



New South Wales Government
Independent Planning Commission

ipcn.nsw.gov.au

Uniting Kingscliff Seniors Housing Development

SSD-47105958

Statement of Reasons for Decision

Janett Milligan (Chair)

Richard Pearson

27 November 2025

Contents

1. Introduction	1
2. The Application	1
3. Material Considered by the Commission	2
4. Reasons for the Decision	3
4.1 Built form and character	3
4.2 Flooding and stormwater	7
4.3 Traffic and Transport	8
4.4 Construction impacts	8
4.5 Other issues	9
5. Determination	9
Appendix A – Community Consultation Report	10
Appendix B – Commission’s Considerations	17
Appendix C – Department’s Assessment Report	22
Appendix D – Instrument of Consent	23

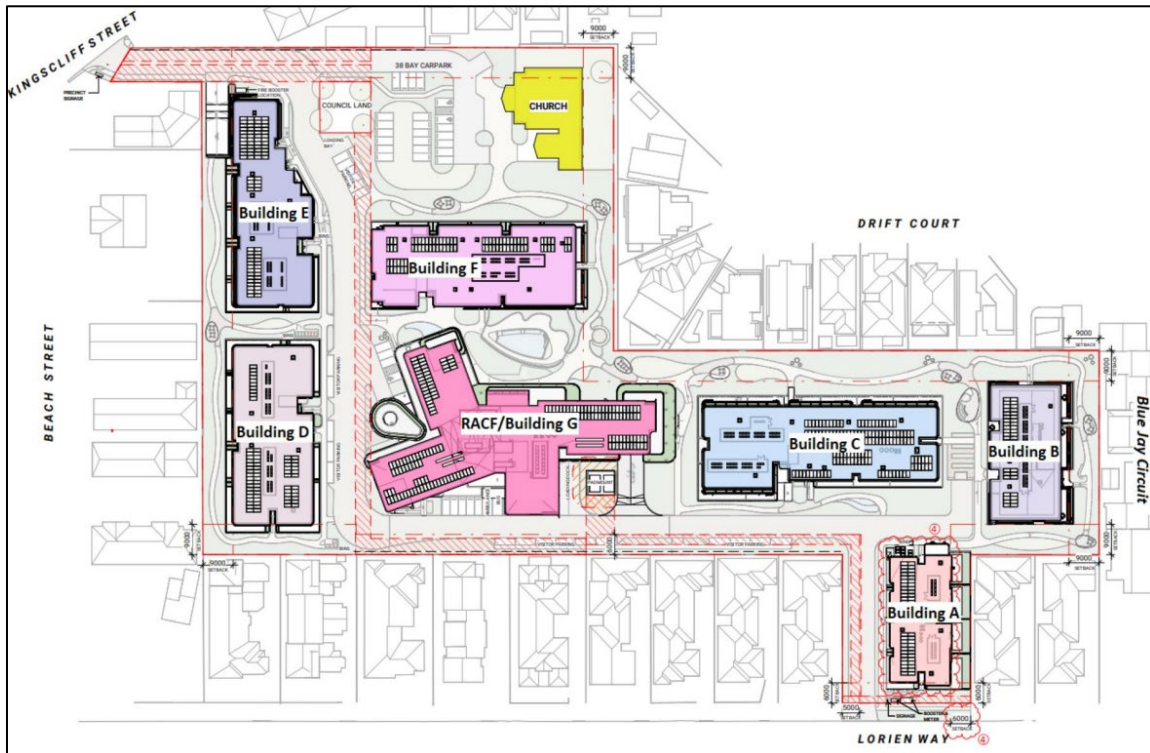
1. Introduction

1. On 25 September 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) Application SSD-47105958 (**Application**) from Uniting (NSW.ACT) (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval under section 4.38 of the EP&A Act for a seniors housing development, known as the Uniting Kingscliff seniors housing development (the **Project**) located in the Tweed Shire Council (**Council**) Local Government Area (**LGA**). The Application constitutes SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7(1) of SEPP Planning Systems, the Commission was the consent authority as more than 50 unique public submissions have been made by way of objection. On 16 October 2025, the Department wrote to the Commission advising of changes to the Planning Systems SEPP that would have the consequence of changing the consent authority for the Application from the Commission to the Minister for Planning and Public Spaces (**Minister**). In order to permit the Commission to continue to exercise its functions in relation to the Application, the Commission has made its determination as delegate of the Minister in accordance with the Minister's 14 September 2011 delegation to the then Planning Assessment Commission.
4. Janett Milligan, as nominee of the Chair of the Commission, determined that she and Richard Pearson would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**) dated September 2025 that the impacts of the Project are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the Application is in the public interest and is approvable, subject to conditions.

2. The Application

6. The site is located at 24A Kingscliff Street and 27, 29, 31 and 33 Lorient Way, Kingscliff (the **Site**) in the Tweed Shire LGA. A residential care facility has operated at the Site since the early 1980s and has been the subject of several Council approvals for additions and alterations. The existing facility has reached the end of its physical and economic life, and the Application proposes to replace the facility with a new purpose-built, modern residential care facility (**RCF**) and independent living units (**ILUs**).
7. The Application seeks approval for site preparation works including bulk earthworks and tree removal, construction of a seniors housing development comprising seven buildings of two to four storeys and basement levels providing for a 120-bed RCF, 199 ILUs, ancillary amenities and landscaping. Key aspects of the Application are set out in Table 2 of the Department's AR. The proposed Site layout is illustrated in Figure 1 below.
8. The development is proposed to be constructed in two stages - Stage 1 (Buildings A to C and G) and Stage 2 (Buildings D to F). At its meeting with the Commission on 14 October 2025, the Applicant indicated that it has adopted a conservative estimate that each stage could take two years.
9. With an estimated development cost of \$219,507,413, the Application is expected to generate up to 260 jobs during construction with 115 operational jobs upon completion (51 jobs in addition to 64 existing jobs from the current facility on Site).

Figure 1 - Proposed Site layout (Source: AR, Figure 4)



3. Material Considered by the Commission

10. In this determination, the Commission has given consideration to the:
- matters raised in public submissions received by the Commission as set out in [Appendix A – Community Consultation Report](#);
 - material and planning framework as set out in [Appendix B – Commission’s Considerations](#); and
 - Department’s whole-of-government assessment as set out in [Appendix C – Department’s Assessment Report](#).

