

Our Reference: J7542

Your Reference: SSD-47105958

Wednesday, 11 June 2025

Mr Gabriel Wardenburg
Team Leader – Social and Affordable Assessments
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124
Via email: gabriel.wardenburg@dpie.nsw.gov.au

Dear Gabriel,

**Seniors Housing, Uniting Kingscliff
Response to Request for Further Information**

This letter is prepared by Planit Consulting Pty Ltd (Planit) on behalf of the Proponent, The Uniting Church in Australia Property Trust (NSW) for Uniting (NSW.ACT) in response to the matters raised in the correspondence received from the Department of Planning, Housing and Infrastructure (the Department) dated 28 March 2025.

This letter should be read in conjunction with the following supporting documentation:

- Attachment A – Amended Flood Emergency Response Plan (FERP) prepared by Water Tech
- Attachment B – Amended Preliminary Site Investigation (PSI) prepared by ADG
- Attachment C – Amended Architectural Plans prepared by Plus Architecture
- Attachment D – Amended Architectural Design Report prepared by Plus Architecture
- Attachment E – Amended Clause 4.6 Variation prepared by Planit
- Attachment F – Amended Statement of Landscape Design Intent & Tree Removal/Retention Plan prepared by Urbis
- Attachment G – Hydrogeology Letter prepared by SMEC
- Attachment H – Site Services Letter prepared by ADP
- Attachment I – Fire Drawings & Statement prepared by ADP
- Attachment J – Amended Site Survey prepared by Astrea
- Attachment K – Amended Acoustic Report prepared by ADP
- Attachment L – Amended BDAR & Bush-Stone Curlew Management Plan prepared by Biodiversity Assessments & Solutions
- Attachment M – Visual Impact Assessment Letter prepared by Ethos Urban
- Attachment N – Easement Sections prepared by Enscape

Table 1 overleaf provides a consolidated response to each matter raised in the Department's correspondence. The subsequent tables address the matters raised in agency advice received regarding the Response to Submissions Report and an additional community submission, as follows:

- Table 2 – Department of Climate Change, Energy, Environment and Water – Conservation Programs, Heritage and Regulation Group
- Table 3 – Department of Climate Change, Energy, Environment and Water – Water Group
- Table 4 – State Emergency Services
- Table 5 – Tweed Shire Council

- Table 6 – Additional community submission.

These responses should be read in conjunction with the supporting documentation listed above and have been prepared in collaboration with the relevant technical consultants.

Minor Design Refinements

The following design refinements have been made in direct response to comments received from the Department and Tweed Shire Council, as well as through ongoing progression from concept design to detailed design:

- The habitable floor levels of all buildings have been raised by 300 mm to achieve the climate change habitable floor level of RL 4.100. As a result:
 - Ramping, and in some instances steps, have been introduced to provide compliant access to the newly raised ground floors;
 - The mailbox for Building D has been relocated to the building lobby;
- The crest levels of the two basement ramps have been lifted to RL 3.800 to prevent water ingress into the basement.
- Building A has been Relocated 1 m north, increasing the southern boundary setback from 5 m to 6 m, which in turn has resulted in an increase in the area of private open space directly adjoining this interface.
- Communal open space and deep soil areas have been updated to reflect the above changes.
- The staircase design for the RAC building has been reviewed and updated to include a 1.2 m wide stair.

Additional minor refinements have been made through ongoing design review and development, consistent with the transition from concept design to detailed design resolution. These include:

