

The DPHI Assessment and OBJECTION to Development in Its Current Form

My Name is Matthew Sands

I live at [REDACTED] and I am a direct Neighbour of Uniting Kingscliff

Prior to the DPHI assessment, additional reports and design variations were added to the exhibition documents published on the State Significant Development website. These documents formed the basis on which the community, myself included, reviewed the project and prepared our objection submissions.

After public submissions were collected, further amendments were made to the proposal for DPIE's assessment. In response to concerns raised by government departments, neighbouring residents and individuals, Uniting submitted additional documents providing further justification for the changes. The most substantial modification was the increase of the minimum ground floor level from RL 3.8m to RL 4.1m — a 300mm rise. In addition, plant and equipment were relocated to the rooftop, adding a further 1.6m to the overall building height.

The result was an increase in height from what was publicly exhibited to the final set of plans released in September 2025. Notably, this coincided with an amendment to the State Environmental Planning (SEP) controls in the same month, increasing the height limit for aged care developments to 17m. The DPIE received and approved the amended documentation immediately after this change was adopted.

It is also important to highlight that the original proposal attracted 291 objections, with 69% opposed. Yet, rather than addressing community concerns through reductions or design improvements, the design has increased in size since exhibition with the added floor heights.

NOTE:

Historically, once approvals have been granted to Uniting under the State Significant Development pathway, they have subsequently sought and received approval for variations that further increase building heights. The community seeks assurance that, if approval is granted for the Kingscliff project, no further increases to bulk or scale will be permitted under the justification of "project improvement". In other words, any approval granted at this stage must be final and not subject to height escalation post-determination.



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%)

The DPHI assessment has dismissed the issues listed above and justified the proposal by Uniting.

Assessment Issues

The DPHI has assessed the proposal against the NSW Design Guidance; however, it is evident that a “one size fits all” approach is not appropriate when applying these standards to State Significant Developments.

Firstly, it must be emphasised that this development is **not** located within one of the eight designated metropolitan cities of Sydney or Newcastle. Kingscliff lacks the transport infrastructure that would typically support a high-density aged population — there is no rail network and only a limited bus service.

The scale and market positioning of the Independent Living Units will price out many local residents, making it likely that a considerable proportion of future occupants will relocate from outside the region. This will increase demand for residential aged care beds in the future, placing further pressure on already limited local facilities and reducing access for current residents of the area. A

development of this density will alter the demographic balance, creating a disproportionate increase in the elderly population and compounding pressure on the local aged care system.

Furthermore, the NSW Government has publicly committed — in policies published after consultation with councils — **that new housing provisions will not apply to flood-prone or bushfire-prone land, other high-risk constrained land, or land that contains or constitutes a heritage item.** This commitment appears inconsistent with the approach being taken in this instance.

<https://www.planning.nsw.gov.au/policy-and-legislation/housing/low-and-mid-rise-housing-policy/feedback-on-the-low-and-mid-rise-housing-policy#>

How we've listened and acted

Some of the most common issues raised were concerns related to traffic and congestion, the protection of local character and the need for accompanying infrastructure and green spaces.

In response to community feedback and further consultation with councils, the policy won't apply to flood-or bushfire-prone land. other high-risk-constrained land or land that constitutes or contains a heritage item. Similarly, to ensure housing is supported with infrastructure, only well-located areas that have walkable access to a wide range of shops, services and public transport will be included in the policy.

