



18 November 2025

Paulina Wythes
Director Social & Diverse Housing Assessments
Department of Planning, Housing and Infrastructure

via email: [REDACTED]

Dear Paulina,

**Uniting Kingscliff Redevelopment (SSD-47105958)
Request for Comment – Recommended Conditions of Consent**

I refer to the State significant development application for the Uniting Kingscliff Redevelopment (SSD-47105958) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

The Commission is considering the imposition of the attached conditions of consent for the Application (**Attachment A**) should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Could you please provide the Department's advice by **5pm on Monday 24 November 2025**.

This letter and your response will be made publicly available on the Commission's website immediately following the publication of the Commission's determination of this Application.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Brad James, [REDACTED].

Yours sincerely,

[REDACTED]

Stephen Barry
Planning Director

Department of Planning, Housing and Infrastructure

Our ref: SSD-47105958

Mr Stephen Barry
Planning Director
Independent Planning Commission
Suite 15.02, Level 15, 135 King Street
Sydney NSW 2000

Via email: [REDACTED]

24 November 2025

Subject: Uniting Kingscliff Redevelopment (SSD-47105958) – Request for Comment – Recommended Conditions of Consent

Dear Mr Barry

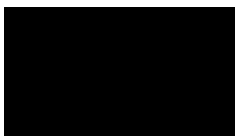
I refer to your letter dated 18 November 2025 seeking the Department of Planning Housing and Infrastructure's (the Department) advice on the workability, enforceability and any potential unintended consequences of the proposed conditions for the proposed Uniting Kingscliff Redevelopment state significant development (SSD) application.

In response to the Independent Planning Commission's request, the Department:

- advises that it is generally supportive of the proposed amendments to the draft conditions of consent, subject to consideration of comments provided in **Attachment A**.
- accepts removal of the "Council's Conditions" heading from the proposed conditions

We trust the additional information assists the Commission in reaching a determination on the SSD application. Please do not hesitate to contact Stephen Dobbs, Team Leader on [REDACTED] if you require any further information or clarification on these matters.

Yours sincerely,



Paulina Wythes
Director
Social and Diverse Housing Assessment

Uniting Kingscliff Redevelopment (SSD-47105958)

Changes to Conditions of Consent

- Notes:
- 1. Not all conditions in the table below are not replicated in full, only necessary parts of the conditions to demonstrate changes.
 - 2. As a result of new conditions, re-numbering of conditions will be required/undertaken.

Condition No.	Commission’s Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	Comments DPHI (24/11/2025)
A5(b)	The EIS references the need to amalgamate the lots. However, there is no reference to this in the RtS or additional information. Could the Department confirm if any changes to condition A5(b) are necessary?		Recommend changes. <ul style="list-style-type: none">The Department recommends that condition A5(b) be deleted, and the development description be updated to include reference to “lot consolidation”The Department recommends the inclusion of two new conditions under <i>Part E – Commencement of occupation and use – Management Plans, Guides and Miscellaneous</i> to ensure all lots are consolidated, as outlined in the Applicant’s Environmental Impact Statement, and that existing easements, restrictions, or carriageways are either extinguished (where relevant) or maintained on the newly created consolidated lot LOT CONSOLIDATION AND EASEMENTS <p><i>E46. Prior to the issue of the final Occupation Certificate, the lots/separate titles within the development site must be consolidated. A plan of consolidation must be registered with the Land and Property Information Divisions of the NSW Land Registry Services.</i></p> <p><i>E47. Prior to the final Occupation Certificate, any existing registered easements, restrictions, or rights of carriageways which burden the development site must be appropriately extinguished and/or modified as appropriate to ensure services and drainage is maintained for easement beneficiaries.</i></p>
A5(d)	The Commission has received submissions expressing concern that the Application proposes the use of rock anchors on adjoining properties during excavation works. Submissions argue that, in light of the decision in <i>Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245</i> , the development cannot lawfully be determined without obtaining owners’ consent from the affected adjoining landowners. The Applicant’s Geotechnical Report dated 15 March 2024 notes that rock anchors may be required during construction; however, this requirement is not referenced in the EIS or the RtS. To address these concerns and provide clarity, the Commission has amended the condition to confirm that the consent does not authorise any works outside the site boundaries.	This consent does not approve the following: <ul style="list-style-type: none">(a) building and business identification signage;(a) subdivision or lot consolidation;(b) tree removal outside the site boundaries, including within the Council Sewer Pump Station; or(c) <u>any development outside the site boundaries.</u>	Accepted.