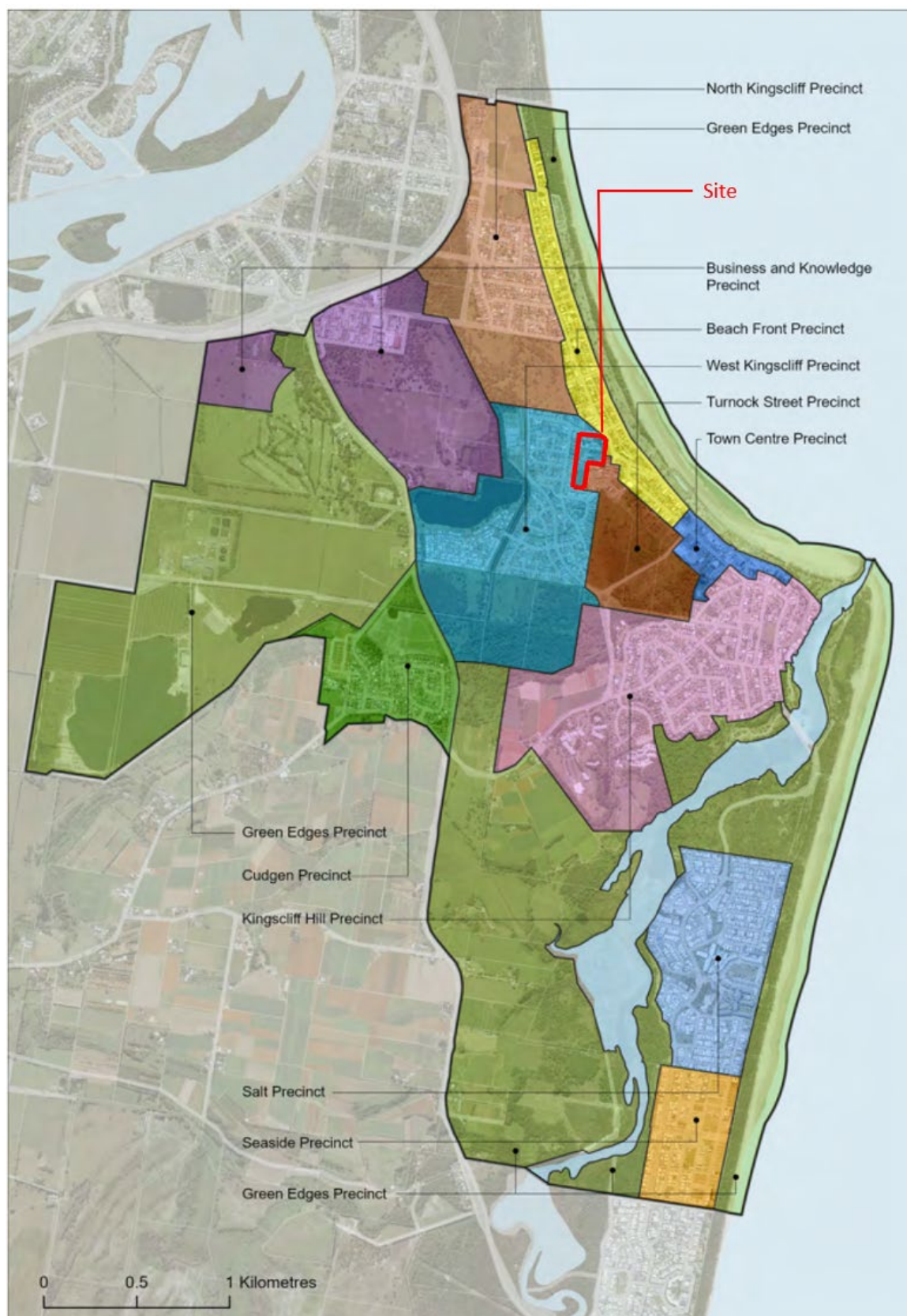
4. Reasons for the Decision

11. The Commission has determined to grant consent to the Application subject to a number of strategic design changes as, on balance, the predicted benefits of the Project outweigh its potential negative impacts, subject to conditions of consent.
12. The Project replaces an ageing seniors housing village with a modern, purpose-built development comprising 199 independent living units and 120 residential aged care beds. The redevelopment improves access to seniors housing in a location well-served by transport and amenities, responding to the needs of the community and its ageing demographic.
13. The NSW Government has set a target of delivering 377,000 new homes over the next five years, in support of the National Housing Accord's goal of 1.2 million homes nationally. The Commission considers that the Project aligns with State Government priorities to increase housing supply and diversity and is consistent with the strategic planning framework. In addition, the Application demonstrates appropriate management of flood risk through site design and mitigation measures that comply with Council's flood planning controls, ensuring the safety of future residents while enabling development in a manner consistent with State and local policy.
14. The Application is consistent with the governing strategic framework including the North Coast Regional Plan 2041 (**Region Plan**), Tweed Local Strategic Planning Statement 2020 (**LSPS**) and the Kingscliff Locality Plan by delivering aged care facilities and diverse in-fill housing in close proximity to Kingscliff's town centre, aligning with the strategy to concentrate residential growth near services, transport, community facilities and health infrastructure. By incorporating both aged care and independent living options, the Application directly responds to the identified need for housing diversity catering to the senior demographic (see Appendix B for further details).

4.1 Built form and character

15. The Commission acknowledges concerns about the Project's built form, particularly its potential impacts on the character of Kingscliff, which is characterised by and strategically identified for lower-rise housing.
16. Council's Kingscliff Locality Plan (page 117) and Development Control Plan (**DCP**) (Section B26, page 131) both define Kingscliff's locality precincts. Under the Kingscliff Locality Plan, the Site falls within the Turnock Street Precinct, which encourages a range of medium density housing types, including seniors and age care development. However, in the DCP (see Figure 2 below), the Site is identified as being within the West Kingscliff Precinct, which seeks to facilitate low-density housing as well as a greater mix of low-rise medium density housing types. Specific concerns were raised in submissions that the Application was inconsistent with the character of the West Kingscliff Precinct as set out in the DCP.
17. The Commission notes that although there may be conflicting objectives between the two precincts as identified in the Kingscliff Locality Plan and DCP, the applicable statutory controls for this Site which guide built form are primarily the height and floor space ratio (**FSR**) provisions under the TLEP and Housing SEPP. These controls are reflective of the Site's position at the interface of the West Kingscliff/Turnock Street Precinct and the more built-up Beach Front Precinct. This is consistent with the DCP's consideration that it is best practice that *"development sites which have good proximity to existing activity centres are where additional density and building height should be pursued"*. Submissions raised concern that the Application exceeds three storeys, however the Commission notes that there is no statutory control limiting development to a maximum of three storeys and that the maximum building height control described below applies to the development.

