed at Section 5.4.1 and Appendix C.
7. Consider how a clear and welcoming entrance can be designed	Signage and wayfinding will be developed and submitted as a separate development application to Council following approval and will further reinforce the arrival experience.	Signage does not form part of this application, as discussed at Section 5.5.

SDRP comment	Applicant's response	Department's consideration
8. The Council owned sewer pump is a barrier to the entrance of the site. Provide further detail on the building footprint, existing landscaping and considerations for odour mitigation.	Council was approached prior to lodgement and confirmed it does not wish to amend the existing sewer pump station or the sewer network. The Odour Report concludes that there would be no adverse odour impact to future residents.	The Department is satisfied this has been suitably demonstrated.
9. Re-examine the road network and where possible investigate more opportunities for shared space between vehicles and pedestrians	The proposal has provided suitable pedestrian circulation and connection throughout the site whilst minimising conflict with vehicles. Due to the age demographic of the users of the project, pedestrian and vehicle shared spaces is not encouraged for this proposal.	The Department is satisfied this has been suitably demonstrated.
10. Consider the material palette for the roads and how they might be softened through permeable paving to assist with drainage and street cooling	The street surface treatments will utilise different finishes to help to soften this element and where possible shade trees will help to cool this surface.	The Department is satisfied this has been suitably demonstrated.
11. Re-examine the wayfinding including cues in the landscape, different building characters, intuitive wayfinding and paths of travel	The landscape design includes visual cues, buildings have unique characters, circulation routes are designed as loops and wayfinding elements are provided throughout the site.	The Department is satisfied this has been suitably demonstrated.
12. Provide communal open space landscaping sections	Landscaping sections are provided.	The Department is satisfied this has been suitably demonstrated.
13. The sub-tropical character of the area is important and should be reflected in the landscape design wherever possible	The design has focussed on creating a coastal sub-tropical landscape character. Planting includes extensive use of native and endemic subtropical planting throughout the site.	The Department is satisfied this has been suitably demonstrated.

SDRP comment	Applicant's response	Department's consideration
14. Communal open spaces should maximise daylight amenity, privacy, deep soil planting, tree canopy cover, a sense of community.	Daylight amenity, resident privacy, deep soil areas, tree canopy coverage and creation of a sense of community have all be maximised within the design.	The Department is satisfied this has been suitably demonstrated. The Department considers the proposal provides for high quality communal open space and residential amenity as discussed at Section 5.4.
15. Undertake an audit and review of the extent of hardstand carparking on the site, specifically in relation to the Church.	The church hardstand has been reduced. This surface is now a turf cell that is permeable to collect rainfall and reduce the thermal mass.	The Department is satisfied this has been suitably demonstrated.
16. Re-examine the ILU building planning to include external corridor options and remove dead-end corridors where possible to create a greater engagement with the surrounding environment for residents.	The proposed built form adopts a double-loaded corridor configuration. This arrangement ensures compliance with fire separation provisions while enabling controlled access to natural ventilation and daylight at key points – specifically through operable windows strategically located at lift lobbies and common areas. This approach balances regulatory requirements with amenity considerations, supporting both safety and environmental performance within the building.	The Department is satisfied this has been suitably demonstrated. The Department has considered internal amenity at Section 5.4.1.
17. Provide details of ADG compliance including daylight and ventilation	ADG compliance schedules have been provided	The Department is satisfied this has been suitably demonstrated. The Department has considered ILU internal amenity at Section 5.4.1.
18. Consider how each ILU can have a distinctive appearance by creating varied material	The development achieves a high standard of design and appearance, which is derived from local character.	The Department considers the proposal achieves a high quality of design as discussed at Section 5.2.4.

SDRP comment	Applicant's response	Department's consideration
palettes and responding to the surrounding landscape areas.		
19. Consider cross ventilation of apartments and avoid double loaded corridor layouts where feasible.	The proposed built form adopts a double-loaded corridor configuration. This arrangement ensures compliance with fire separation provisions while enabling controlled access to natural ventilation and daylight at key points – specifically through operable windows strategically located at lift lobbies and common areas. This approach balances regulatory requirements with amenity considerations, supporting both safety and environmental performance within the building.	The Department is satisfied this has been suitably demonstrated. The Department has considered ILU internal amenity at Section 5.4.1.
20. Re-consider the dementia circuit location on level 1 for the RCF. Prioritise ground and garden access for dementia patients/residents	The dementia garden is located on Level 1 to enable better environmental control and a safer and more therapeutic setting for residents requiring specialised care. The ground level of the site is characterised by its high level of activation and movement, which would pose significant logistical and supervisory challenges for carers and support staff.	The Department is satisfied this has been suitably demonstrated.
21. Consider integrated sustainability options including: a) external corridors in ILUs to reduce the need for air-conditioned spaces. b) providing ample cross-ventilation for apartments c) providing external shading for openings to promote passive thermal comfort	The proposal includes naturally ventilated / weather protected internal corridors, which enhance year-round accessibility, comfort, and safety. The proposal complies with the ADG natural ventilation requirement. BASIX commitments have been optimised to enhance thermal performance, top-floor apartment skylights further improve natural daylight access and internal amenity.	The Department is satisfied this has been suitably demonstrated. The Department is satisfied the development has been designed in accordance with ESD principles as discussed at Appendix B.

Appendix G – Independent review of flooding

Following the EIS exhibition, and to assist with its detailed assessment, the Department engaged GRC Hydro to undertake an independent review of the Applicant's Flood Impact Assessment . The GRC Review is provided on the Department's website, link provided below:

<https://www.planningportal.nsw.gov.au/major-projects/projects/uniting-kingscliff-redevelopment>

Appendix H – Recommended instrument of consent

The recommended instrument of consent can be found on the Department's website, link provided below:

<https://www.planningportal.nsw.gov.au/major-projects/projects/uniting-kingscliff-redevelopment>