Wommin Bay Rd main access
Rd from flooded Pacific HWY





Figure 25. February 2022 Floods looking west from my Bedroom over proposed site



Figure 26 Also looking West over proposed site

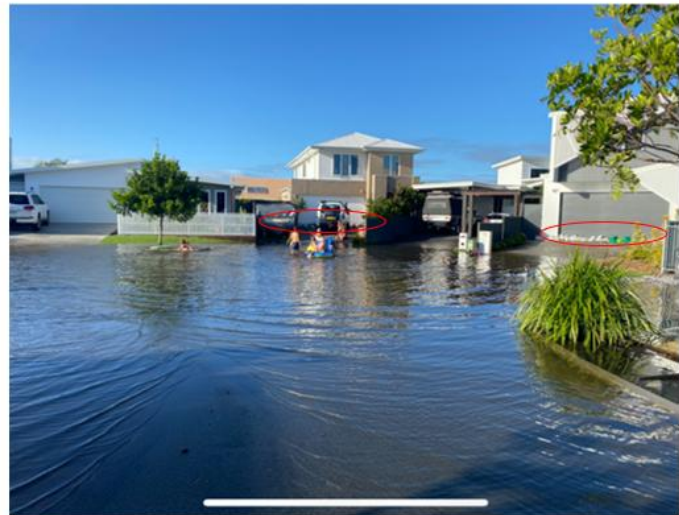


Figure 27

23 Drift Court Flooding February 2022 See sand bagging in front of garages.

Flooding

The Uniting proposal is located on a critical site that currently provides flood storage, stormwater relief and natural drainage. When combined with the already approved Gales development to the south-east—also proposing minimum floor levels of RL 4.1m—there is a significant risk that Drift Court and Blue Jay Circuit will function as a flood basin during major rainfall events. The raised building platforms of both developments will obstruct the natural overland flow path from the frontal dunes to the west, redirecting and trapping stormwater. This, combined with floodwater backing up and potential tidal surges from the river, may result in flooding of surrounding homes that have never previously experienced inundation.

Emergency Risk

Has engineering advice fully considered the consequences of a severe rain event, and can they be 100% confident in their modelling? Our community does not want to relive the trauma of the 2017 and 2022 flood disasters. Residents recall:

- placing sandbags at 1am,
- water rising back through drains,
- extended power outages, no mobile reception,
- contaminated water supply, closed shops, food shortages,
- roads cut off with no access to emergency services — for seven days (which felt like a month).

These lived experiences reinforce why flood risk must be minimised, not increased.



Highway closed both directions north and south of Kingscliff

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.
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It should also be noted that the local Council Objects to this current proposal.

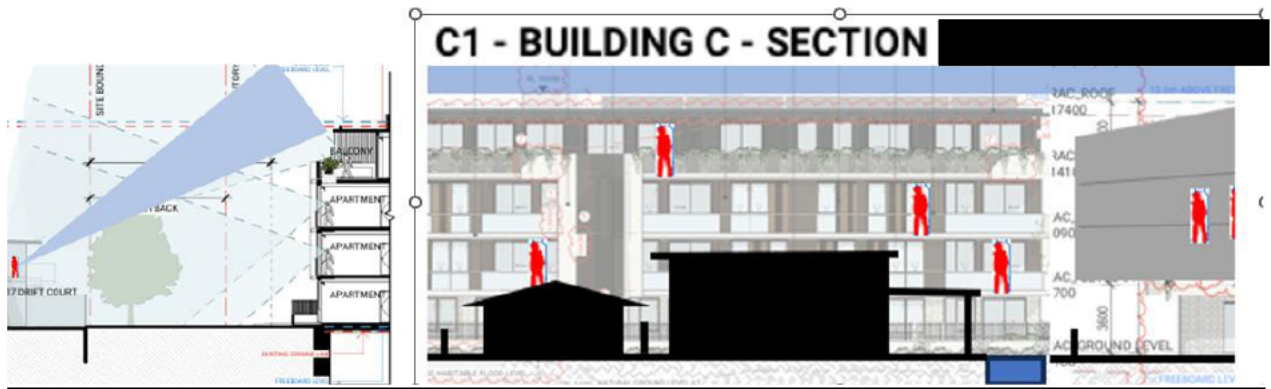
Bulk , Scale, Amenity, Privacy, Light Pollution, Noise Pollution and View Loss

The DPHI has assessed the project using a “one size fits all” approach. Unfortunately, the current guidelines do not offer adequate protection for my property and will significantly impact the amenity of my home.