- Site
 - Relocation of the Stage 1 and Stage 2 construction boundary to improve buildability.
 - Updated landscaping plans to align with revised building heights, access ramps, and stair locations.
 - Realignment of on-site detention (OSD) tanks to avoid locating access hatches within above-ground private open space areas.
 - Relocation of the swimming pool to the eastern part of the site.
- Building A
 - Slight increase in gross floor area due to amended wall thicknesses.
 - Removal of windows above the MSB; the north fire stair window has been changed from an awning window to a fixed window.
 - Increase in balustrade height from 1,000 mm to 1,100 mm for all balconies; landscape planters have been raised to align with the top of the balustrades.
 - Refinement of external finishes, including changes from cladding to cement board and render, and from face brick to in-situ concrete render.
 - Roof plan updated to show hot water plant.
 - Roof concrete hob height increased from 150 mm to 250 mm to accommodate required overflow outlet dimensions.
- Building B
 - Slight increase in gross floor area due to amended wall thicknesses.
 - Amendments to windows, including:
 - Western fire stair windows changed from open sliding to fixed windows;
 - Removal of some high-level windows on the east and west façades.
 - Refinement of external finishes, including:
 - Stone cladding to all ground floor areas;
 - Squaring of curved corners on the southern elevation;
 - Change from masonry to lightweight construction.
 - Replacement of flaring wall with a straight wall.
 - Roof plan updated to show hot water plant.
 - Roof concrete hob height increased from 150 mm to 250 mm to accommodate required overflow outlet dimensions.
 - Removal of the proposed steel C-section to the roof slab edge.

- Addition of an access hatch to the fire tank/pipe room to allow direct external access.
- Building C
 - Slight increase in gross floor area due to amended wall thicknesses.
 - Roof plan updated to show hot water plant.
 - Roof concrete hob height increased from 150 mm to 250 mm to accommodate required overflow outlet dimensions.
 - Removal of the proposed steel C-section to the roof slab edge.
 - Balcony doors amended from accessible hinged doors to sliding doors.
- Residential Aged Care (RAC)
 - Slight increase in gross floor area due to amended wall thicknesses.
 - Fire stairs (RAC1, RAC3, and RAC4) converted to open stairs; adjacent external landing walls revised to batten screening with 70% opacity.
 - Fire stair RAC2 extended to provide roof access and converted to a closed stairwell, providing secured/locked access for maintenance purposes and use in accordance with the Flood Emergency Response Plan.
 - Emergency backup generator relocated from the Level 1 balcony to the roof, with surrounding solid walls added for acoustic mitigation. *Note: This change results in a minor building height increase, addressed in the amended Clause 4.6 Variation Report prepared by Planit.*
 - Mechanical services relocated to the roof to achieve improved acoustic performance.
 - Minor amendments to the internal ground floor layout.

The minor design changes do not warrant a revised description of development. Additional impact assessment and/or updated mitigation measures has been prepared, where necessary to support the proposed minor amendments, including:

- Amended Clause 4.6 Variation Report;
- Revised open space and deep soil calculations;
- Shadow studies;
- Sun eye solar analysis; and
- Visual impact analysis.

We trust the below and attached additional information addresses the comments raised and allows for the finalisation of the assessment report. Should you have any queries about this matter, please do not hesitate to contact the below signed at rachel@planitconsulting.com.au.

Yours sincerely



Rachel Heath
Senior Town Planner

Table 1: Department of Planning, Housing and Infrastructure

Issue Raised	Response
Flood Risk DPHI-1 Increase the floor levels of the proposed development by 300mm to reduce the frequency and potential for flood inundation of the ground floor, to address the impacts of climate change.	Amended Architectural Plans prepared by Plus Architects (refer to Attachment C) raise the habitable floor levels of all proposed buildings by 300mm bringing the new habitable floor levels to 4.1m. This elevation is in line with the climate change habitable floor level, which ensures that the buildings are set 0.5m above the climate change design flood level of 3.6m. This adjustment is intended to further mitigate the risks associated with flooding and address future impacts of climate change. An updated Statement of Landscape Design Intent prepared by Urbis reflects these changes (refer to Attachment F). The revised landscaping, pathways, and associated site features have been adjusted to align with the new floor levels, ensuring a smooth transition between the built environment and the surrounding landscape. An amended Flood Emergency Response Plan (FERP) prepared by Water Technology is also provided in Attachment A, reflecting these changes. The potential visual impact associated with the proposed 300mm increase in floor levels has been reviewed by Ethos Urban, as detailed in Attachment M. Following a review of the proposed amendments in the context of the approved documentation and the findings of Ethos Urban, it is our professional opinion that the proposed changes: • Do not warrant the preparation of revised photomontages; and • Will result in an acceptable visual and view impact. This conclusion is based on the following key considerations: • The proposed amendments do not block or unreasonably interrupt any significant public domain views, nor do they impact iconic or high-value private views. • The increase will not be readily noticeable in the context of the overall scale and massing of the development.