B1	On 3 November 2025, the Commission wrote to the Applicant seeking feedback on several design changes intended to address community concerns regarding bulk, scale, privacy, overshadowing, and overlooking. The Applicant responded on 10 November 2025, confirming they had no objection to these changes being imposed as conditions of consent. In addition to these agreed changes, the Commission is considering further amendments requiring the use of obscure glazing for balconies on D.407, E.401, and D.403 [see B1(f)]. The Commission seeks the Department's comments on the proposed revisions to condition B1.	<p>Prior to the issue of the Construction Certificate for the relevant façade and basement works, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary:</p> <ul style="list-style-type: none"> (a) measures to prevent overlooking between Building G (the RCF) and Building F (such as, but not limited to, window treatment, screening, conversion to highlight windows or deletion of windows). The measures must be applied in the following locations of Building G (the RCF): <ul style="list-style-type: none"> (i) east facing windows at Levels 02 and 03 to the sitting rooms labelled HHF02; (ii) east facing windows at Levels 02 and 03 to the balconies labelled HHF08; (b) demonstrate the construction of all basements will be of a 'tanked' / fully sealed design and include written confirmation from an engineer; (c) <u>measures to prevent overlooking from the south-facing balconies of Building A Level 01 apartments A.201, A.208 and A.207 (such as, but not limited to, obscure glazing and/or privacy treatment):</u> (d) <u>increase the southern setback of Building B by an additional 3m, resulting in a minimum setback of 12m at its closest point to the southern property boundary;</u> (e) <u>adoption of planter boxes on the north-facing balconies of:</u> <ul style="list-style-type: none"> (i) <u>Building D – apartment D.407;</u> (ii) <u>Building E – apartment E.406;</u> (f) <u>adoption of obscure glazing on:</u> <ul style="list-style-type: none"> (i) <u>the east-facing balcony of Building D – apartment D.407;</u> (ii) <u>the north and west-facing portion of the balcony of Building E – apartment E.402, where planter boxes are not proposed; and</u> (iii) <u>the west-facing portion of the balcony of Building D – apartment D.403;</u> (g) <u>removal of the south-facing balconies of Building F apartment F407, resulting in no increase in floor space.</u> 	Accepted.
B3	For the reasons set out above for condition A5(d), the Commission is proposing to delete condition B(f).	<p>Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report from an Engineer, which includes the following:</p> <ul style="list-style-type: none"> (a) geotechnical details which confirm the suitability and stability of the site for the Development; (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land; (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings; (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration; (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work. (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place). 	Accepted.
B7	As per the Applicant's response dated 10 November 2025, the design changes being proposed by the Commission may result in adjustments being required at basement level. The Applicant has requested this condition specify a range of 318-322 car parking spaces. The Commission is proposing changes to Condition B7.	<ul style="list-style-type: none"> (g) compliance with the following parking requirements: <ul style="list-style-type: none"> (i) compliance with Australian Standards for the layout, design and security of bicycle facilities; (ii) provision of electric vehicle charging infrastructure in accordance with the NCC; (iii) provision of <u>318-322</u> car parking spaces in alignment with the Transport Impact Assessment by ptc., dated 13 April 2024, comprising <u>up to</u>: <ul style="list-style-type: none"> • 236 ILU spaces; • 40 RCF spaces; • 23 general spaces; and • 23 church spaces incorporating two accessible spaces. 	Accepted.

C2	<p>The Commission proposes amendments to the CEMP to ensure the Applicant proactively keeps the local community and Council informed about construction timing, staging, and any delays. Given that construction is planned over two stages spanning approximately 2.5 years, the Commission considers this level of communication essential to maintain transparency and manage community expectations.</p> <p>The Commission is also proposing changes to Condition C2 requiring the CEMP to include details of construction worker transportation in response to the changes in Condition C9 below.</p>	<p>Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:</p> <p>(a) details of:</p> <ul style="list-style-type: none"> (i) hours of construction; (ii) 24-hour contact details of the site manager and complaint handling procedure; (iii) construction program and construction methodology, including construction staging; (iv) traffic management, <u>including construction worker transportation;</u> (v) noise and vibration management; (vi) management of dust and odour; (vii) stormwater control and discharge including ensuring that vehicles leaving the site do not transfer dirt to roadways; (viii) prevention and management of contamination; (ix) management of stockpiles of soil or other materials; (x) waste management; (xi) external lighting in compliance with applicable Australian Standards; and (xii) site security, including fencing or hoarding. <p>(b) <u>describe procedures that would be implemented to:</u></p> <ul style="list-style-type: none"> (i) <u>proactively keep the local community and Council informed about the construction, including but not limited to start dates, staging and whether there are any delays to these dates;</u> (ii) <u>receive, handle, respond to, and record complaints;</u> (iii) <u>resolve any disputes that may arise;</u> (iv) <u>respond to any non-compliance; and</u> (v) <u>respond to emergencies.</u> 	Accepted.
C9 and C10	<p>The intent of the change to condition C9 is that all heavy vehicles and construction related vehicles park on-site to minimise construction impacts on nearby residential streets. The Commission is proposing to remove the need for a Construction Worker Transportation Strategy in recommended condition C10.</p>	<p>Prior to the commencement of any earthwork, demolition or construction, the Applicant must submit to the Certifier <u>evidence that sufficient on-site parking has been provided for heavy vehicles and all other construction-related vehicles.</u></p> <p>Prior to the commencement of any earthwork, demolition or construction, the Applicant must submit to the Certifier a Construction Worker Transportation Strategy. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.</p>	Accepted.
D43	<p>The Commission's intention is to provide certainty in support of condition C9 above, all heavy vehicles and construction-related vehicles must park on-site during construction.</p>	<p>CONSTRUCTION PARKING</p> <p>All heavy vehicles and construction-related vehicles must park on-site during construction.</p>	Accepted.
F24	<p>Council in its meeting with the Commission stated that FERP had not addressed matters including how excess sewage, food, medical waste and sanitary waste is to be collected and stored until such time as normal disposal can be undertaken. Accordingly, the Commission has imposed a requirement for the Applicant to update the FERP to address these matters. The Commission has also imposed a requirement that the update FERP is to be made available to all occupants of the Site, to ensure that they are aware of flood related risks.</p>	<p>The <u>Applicant must update the 'Flood Emergency Response Plan Uniting Kingscliff Seniors Housing FERP'</u>, prepared by Water Technology and dated 10 June 2025 <u>to include details of how excess sewage, food, sanitary waste and medical waste is to be collected and stored for a period of one week or until such time as normal disposal can be undertaken. The Applicant</u> must implement <u>the updated plan</u> and adhere to it at all times following the issue of the Occupation Certificate. <u>A copy of the updated plan must be made available to all occupants.</u></p>	Accepted.