The **continuous, linear bulk and scale** of the buildings positioned along the site boundaries presents a clear issue. A site inspection makes it evident that the proximity to my rear boundary will cause substantial impact, and it is equally clear that the only meaningful way to reduce these impacts would be for Uniting to redesign the built form along the boundary interface.

This impact is not limited to my property — it affects the amenity of all neighbouring residents. No genuine attempt has been made to lessen the development’s intrusion on surrounding homes. The only proposed mitigation measure appears to be the planting of large trees along the boundaries, which will in fact create further issues, including overshadowing, leaf litter, loss of outlook and trees encroaching over property lines.





Trees hard on Boundary





Figure 20 My House

My House Location with Uniting Looming off my back Boundary

No Privacy and Over Sized



My 2 Storey House Silhouette in the foreground



Loss of skyline/daylight



Loss of Privacy Sun and View

No tiered or graduated building form has been incorporated into the design, despite this being a key approach that could have significantly reduced impacts on neighbouring properties. Taller buildings could have been positioned towards the centre of the site, with building heights stepping down as they approach the boundaries. Alternatively, a level could have been removed from the buildings located closest to adjoining homes.

Instead, the design reflects a clear focus on maximising yield, resulting in a bulky, linear and visually unappealing built form along the boundaries. This approach prioritises density at the direct expense of neighbouring residents' amenity.

A Compromise



Removing a middle floor from Buildings B, C, D, E and F (as shown above) would significantly reduce impacts related to building bulk, overshadowing, privacy, traffic and parking, and would bring the development more closely into alignment with the Kingscliff Local Plan (KLP). The RAC building could remain at its proposed full height with minimal impact on neighbouring properties, as it is centrally located on the site. Importantly, the required number of aged care beds could still be accommodated under this approach.

The intent behind increasing height allowances for aged care facilities was to enable taller buildings **only on sites large enough to accommodate them without adversely affecting neighbours**. The illustration below demonstrates how this principle could be applied in a more balanced and context-sensitive manner. Adopting a stepped or reduced-height approach would result in a development the community is far more likely to support.

This still does not solve issues around Flooding and shelter in place.

A Tiered Design – Greater Height in Middle of Site



Additional Requirements

- Removal of one middle floor from Buildings B, C, D, E and F.
- A condition preventing any post-approval variations that increase building height, bulk or scale (noting the applicant's history of seeking amendments after approvals on other projects).
- Use of opaque glazed balustrades on all balcony and deck areas to preserve privacy.
- Installation of verandah light shrouds and appropriately shielded external lighting to minimise light spill and light pollution.
- Use of recessed internal lighting designs that reduce light spill to neighbouring properties.
- Improved consideration of overshadowing impacts on boundary landscaping.
- More restricted delivery hours than those currently proposed by the DPHI.

In Conclusion

The DPHI and Uniting Aged Care have not adequately considered the impacts of a development of this scale on the **120 neighbouring properties** that share a boundary with the site.

Insufficient attention has been given to the wider consequences of flooding **beyond the site boundary**, nor to the existing “ageing in place” population who will be directly affected by this proposal.

Uniting's approach appears to focus solely on the needs of its own future residents, with little regard for the established community surrounding the site. While this level of confidence may be appropriate within a self-contained development, it fails to acknowledge or respect the neighbouring community that will bear the impacts.

We support the need for housing and aged care—this is not in dispute. However, this particular site is too constrained for a development of this scale, and the current proposal is likely to disadvantage as many, or more, residents than it benefits. A more suitable and balanced solution for this site is both possible and necessary.

Why so Big?