	The footprint, height, and setback of the generator from the roof edge ensures it will not present as a visually dominant element within the built form. Accordingly, the proposed increase in floor levels is considered to have a negligible visual impact and remains consistent with the visual intent and expectations of the approved development.
DPHI-2 Demonstrate how the development complies with clause 5.22 (Special flood considerations) of the Tweed Local Environmental Plan 2014 and any revisions required to achieve compliance.	The response below, prepared by Water Technology, addresses Clause 5.22 (Special flood considerations) of the <i>Tweed Local Environmental Plan 2014</i>. For further detail, please refer to the amended Flood Emergency Response Plan (FERP) included in Attachment A. The following requirements are set out in Clause 5.22(3): <i>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—</i> <i>(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and</i> <i>(b) incorporates appropriate measures to manage risk to life in the event of a flood, and</i> <i>(c) will adversely affect the environment in the event of a flood.</i> The proposed development satisfies Clause 5.22(3)(a) as it reduces the existing flood risk to life on site and allows for the safe occupation and efficient evacuation of people during a flood. Section 5.2.3.2 of the Flood Emergency Response Plan (FERP) prepared by Water Technology demonstrates that there is sufficient time available for the ILU residents, visitors, some staff and mobile RAC residents without significant medical requirements to evacuate beyond the extent of the riverine PMF except in the very unlikely event that overland flooding with a duration exceeding 4.5 hours occurs during an evacuation. The FERP sets out triggers, actions and responsibilities for implementing the evacuation and a back-up flood refuge is provided in which these site occupants can shelter in place in the unlikely event that the evacuation route is cut, preventing evacuation.

Therefore, the proposed development has made provisions for the efficient evacuation of people during a flood.

Section 5.2.3.1 of the FERP demonstrates that there may not be sufficient time available to evacuate the less mobile RAC residents off site and that the needs of many of the RAC residents can best be met on site. Therefore, the primary flood emergency response strategy for the RAC residents is to shelter in place in the RAC building on levels above the riverine PMF. Measures have been incorporated to ensure the safe occupation of the site during a flood, including:

- The RAC building will be designed by a structural engineer to withstand the forces of floodwater, debris and buoyancy of the riverine PMF
- An energy power supply above the PMF. All areas of the flood refuge will have a back-up 72-hr power supply
- First aid kit, portable radio with spare batteries, torches, non-perishable food supplies and drinks and medications to be kept on levels 2 and 3 of the RAC building
- Arrangements for accommodating all RAC residents as well as staff

Even in the very unlikely worst case scenario where:

- the site is at full capacity during a riverine event large enough to trigger evacuation AND
- the evacuation route is cut by overland flooding for a period significantly longer than 4.5 hours while site occupants are trying to evacuate

All 503 site occupants would be able to shelter in the flood refuge with an average floor area of 5.5 m². This exceeds the minimum average floor space recommended by the guidelines on emergency shelters provided by the Australian Red Cross (2012). Thus, sufficient provision has been made for the safe occupation of the site during a flood and the proposed development complies with Clause 5.22(3)(a) of the LEP.