Figure 2 – Kingscliff Locality Precincts (Source: Tweed DCP section B26)



18. On 19 September 2025, amendments were made to section 87(2) of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* which enable the Application to include an additional 3.8m of height above the maximum building height of 13.6m under the *Tweed Local Environmental Plan 2014 (TLEP)*. As a result, the applicable maximum building height control for the Site is 17.4m. The Application proposed a maximum building height of 17.05m and therefore complies with the applicable height control.
19. 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 Environmental Planning Instrument (**EPI**). The Application originally included a clause 4.6 request to vary the height of building control in the TLEP. As a consequence of the Housing SEPP amendments described above, the Applicant's clause 4.6 variation request is no longer required. However, if the clause 4.6 variation were still required, the Commission is satisfied that the Applicant has demonstrated that strict compliance with the TLEP height standard is unreasonable and unnecessary in the circumstances and that sufficient environmental planning grounds exist to justify the variation. Further details of the Commission's consideration of the Applicant's clause 4.6 variation request is set out in Appendix B.
20. In relation to building density, the proposed floor space ratio (**FSR**) is below the maximum permissible FSR under the TLEP as set out by the Department (AR section 5.22).
21. The Commission not only considered compliance with statutory controls but also undertook a merit-based assessment of the Application's built form, considering its height, density, architectural quality, setbacks, and relationship to the surrounding context.
22. Public submissions raised concerns regarding the proposed built form, including the perceived bulk and scale, potential for overlooking, privacy impacts, and overshadowing. The Commission has heard these concerns and considers that further design changes are necessary to minimise and mitigate these impacts while improving the development's interface with its surrounding suburban context, particularly for the residential dwellings along Drift Court and the retirement village on Blue Jay Circuit.

Building A

23. Specific concerns were raised in submissions that the 6m setback of Building A to the neighbouring dwellings to the south of the Site was insufficient. According to the Tweed DCP, side setbacks for a double-storey building are a minimum of 1.5m. If the DCP were to apply, the proposed 6m setback for Building A would significantly exceed the minimum requirement. In response to concerns raised in submissions regarding overlooking and privacy, the Commission has imposed measures to prevent overlooking (such as, but not limited to, obscure glazing and/or privacy treatment) from the south-facing balconies of Building A Level 01 apartments A.201, A.208 and A.207.

Building B

24. The Commission identified concerns regarding the siting of Building B and its potential impacts on privacy and solar access for neighbouring residents, particularly those on Blue Jay Circuit. The Commission has determined that increasing the southern setback would improve privacy and sunlight for southern neighbours without adversely affecting the overall layout of the development, or its operation. Accordingly, the Commission has imposed a condition of consent requiring the Applicant to increase the southern setback of Building B by an additional 3 metres, resulting in a minimum setback of 12 metres at its closest point to the southern boundary.

Building C

25. Building C has a 15m setback from the property boundary to the east on Drift Court and an 18m setback to the properties to the west on Lorien Way. The Commission is satisfied with the proposed design, siting, substantial setback, bulk and scale of Building C and that its impacts do not warrant further design changes.

Buildings D and E

26. The Commission has imposed design amendments to further mitigate the privacy impacts of Buildings D and E on neighbouring properties along Beach Street to the north of the Site. These design changes include the adoption of planter boxes on the northern facing balconies of Building D – apartment D.407 and Building E – apartment E.406, the adoption of obscure glazing on the balconies of Building D – apartment D.407 and Building E – apartment E.402 where planter boxes are not proposed.

Building F

27. Public submissions raised concerns regarding the height and scale of Building F and the overlooking and privacy impacts on the existing properties on Drift Court. In response, the Commission has required the removal of the south facing portions of balconies of Building F apartment F407 to minimise overlooking from this top storey. The change will not result in any increase to internal floor space.

Building G

28. Building G has a 15m setback from the property boundary to the east on Drift Court. It has been positioned towards the centre of the Site, and at its closest point, is setback 11.6m from the existing properties to the west along Lorien Way. Building G has also been designed with reduced balcony areas on the upper floors and as a result, potential privacy impacts from overlooking are minimised. The Commission is satisfied with the proposed design, siting, setbacks, orientation, bulk and scale of Building G and that its impacts do not warrant further design changes.

Commission's findings

29. The Commission considers the imposed design changes necessary to achieve a context-sensitive built form outcome. With these changes, the proposed medium-density development is appropriate to the Site's context, aligns with the emerging character of Kingscliff, and provides a suitable transition to adjoining low-density residential areas. The buildings are well-articulated, incorporate recessed upper levels and are set back from boundaries to reduce perceived bulk, while also addressing privacy and overshadowing concerns. The proposed landscaping within the building setbacks provides effective visual screening, reducing overlooking and privacy impacts on adjacent properties while enhancing amenity for facility occupants.
30. Having considered compliance with planning controls, community feedback and strategic objectives for housing diversity, the Commission is satisfied that the Project delivers a well-designed, context-responsive outcome that will contribute positively to the area's emerging character.

4.2 Flooding and stormwater

31. The Site is flood-prone, subject to both riverine and overland flooding, with depths reaching up to 8 metres in a Probable Maximum Flood (**PMF**) event. The proposed redevelopment involves flood resilience measures including site regrading, upgraded stormwater infrastructure, and elevated finished flood levels that exceed design flood levels and account for climate change allowances, structurally safe refuge areas above PMF, and robust stormwater infrastructure to manage discharge without increasing downstream impacts. These measures are expected to substantially reduce onsite flood risk and improve safety for future residents, consistent with a risk-based approach to flood planning.
32. The Commission acknowledges community concern regarding the loss of the stormwater drainage basin and the perceived impact this could have on downstream flood conditions. However, the proposed redevelopment involves flood resilience measures, including site regrading and upgraded stormwater infrastructure to ensure there is no increased off-site flooding impacts to neighbouring residents, as assessed by the Department's independent flooding consultant. The proposed stormwater system includes a combination of swales, in-ground drainage infrastructure and underground detention tanks to capture, detain and discharge runoff in a controlled manner to ensure the development does not exacerbate existing flood conditions.
33. In accordance with clauses 5.21 and 5.22 of the TLEP, the Application demonstrates that it would minimise flood risk to life and property, enable development that is compatible with the flood function and behaviour of the land, avoid adverse off-site impacts, and ensure the safe occupation of the site with efficient evacuation in the event of a flood. The Application is also generally consistent with the DCP provisions for flood-affected land, including requirements for PMF refuge design and functionality.
34. The Commission acknowledges concerns raised by the NSW State Emergency Service (**SES**) regarding the increased number of vulnerable occupants, the complexity of emergency management, and the suitability of a shelter-in-place strategy given the Site's flood risk profile. The Commission notes that the proposed redevelopment introduces improved mitigation measures and emergency planning compared to the existing facility, which lacks coordinated flood response infrastructure. Key measures include elevated refuge areas above PMF levels, backup power supply, and a staged evacuation plan supported by shuttle transport. The Commission accepts that while the redevelopment will increase overall resident numbers, the majority of additional occupants will be in ILUs, are generally more mobile and are supported by improved evacuation planning. The Commission is satisfied that these measures, together with elevated refuge areas and a staged evacuation strategy will sufficiently address the flood related impacts of the Project proceeding.
35. Council in its meeting with the Commission stated that the Applicant's Flood Emergency Response Plan (**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 is of the view that occupants should be made aware of the flood risks of the Site, and the emergency response measures and has imposed a requirement that the updated FERP is to be made available to all occupants of the Site.