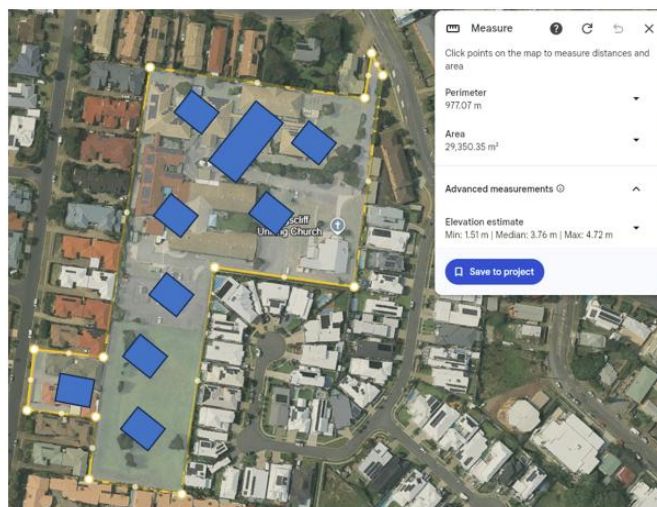
Smart Option 1

Adopting a smaller building footprint, with a greater setback from boundaries (as indicated in the yellow zone), would allow for improved building articulation and more usable outdoor spaces that are not compressed against neighbouring properties. This approach would provide:

- Enhanced visual articulation and architectural interest
- Increased natural light and reduced building bulk and scale
- Capacity for integrated landscaped stormwater/flood basins
- Fewer units directly facing neighbouring homes
- Improved internal cross-ventilation
- More diverse building forms
- Reduced visual impact and view loss for neighbours
- Greater solar access and improved outlook for residents
- A design that is easier for the community to support

Key Benefits

- Significant reduction in perceived bulk and scale
- Improved articulation and visual diversity
- Greater flexibility in unit layout and design
- Better solar access to both internal and external spaces
- Landscaped communal areas located away from boundaries
- Opportunity to incorporate stormwater/flood management into landscaped zones
- Improved privacy through angled views and thoughtful orientation
- Reduced overlooking of neighbouring properties
- Better integration with surrounding neighbourhood character
- Less overshadowing and reduced perception of height
- Decreased traffic and parking pressures
- Increased sky views for surrounding homes
- Fewer vulnerable residents concentrated in a flood-affected area
- Potential for selective height increases (up to 17m) in the centre of the site where impacts are minimal

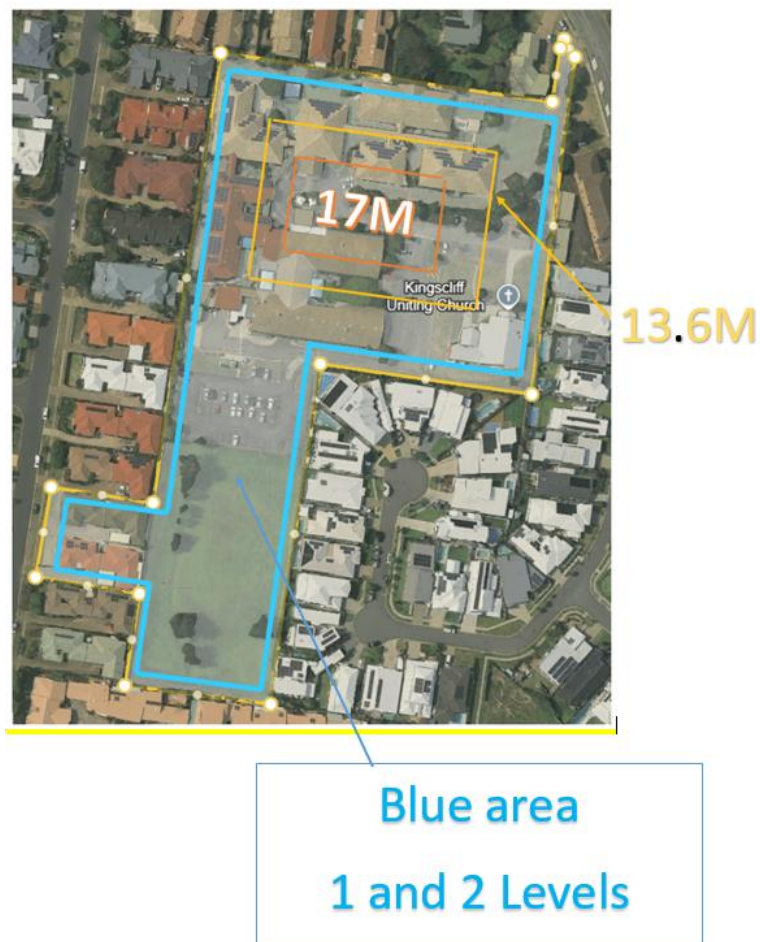


Smart Option 2 – Tiered Height Planes

Introducing tiered or stepped building heights across the site would substantially reduce perceived bulk and scale.