The proposed development also complies with Clause 5.22(3)(b) because it incorporates appropriate measures to address flood risk to life. These include:

- Levels 2 and 3 of Buildings B – F and the RAC building are all located above the PMF level. Appendix F of the FERP demonstrates that this measure alone reduces the existing flood risk to life at the site by 94%
- A FERP that details responsibilities, triggers and actions for the evacuation of the ILU residents, visitors and mobile RAC residents and for the less mobile RAC residents to shelter in place
- The RAC building will be designed by a structural engineer to withstand the forces of floodwater, debris and buoyancy of the riverine PMF
- All areas of the flood refuge will have a back-up 72-hr power supply with the power supply located above the riverine PMF level
- A public address (PA) system audible in all parts of the site during heavy rain will be maintained for use in communicating flood emergency messages to site occupants. This will be powered by the site alternate power supply.
- Flashing lights and sirens/alarms will be installed in the basement levels to indicate that site occupants must evacuate to higher levels
- There will be at least 2 Flood Wardens on site at all times
- Flood Wardens will be subscribed to the BoM Weather App and the NSW Hazards Near Me App
- Flood signage is to be displayed throughout the buildings and carparks
- Where possible essential medical equipment and supplies will be stored on levels 2 and 3 of the RAC building
- First aid kit, portable radio with spare batteries, torches, non-perishable food supplies and drinks and medications to be kept on levels 2 and 3 of the RAC building.

The Flood Impact Assessment Report (FIA) prepared by Venant Solutions demonstrates that the proposed development would only impact flood behaviour on neighbouring built lots and in local streets, where it would mostly reduce local flood levels. In addition, the FIA shows that the development would result in no adverse impacts at the regional level.

	Therefore, based on the results of the FIA the proposed development will not adversely affect the environment in the event of a flood and complies with Clause 5.22(3)(c).
DPHI-3 Demonstrate consideration of the requirements of the Tweed Development Control Plan, particularly as it relates to internal staircase dimensions and the ability to transport beds or equipment to upper levels.	Compliance of the proposed development with the flood emergency response-related development controls in the DCP is set out in Appendix G of the FERP prepared by Water Technology in (Attachment A). Compliance with other flood-related development controls is outlined in Section 4 of the FIA prepared by Venant Solutions. The staircase design for the RAC building has been reviewed and updated to include a 1.2 m wide stair. This staircase will comprise a 2.5 m void and 1.2 m wide ascending and descending stairs in the void meeting the internal staircase dimension requirements of TSDCP2008 Section A3.2.6 (b) Habitable Development Note 2 - PMF Refuge for Sensitive Development.
DPHI-4 Provide a written response to the recommendations of the State Emergency Service including that the basement entry point be set at a flood level equivalent to the probable maximum flood (PMF).	A full and detailed response to the recommendations of the NSW State Emergency Service (SES) is provided in Table 4 below. This includes responses to matters raised regarding shelter-in-place strategies, resident vulnerability, and structural risk mitigation measures. In direct response to the SES's recommendation that basement entry points be set at a flood level equivalent to the Probable Maximum Flood (PMF), the basement entry ramps have been revised to incorporate a crest at the entry point, set at RL 3.8 which is the 1% AEP flood level plus 0.5 m freeboard (refer to amended Architectural Plans in Attachment C). This design measure provides a freeboard above surrounding road levels (approximately RL 3.4), functioning as a passive barrier to mitigate the risk of floodwater ingress under design flood conditions. Consideration was given to extending this strategy to address flood protection under a Probable Maximum Flood (PMF) scenario. However, due to the significant level disparity between the spine road (RL ~3.4) and the PMF level (RL 8.0), implementing a ramp crest at PMF height was found to be operationally and spatially impractical. Achieving the required