36. The Commission agrees with the Department that a risk-based approach is necessary and appropriate for this Site by assessing and managing flood risk in proportion to the likelihood and consequence of flooding based on the merits, risks and impacts of the proposal. This approach aligns with the NSW Flood Risk Management Manual and is consistent with the recommendations on flood risk assessment and management set out in Planning Circular PS 24-001, dated 1 March 2024. With the proposed mitigation measures, emergency planning, and conditions of consent in place, the Commission is satisfied that flood risks have been adequately addressed, and the development achieves a substantial improvement over existing conditions.

4.3 Traffic and Transport

37. Traffic impacts were a key issue raised in public submissions, with concerns relating to increased vehicle movements, road safety, the adequacy of local road infrastructure and insufficient car parking.
38. The Project is expected to generate approximately 58 additional vehicle trips during both AM and PM peak periods, equating to roughly one additional vehicle per minute.
39. Lorien Way and Kingscliff Street have sufficient capacity to accommodate the predicted increase in traffic. The level of traffic generation would not result in adverse impacts on the local road network or intersection performance.
40. The Project also includes appropriate measures to manage traffic impacts, including: up to 322 on-site car parking spaces which exceeds the minimum non-discretionary development standards, 24 bicycle parking spaces, and the implementation of a Green Travel Plan to encourage sustainable transport options for residents and staff.
41. The Commission finds that traffic impacts are acceptable and can be appropriately managed through the recommended conditions of consent, including the implementation of the Green Travel Plan and provision of parking in accordance with the Application.

4.4 Construction impacts

42. Public submissions raised concerns about potential construction impacts. Construction would be undertaken in accordance with the standard hour set out in the *Interim Construction Noise Guidelines (ICNG)*. Without mitigation, construction noise is predicted to exceed the 'highly noise affected' levels (see AR pg. 44). To address this, the Applicant proposes the installation of a temporary 2.4m high noise screen around the Site. The Applicant also proposes to address noise impacts through plant and equipment selection, worker induction, community consultation, a noise complaint procedure and vibration buffer distances and monitoring.
43. The Commission agrees with the Department that some noise exceedances at surrounding properties during construction would be unavoidable, due to the scale of the development and its proximity to residences. The Commission is satisfied that these impacts are capable of being managed through conditions of consent and do not warrant refusal of the Application.
44. As set out in paragraph 8, construction is proposed to be undertaken in two stages and is anticipated to take two years per stage. To further mitigate construction impacts and to minimise demand for parking in nearby residential streets during this period, the Commission has imposed a requirement for the Applicant to ensure that all heavy vehicles and construction-related vehicles park on-site during the construction period.
45. To ensure proactive communication, the Commission has imposed a requirement for the Applicant to keep the local community and Council informed about construction start dates, staging, and any delays to these timeframes.

46. For the reasons set out above, the Commission is satisfied construction works can be appropriately managed to allow efficient construction while minimising and managing disruption to nearby amenity.

4.5 Other issues

47. The Commission considered other issues including Aboriginal cultural heritage, car parking, biodiversity, waste, operational and construction noise and vibration, signage, light spill, fire and rescue, wind, groundwater, sewer, development contributions, demand on medical services and open spaces, sufficiency of RCF beds, dementia ward open space, community engagement, development precedent and property value. The Commission agrees with the Department's assessment of these matters and is satisfied that these impacts are capable of being managed through the imposed conditions of consent and do not outweigh the public interest served by granting consent to the Application.

5. Determination

48. The Commission finds that the Application meets the legal requirements, is consistent with NSW Government policies and its approval is in the public interest, subject to the strategic design changes made to the development by the Commission. The Commission has therefore determined to approve the Application subject to the conditions of consent in [Appendix D – Instrument of Consent](#) requiring the Applicant to:
- make a number of changes to the design of the development to ensure impacts on surrounding residents are better resolved;
 - prevent, minimise and/or offset adverse social and environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the ongoing environmental management of the development.
49. The reasons for the Decision are given in the Statement of Reasons for Decision dated 27 November 2025.



Janett Milligan (Chair)
Member of the Commission



Richard Pearson
Member of the Commission

Appendix A – Community Consultation Report

Public consultation overview

A summary of the SSD application timeline and key engagement milestones are outlined below.

Appendix A – Figure 1: Engagement timeline



Department's public exhibition of the Project

During its assessment of the Application the Department exhibited the Project and received 319 submissions, comprised of 293 objections, 22 in support and four comments. The Department also consulted with key government agencies and Council. Part 4 of the Department's Assessment Report outlines how these submissions were considered in its assessment.