Key Advantages

- A softer, less imposing built form that is more acceptable to the community
- Improved architectural articulation and visual interest
- Greater flexibility in unit design and layout
- Enhanced internal and external solar access
- Ability to deliver quality outdoor landscaped areas away from boundaries
- Opportunity to integrate landscaped stormwater/flood basins
- Reduced privacy impacts and overlooking for neighbouring properties
- Better alignment with the surrounding neighbourhood character
- Less overshadowing, making building height a less contentious issue
- Maintains development density while locating height towards the centre of the site
- More sky views retained for neighbouring homes
- Potential to accommodate heights up to 17m in the centre of the site, where impacts are minimal



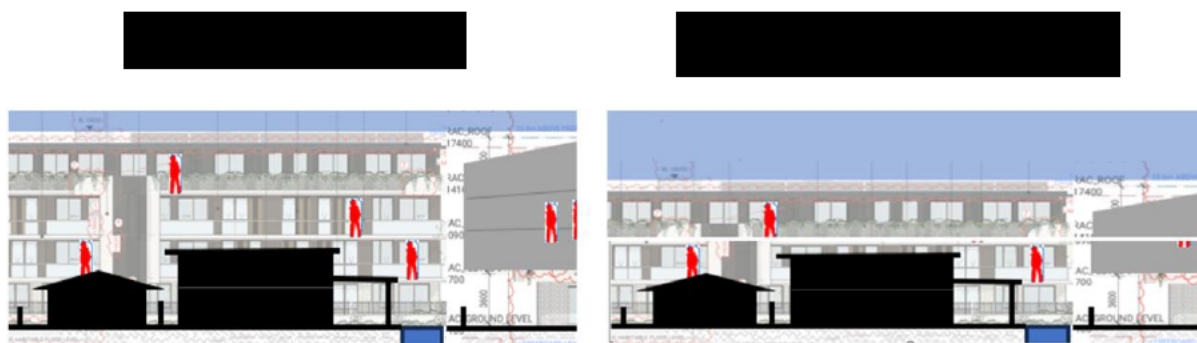
Smart Option 3 - Remove One Middle Level from the Current Design

Benefits

- Significant reduction in overall bulk and scale (although the linear façade would remain largely unchanged)
- Reduced overlooking and improved privacy for neighbouring properties
- Better alignment with the surrounding neighbourhood character
- Less overshadowing of adjacent homes
- Reduced resident and visitor numbers, resulting in fewer cars and less traffic
- More sky views retained for neighbouring properties
- Building height, including services, could comply with the KLEP 13.6m height limit (measured from natural ground)
- Lower concentration of vulnerable residents in a flood-affected location
- Reduced noise and light pollution
- Potential for 200–300mm height reduction per level through design efficiencies
- Simpler design modifications for Uniting compared with a full redesign

Limitations

- No improvement to flood management or stormwater relief
- Little improvement to landscape outcomes, although reduced building height may allow for smaller tree species
- While community acceptance would likely improve, flooding concerns would remain unresolved



In Conclusion,

While each of these options may not be fully achievable on their own, a combination or adaptation of these approaches through thoughtful architectural design could deliver a more practical, diverse and balanced outcome—one that better serves both the Kingscliff community and Uniting residents.

I support the intent of the State SEP to allow increased building heights for aged care in appropriate circumstances. However, this particular site is too narrow to accommodate such heights without causing adverse impacts. The height uplift would be far more suitable on a larger site, where increased density can be achieved with minimal impact on neighbouring properties and the surrounding community.