The Commission's public consultation

The Commission's meetings

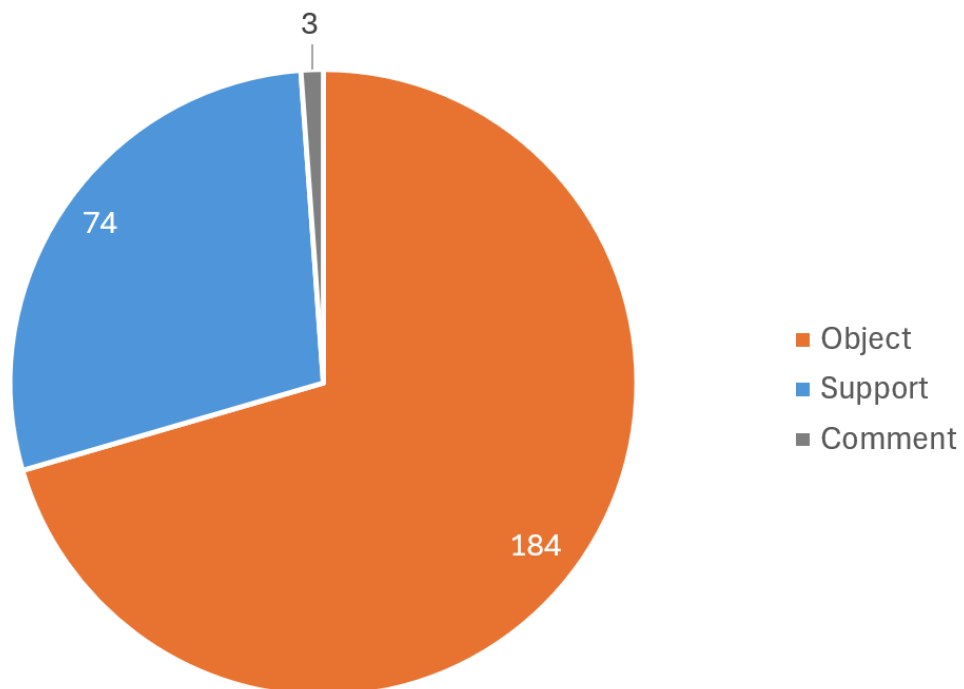
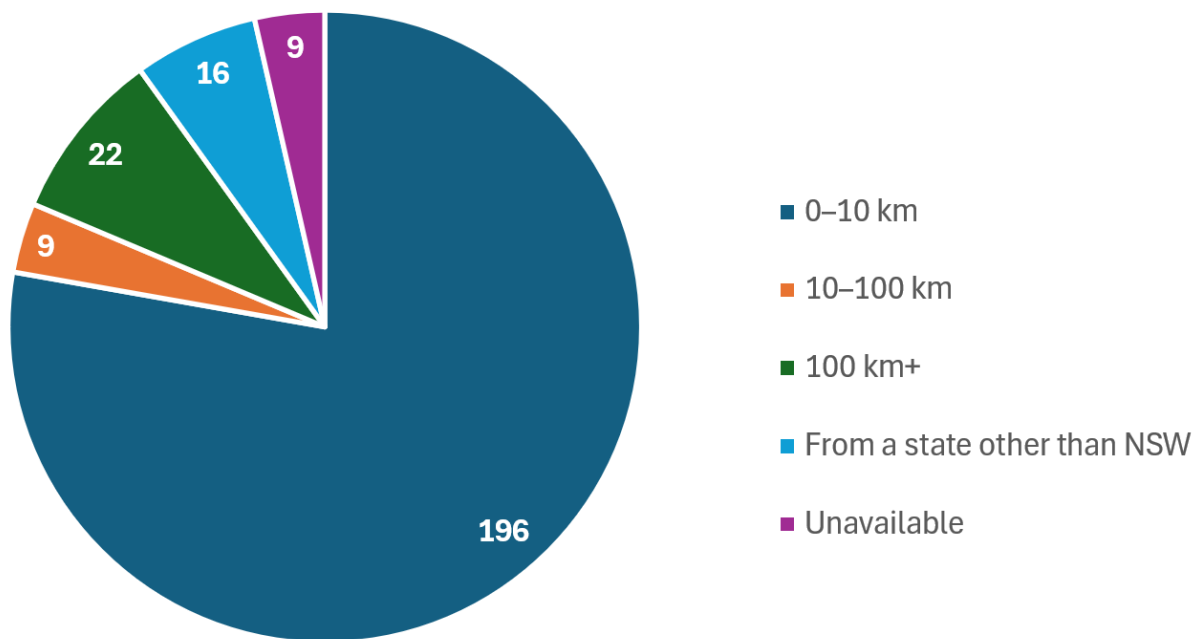
The Commission met with the Department, the Applicant, Council, NSW SES, and the Kingscliff Ratepayers & Progress Association (refer to *Appendix B – Material Considered by the Commission*). Transcripts from these meetings were made publicly available on the Commission's website.

Site inspection and locality tour

The Commission carried out a site inspection and locality tour on 28 October 2025. Notes from this visit, including photographs and location details, were made publicly available on the Commission's website.

Written submissions

The community was offered the opportunity to make written submissions to the Commission from 1 October – 3 November 2025. The Commission received a total of 261 written submissions. A breakdown of submission type is provided in *Appendix A – Figure 2* and an analysis of submitter distance from the site is provided in *Appendix A – Figure 3*.

Appendix A – Figure 2: Submission type overview*Appendix A – Figure 3: Submitter distance analysis*

Public meeting

The Commission held a public meeting on 28 October 2025 at Tweed Heads Civic and Cultural Centre. At the meeting the Commission heard from 18 members of the community. Table 1 below provides a snapshot of the themes that were covered at the public meeting, in the community's own words.

Appendix A – Table 1: Snapshot of what the Commission heard at the public meeting

Theme	In the community's words....
Bulk and scale of the buildings	<i>"The bulk and scale of this proposal, including the increased height limits beyond 13.6, is completely at odds with the surrounding built environment and particularly the character statements and objectives for this area of the West Kingscliff precinct, as is defined in our highly consulted Kingscliff Locality Plan."</i>
Privacy and overshadowing	<i>"The height is way beyond the current height of surrounding dwellings, and our homes will be overshadowed by this huge structure. Uniting wants four storeys, and our homes are either single or double storeys. Privacy is of huge concern – there will actually be no privacy in our backyard, with the outdoor living area having the development tower over the boundary fence. There will be massive overshadowing in this area also. We spend most of our time outside; the impact of the sun being blocked and nowhere to enjoy the outside of our home with our children and families."</i>
Flooding	<i>"This development will flood proof the occupants but let's not worry about the elderly and residents who all live around this development and next to the regraded higher levels under the development. They seem to have not taken into account the neighbours at all. It appears that the New South Wales Government only cares about the developers' buyers and not the residents who already live here. Building this land up can only put all the surrounding properties at higher risk of flood. Once again, Uniting has forgotten about this community."</i>
Traffic	<i>"The addition of constant vehicle movements, including staff, visitors, service and delivery trucks, will dramatically alter the safety and amenity of the street."</i>

Consideration of submissions

The Commission appreciates the time and effort the community put into their submissions. Submissions, whether shared verbally at the public meeting or provided in writing, were reviewed carefully by the Commission. Although submissions are just one of the materials that the Commission considers, they play a key role in the Commission's decision-making process.

Table 2 below reflects the major themes of submissions and provides a summary of the main concerns people raised and how the Commission has considered them in its decision. To view all submissions, please see the submissions tab on the Commission's website:

<https://www.ipcn.nsw.gov.au/cases/uniting-kingscliff-redevelopment>

Appendix A – Table 2: Key matters raised in submissions

Themes raised in submissions from the community	Commission's consideration
Bulk and scale of the development	<p>The Commission understands that one of the community's primary concerns is the bulk and scale of the development, with the main contributing elements being the number of storeys and the separation of the proposed buildings to neighbouring properties. The Commission has heard that, along with the view they are inconsistent with the existing and desired future character of the locality, the bulk and scale of the proposed buildings have flow on impacts to amenity, with the surrounding residents being concerned about overshadowing, overlooking and as a consequence loss of privacy.</p> <p>When assessing the bulk and scale of the buildings, the applicable statutory controls for this Site which guide built form are primarily the FSR provision under the TLEP and the height provisions under the TLEP and Housing SEPP.</p> <p>When looking at the building density, the proposed FSR is below the maximum permissible FSR. As a result of the Housing SEPP amendments on 19 September 2025, the applicable maximum building height control for the Site is 17.4m. The Application proposed a maximum building height of 17.05m and therefore complies with the applicable height control (see paragraph 17). The Commission not only considered compliance with statutory controls but also undertook a merit-based assessment of the Application's built form, considering its height, density, architectural quality, setbacks, and relationship to the surrounding context, within the framework of the applicable statutory controls.</p> <p>The Commission has agreed with some of the community's concerns regarding the proposed built form, including the perceived bulk and scale, potential for overlooking, privacy impacts, and overshadowing. Design changes have been made (detailed in section 4.1) to minimise and mitigate these impacts while improving the development's interface with its surrounding suburban context, in particular, for the residential dwellings along Drift Court and the retirement village on Blue Jay Circuit.</p> <p>These changes include:</p> <ul style="list-style-type: none"> measures to prevent overlooking (such as, but not limited to, obscure glazing and/or privacy treatment) from the south-facing balconies of Building A Level 01 apartments A.201, A.208 and A.207; increasing 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; adoption of planter boxes on the northern facing balconies of Building D – apartment D.407 and Building E – apartment E.406;
Building separation	
<ul style="list-style-type: none"> Block A has balconies on the southern side that will have views into my living, kitchen, dining rooms. Building A is only setback 5m from the boundary. This should be increased to a 6m setback, consistent with the requirements of the ADG. 	
Building height	
<ul style="list-style-type: none"> The buildings are four storeys in height and exceed the 13.6m TLEP height allowance, reaching up to 17m. This is inconsistent with the typical one – two storey building heights surrounding the site. 	
Building scale	
<ul style="list-style-type: none"> The surrounding area is mainly one – two storey buildings and the proposed four storeys does not match up in scale Block A should be split into two halves, with the road going between the halves, and reduced to one storey. This would improve the privacy impacts to adjoining residents. The proposed density and height is excessive, particularly in relation to the surrounding area. The built form, in terms of bulk and scale, does not respond to the context, streetscape, and existing and future character of the locality. We are not opposed to the redevelopment of the site however, we would support a reduced development that is more in keeping with the existing and emerging character of Kingscliff. 	

- adoption of obscure glazing on the balconies of Building D – apartment D.407 and Building E – apartment E.402 where planter boxes are not proposed; and
- removal of the south-facing balconies of Building F apartment F407, resulting in no increase in floor space.

The Commission considers the proposed design, with the required changes, to deliver a respectful and context-sensitive built form that aligns with Kingscliff's emerging character. The development provides an appropriate transition to adjoining low-density areas, while articulation, recessed upper levels, and setbacks reduce visual bulk. Landscaping within setbacks enhances privacy and creates a more buffered interface with surrounding dwellings. The Commission is satisfied the development, with design changes imposed, achieves a suitable built form outcome that mitigates impacts, supports housing diversity, and contributes positively to the area's character.

Refer to condition B1

Loss of privacy

- The development relies on landscaping to reduce bulk and scale and privacy impacts. Landscaping should only be given minimal weight when used to mitigate overlooking. These trees will take several years to grow and will not offer immediate mitigation. They could also lead to further solar access loss.
- We share a 48m boundary with the development site and there are 23 two- and three-bedroom units that will overlook our backyard, kitchen, living room, and bedrooms. This project will seriously impact our privacy.

Measures that the Commission has taken to improve privacy impacts for neighbouring properties have been outlined above, including additional screening for balconies.

While privacy does not solely depend on landscaping, the proposed planting within the building setbacks will improve privacy for neighbouring properties. The proposed tree planting schedule includes native species supplied at heights ranging from 1.8 m to 3.2 m in container sizes of 200 L to 400 L. By incorporating more mature specimens, the landscaping will achieve effective visual screening in a shorter timeframe, enhancing privacy and minimising impact on amenity. The Commission has conditioned a requirement for the Applicant to undertake plant maintenance for the first 12 months (condition B6) and for the life of the development (condition E16). This would ensure that the landscape screening is maintained and is effective for the Project's operational life.

Solar access

- Many nearby homes will be impacted by overshadowing, and will lose access to direct sunlight in winter which is needed to passively heat the houses.
- Some properties on Drift Court will be severely impacted by shade in the afternoon during winter.
- Many of the ILU apartments don't receive solar access, impacting amenity for future residents.
- Shadow cast by the proposed buildings will overshadow our solar panels, impacting our capacity to generate power and increasing our electricity bills

The Commission has considered community concerns about overshadowing and the potential loss of sunlight in mid-winter. These impacts mainly relate to the size, scale, and setbacks of the proposed buildings. While the Commission accepts these concerns as genuine, the level of impact is not significant enough to justify refusing the Project.

Although the DCP does not technically apply to this Project, the Commission sees its provisions as a useful guide for judging whether the design is appropriate and the impacts acceptable. The Application shows that all neighbouring properties would meet the DCP's overshadowing standards. To further reduce potential impacts, the Commission has added a condition requiring the southern setback of Building B to increase from 9 metres to 12 metres at its closest point (*condition B1*). This change is expected to lessen overshadowing on properties along Blue Jay Circuit to the south.

Overall, the Commission is satisfied that the Project has appropriately addressed solar access considerations.

- We will lose the winter sunlight we currently enjoy in our living space and the proposed landscaping will further reduce our solar access.

Traffic and parking

- Allowing cars to turn right from Kingscliff Street into the development will create congestion.
- Lorien Way will have increased traffic (due to the increase in density). The street is 8.15m wide and was never designed to cope with the traffic flow this development will generate.
- Not every ILU is provided with parking – this will lead to overflow parking on the street

The level of traffic generation would not result in adverse impacts on the local road network or intersection performance.

The Project also includes appropriate measures to manage traffic impacts, including the provision of up to 322 on-site car parking spaces (exceeding the minimum non-discretionary development standards), 24 bicycle parking spaces, and the implementation of a Green Travel Plan to encourage sustainable transport options for residents and staff.

The Commission is satisfied that the traffic impacts of the development can be satisfactorily managed through the conditions of consent.

Refer to conditions B7 and E44.

Flooding

- The impacts of flooding and stormwater have not been adequately addressed, particularly those downstream from the Site.
- The Applicant proposes to fill the detention basin at the southern end of the site however, this basin has been a valuable collection point for water during times of heavy rain and we are concerned of the flooding impacts that might occur if this basin is filled.
- Inadequate consideration has been given to the cumulative flood impacts to the existing community and the future occupants of the proposed development.
- A development of this scale would be more appropriate outside of a flood plain.
- The natural flood storage capacity of the site will be lost, once the site is filled to the proposed level. What will happen during extreme flood events?
- The SES has raised concerns based on risk to human life and the proposed shelter in place strategy.

The Site is flood-prone, and the existing aged care facility lacks adequate flood mitigation and stormwater infrastructure.

The proposed redevelopment addresses these concerns through a risk-based approach incorporating site regrading, elevated finished floor levels above design flood levels (including climate change allowances), robust stormwater infrastructure, and structurally safe refuge areas above the PMF. These measures substantially reduce onsite flood risk and improve safety for future residents.

The Application demonstrates that the proposed flood mitigation and proposed stormwater infrastructure will manage discharge effectively and avoid adverse off-site flooding impacts. The stormwater system includes a combination of swales, in-ground drainage infrastructure and underground detention tanks to capture, detain and discharge runoff in a controlled manner to ensure the development does not exacerbate existing flood conditions.

Although the SES raised concerns about increased vulnerable occupants and emergency complexity, the Commission notes the proposal includes a staged evacuation plan, shuttle transport, and refuge areas with backup power.

The Commission is of the view that a risk-based approach is necessary and appropriate for the Site. This involves assessing and managing flood risk in proportion to the likelihood and consequence of flooding based on the merits, risks and impacts of the proposal. With the proposed mitigation measures, emergency planning, and conditions of consent in place, the Commission is satisfied that flood risks have been adequately addressed.

Refer to conditions B17, B25, B26, B27, C8, E32, E43, F22 and F23.

Construction impacts

- Noise impacts from construction will impact nearby residents.
- Construction vehicles will impact the local roads, some of which are already in poor condition, and cause deterioration.

The Commission considers that construction impacts can be appropriately minimised and managed.

Conditions of consent require the Applicant to prepare a construction environmental management plan, which must include regular updates to the local community and Council about key construction dates and activities. The Commission has also required all heavy vehicles and other construction-related vehicles to park on-site to avoid putting pressure on parking in nearby residential streets.

Refer to conditions C3 and C9.

Amenity provided to residents of Uniting Kingscliff

- The redevelopment of Uniting Aged Care is good for the Kingscliff area – the existing building is old and needs to be upgraded.
- More aged care beds are needed and this development will provide that.
- The development contains 41 three-bedroom units and 119 two-bedroom units – this is not suitable for retirees who are looking to downsize. The developer should promise affordable housing for seniors with an appropriate number of one- and two-bedroom units.

The Commission finds that the Application would deliver a high level of internal and external amenity for future residents of both the RCF and ILUs. The design is generally consistent with the Apartment Design Guide and the Seniors Housing Design Guide (2023) and the Project includes high-quality communal areas, accessible pathways, and landscaped spaces that support resident wellbeing and social interaction.

The Commission notes that determining the appropriate mix of residential aged care beds and independent living units is a matter for the Applicant, based on operational requirements and market demand. The proposed mix would contribute to housing diversity and support the strategic objective of enabling seniors to age in place, offering a range of accommodation options within a single integrated development.

Appendix B – Commission’s Considerations

Material considered by the Commission

Appendix B – Table 1: Material considered by the Commission

Document	Date
Secretary’s Environmental Assessment Requirements (SEARs)	15 August 2022
Applicant’s Environmental Impact Statement and its accompanying appendices	16 May 2024
Government agency advice to the Department	Various
Public submissions made to the Department during exhibition	Various
Applicant’s Response to Submissions Report and its accompanying appendices	10 December 2024
Applicant’s Response to Department’s requests for information	Various
Department’s Assessment Report and recommended conditions of consent	September 2025
Comments and presentation material from meetings with:	
• Applicant	14 October 2025
• Department and Independent Flood Experts	17 October 2025
• Kingscliff Ratepayers & Progress Association	17 October 2025
• NSW SES and the Department	17 October 2025
• Council	17 October 2025
Department’s response to the questions on notice	23 October 2025
Department’s response to the Commission	29 October 2025
Observations made at the Site Inspection	28 October 2025
All written submissions made to the Commission up until	3 November 2025
Applicant’s response to the Commission	10 November 2025
Department’s advice to the Commission regarding the imposition of conditions	24 November 2025

Planning Framework

Strategic context

The NSW Government has a target of 377,000 well-located homes over the next 5 years, in support of the National Housing Accord that sets a national target of 1.2 million new homes within the 5-year period. Legislative changes were made in 2021 to provide an SSD pathway to support the delivery of large-scale, well-located and accessible seniors housing developments with RCFs, such as the Project (AR, paras 9-10).

Appendix B – Table 2: Strategic context

Strategic context	Commission’s consideration
North Coast Regional Plan 2041	The Region Plan sets a 20-year strategic land use planning framework for the region and outlines 20 objectives. The Region Plan identifies health care and social assistance to support the region’s ageing population as the main economic driver for the North Coast (p 7). The Project will directly contribute to this economic driver.

Strategic context	Commission's consideration
	<p>The Region Plan further states that there is strong demand for housing on the North Coast, and this continues to grow (p 16). Over the next 20 years 41,300 extra homes will be needed to meet the needs of the region's growing population (p 15).</p> <p>The Project will provide diverse in-fill housing options to meet the needs of an increasing and ageing population in proximity to goods, services, public transport and social infrastructure. The Commission therefore finds the Project directly aligns with Objective 1 of the Region Plan, to <i>"[p]rovide well located homes to meet demand."</i></p> <p>Objective 5 of the Region Plan seeks to manage and improve resilience to shocks and stresses, natural hazards and climate change (p 28). The Project incorporates a risk-based approach to flood planning including elevated finished floor levels, PMF refuge areas and robust stormwater infrastructure. These measures reduce exposure to flood hazards and improve safety for vulnerable occupants. The Commission finds that the Project aligns with Objective of the Region Plan.</p>
Tweed Heads Local Strategic Planning Statement 2020	<p>The LSPS is Council's 20-year vision for land-use in their LGA, it details a number of planning priorities under the themes of natural environment, thriving economy, vibrant communities, and diverse housing and lifestyles. The projected population growth and corresponding need for development in the Tweed over the next 20 years is significant (p 6). By 2036, the Tweed Heads LGA is projected to have a population of 125,770 people, an increase of 34,399 people from 2016 census figures. Under the theme of 'diverse housing and lifestyles', the Project is considered to align with the following planning priorities:</p> <ul style="list-style-type: none"> • Planning priority 15: Deliver housing supply and infrastructure to meet the needs of a growing population whilst protecting the sensitive environmental and agricultural hinterlands. • Planning priority 16: Promote housing that is affordable, diverse, adaptive and well located to meet the needs of our changing population and lifestyle. • Planning priority 17: Deliver well-planned residential and rural residential housing. <p>The Project would contribute to the LGAs housing supply needs, driven by a growing and ageing population. The LSPS also provides the ageing population and the demographic change to smaller household sizes are persuasive reasons to facilitate more small dwellings (p 64), the Project's 199 ILUs and 120 RCF beds would assisting in delivering housing diversity the LGA requires in this regard. As an infill-development within an established urban area, the Project also ensures there will not be any fragmentation of rural lands or significant environmental impacts arising through the delivery of the well-located housing.</p>
Kingscliff Locality Plan	<p>The Kingscliff Locality Plan promotes housing diversity in new and infill areas which respond to Kingscliff's demographic and socio-economic profile. It specifically notes that Kingscliff's older demographic and the development of the new Tweed Valley Hospital will generate increasing demand for aged and seniors housing and aged care facilities. The Plan identifies the need for additional aged care and seniors housing developments in proximity to the new Tweed Valley Hospital to meet this demand.</p> <p>The Application is consistent with the Kingscliff Locality Plan by delivering seniors housing in close proximity to Kingscliff's town centre, aligning with the strategy to concentrate residential growth near services, transport, community facilities and health infrastructure. By incorporating both aged care and independent living options, the Application directly responds to the identified need for housing diversity catering to the senior demographic</p>

Statutory context

Appendix B – Table 3: Statutory context

Statutory context	Commission's consideration
Objects of the EP&A Act and Ecologically Sustainable Development (ESD)	In its determination, the Commission has carefully considered the objects of the EP&A Act and is satisfied that the Application is consistent with the objects. The Commission also finds that the Application is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.
State significant development	Pursuant to section 4.36 of the EP&A Act, the Application is SSD as it satisfies the criteria under section 2.6(1) and item 28 of schedule 1 of SEPP Planning Systems.
Consent authority	In accordance with section 4.5(a) and the EPA Act and section 2.7(1) of SEPP Planning Systems, the Commission was the consent authority as the Department received more than 50 submissions by way of objection during its assessment of the Application. On 16 October 2025, the Department wrote to the Commission advising of changes to the SEPP Planning Systems that would have the consequence of changing the consent authority for the Application from the Commission to the Minister of Planning and Public Spaces. In order to permit the Commission to continue to exercise its functions in relation to the Application, the Commission has made its determination as delegate of the Minister in accordance with the Minister's 14 September 2011 delegation to the then Planning Assessment Commission.
Permissibility	<p>The Site is zoned part R1 General Residential and Part R2 Low Density Residential under the TLEP. Seniors housing is permitted with consent in the R1 and R2 zones pursuant to section 81 of Housing SEPP.</p> <p>The use of the development is for seniors housing, the Department's AR notes that the scale and intended operation of the Application's café, gym, cinema, multipurpose room, wellness centre, chapel, clubroom, consulting rooms and offices, are sufficiently ancillary and incidental to the seniors housing use to be subsumed by that dominant use.</p>
Other approvals and authorisations	Pursuant to section 4.41 of the EP&A Act, several approvals are integrated into the SSD process and therefore are not required to be separately obtained for the Project. Pursuant to section 4.42 of the EP&A Act, some other approvals that may be required cannot be refused and must be substantially consistent with the development consent for the Project. The Department has consulted with government agencies during its assessment process and considered the advice received. Relevant recommended conditions of development consent are subsequently included in the Department's draft conditions (AR para 13-15).
Mandatory considerations	Commission's consideration
Relevant environmental planning instruments (EPIs)	<p>Appendix C of the AR identifies relevant EPIs for consideration, they include:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • State Environmental Planning Policy (Biodiversity and Conservation) 2021; • State Environmental Planning Policy (Housing) 2021; • State Environmental Planning Policy (Transport and Infrastructure) 2021; • State Environmental Planning Policy (Sustainable Buildings) 2022; and • Tweed Local Environmental Plan 2012 <p>The Commission has considered these EPIs as part of its determination.</p>

Statutory context	Commission's consideration
Relevant DCPs	Pursuant to section 2.10 of the SEPP Planning Systems, DCPs do not apply to SSD.
Any planning agreement or draft planning agreement	N/A
Likely impacts of the development	The Commission has given consideration to the likely impacts of the development and has set out its reasons for decision in section 4 of the Statement of Reasons for Decision.
Suitability of the Site for development	<p>The Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> the Application is compliant with the applicable statutory development controls and as a consequence is consistent with the objectives of the R1 and R2 zones; seniors housing currently existing on the Site and its redevelopment would deliver additional aged care facilities and diverse in-fill housing in close proximity to Kingscliff's town centre, aligning with the strategy to concentrate residential growth near services, transport, community facilities and health infrastructure; the built form and scale subject to the Commission's design changes is compatible with the existing and emerging character of Kingscliff; the Application would not result in unreasonable overshadowing, overlooking, view or privacy impacts on adjoining residential areas; the Application is an orderly and economic use of land; the Site can physically accommodate the proposed development with potential impacts on surrounding land uses minimised where possible and are capable of being further mitigated through imposed design changes and conditions of consent;
The public interest	The Commission has considered the public interest in deciding to grant conditional consent to the Application. In doing so, the Commission has evaluated the likely impacts of the Application and considered the relevant ESD principles. The Commission has concluded the Project merits the grant of consent, subject to conditions.

Additional matters

The Commission has set out its reasons for decision in section 4 of this Statement of Reasons. Further information regarding the Commission's consideration of matters relating to building height and flooding is set out below.

Building height

As set out in paragraph 20, amendments were made on 19 September 2025 to section 87(2) of the Housing SEPP and as a consequence the Application is compliant with the applicable maximum building height control for the Site of 17.4m. As a result, the Applicant's clause 4.6 variation is no longer required. However, if the clause 4.6 variation were still required, for the reasons set out below the Commission is satisfied that the Applicant has demonstrated that strict compliance with the TLEP height standard (13.6m) is unreasonable and unnecessary in the circumstances and that sufficient environmental planning grounds exist to justify the variation:

- the variation arose primarily due to historical excavation of the Site for stormwater management, resulting in artificially low ground levels. The Application includes regrading to meet flood planning levels that will match the ground level of the southern portion of the Site with surrounding neighbours;

- rooftop services, plant and lift overruns are centrally located to minimise visual impacts;
- the final design, subject to changes imposed by the Commission, provides appropriate setbacks and recessed upper storeys, avoids adverse amenity impacts and achieves a high standard of architectural quality and does not result in excessive bulk and scale; and
- the height standard under the TLEP permits development up to 13.6m which can accommodate four storeys. The proposed built form is consistent with this standard and reflects the four-storey character intended by the applicable planning controls for the Site and elsewhere in the broader Kingscliff locality.

The Commission finds that the objectives of the height standard have been met and that even if the Housing SEPP amendment had not been applied, strict compliance with the previous height limit would be both unreasonable and unnecessary.

Flooding

The TLEP contains two miscellaneous provisions relating to flooding matters. Table 17 of the Department's AR provides a summary of and assessment of the Application against the relevant standards contained in the TLEP, including Clause 5.21 Flood Planning and Clause 5.22 Special Flood Considerations. The Commission finds that the Application meets the requirements of clauses 5.21 and 5.22 for the following reasons:

- minimises flood risk to life and property;
- allows development on land compatible with the flood function and behaviour of the land;
- avoids adverse impacts;
- enables the safe occupation and efficient evacuation in the event of a flood; and
- includes flood management and mitigation measures.

Appendix C – Department’s Assessment Report

[Link to Department’s Assessment Report, dated 25 September 2025](#)

Appendix D – Instrument of Consent

[Link to Instrument of Consent, dated 27 November 2025](#)



New South Wales Government
Independent Planning Commission

ipcn.nsw.gov.au

Phone (02) 9383 2100

Email ipcn@ipcn.nsw.gov.au

Mail Level 15 135 King Street Sydney NSW 2001

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The Independent Planning Commission NSW advises that the maps included in the report are intended to give visual support to the discussion presented within the report. Hence information presented on the maps should be seen as indicative, rather than definite or accurate. The State of New South Wales will not accept responsibility for anything, or the consequences of anything, done or omitted to be done in reliance upon the mapped information.

ABN 38 755 709 681