	rise to RL 8.0, followed by a descent to basement level RL 0.0, would necessitate an excessively long ramp with substantial impacts on site layout, vehicle functionality, and compliance with gradient requirements. The adopted solution balances flood resilience with functional design constraints, ensuring passive protection against riverine flooding with an AEP of approximately 0.625%. This outcome substantially exceeds minimum planning controls and meaningfully addresses flood risk to infrastructure without compromising operational viability. Further detail regarding flood mitigation and emergency response strategies is provided in Attachment A. Architectural commentary and supporting detail on the basement entry ramp design is provided by Plus Architecture in Attachment C.
Contamination	
DPHI-5 Assess and quantify any soil and groundwater contamination present on residential properties existing residential lots on Lorien Way and demonstrate that these properties are suitable (or will be suitable, after remediation) for the development in accordance with Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	The Preliminary Site Investigation Report prepared by ADG has been amended to include an assessment of the existing residential lots on Lorien Way (refer to Attachment B). This updated assessment has been undertaken in accordance with relevant NSW Government guidelines, including Chapter 4 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The amended report confirms that the identified lots are suitable, or will be made suitable following any required remediation, for the proposed seniors housing development. The investigation did not identify any significant contamination that would preclude the intended residential use, and any minor issues identified can be managed through standard remediation practices where necessary. Accordingly, the updated report demonstrates that the residential properties on Lorien Way meet the requirements for suitability under the SEPP and pose no constraint to the proposed development proceeding.
Built form and communal open space	
DPHI-6	The proposed development has been carefully designed to meet and exceed minimum requirements for building separation on a long, narrow

A substantial portion of the proposed communal open space consists of elongated or transitional areas located between buildings and side boundaries. The Department requests that you consider relocating Building F further east and reconfiguring/rationalizing the size and layout of the church car park (Figure A) to allow for the provision of a larger, contiguous central/heart communal open space (Figure A). If this cannot be achieved, provide adequate planning justification for the proposed site configuration.

site. The plan incorporates the maintenance of the existing church and introduces a new connecting street through the development. Following feedback from the first SDRP, community consultation, and Council (including Councillors), landscape spaces have been aggregated and increased.

The area between Building F and the RAC is generously proportioned and programmed. Given Kingscliff's northern location, providing respite from direct sun is crucial for comfort and to encourage outdoor space usage. The ground floor of the RAC building offers significant communal amenity, including a clubroom, cafe, multi-purpose spaces, and a chapel, all designed to open up internally and externally. A water feature at the north-east end of the RAC building enhances the community feel.

The area east of Building F is currently occupied by an operational church, which will continue to function for the foreseeable future, limiting potential building incursions. Any adjustments to Building F's position would solely be to enhance ground floor amenity between the buildings.

The overall Landscape Design incorporates numerous "outdoor rooms," spaces, and facilities, complemented by significant vegetation and walking trails. These elements cater to various group sizes and aid in wayfinding. The design strikes a balance, providing adequate shared amenity across the site while maintaining an appropriately sized space between Building F and the RAC building.

DPHI-7

Consider relocating Building A further north, so the entire rear elevation is 6m from the shared boundary with the southern neighbour. This is requested to reduce any potential overlooking of the adjoining property. If this cannot be achieved, provide adequate planning justification for the proposed 5m setback.

Amended **Architectural Plans** prepared by Plus Architects are provided in **Attachment C** showing Building A has been relocated 1m further north, increasing the private open space provided to the ground floor units and providing a 6m setback from the shared boundary with the southern neighbour.

This change addresses the concerns about overlooking while maintaining good amenity for both the future residents of the proposed development and the existing residents of the adjoining property.

	This adjustment ensures that the design of Building A is consistent with the desired outcomes for neighbourly amenity and helps to foster a positive integration of the new development within the existing neighbourhood context. We believe that this modification strikes an appropriate balance between addressing the concerns raised and maintaining the overall integrity and functionality of the development.
DPHI-8 Clarify why soft landscaped areas between Building F and the RACF (excluding the pool area) is not counted towards the deep soil calculation.	Urbis has reviewed the landscaped areas and provided an amended Statement of Landscape Design Intent (refer to Attachment F), which now includes eligible Deep Soil Zone (DSZ) calculations for the area between Building F and the RCF (excluding the pool area). As shown in the updated Deep Soil Zone Calculations diagram 3.11 on page 25 of the amended Statement of Landscape Design Intent, the total DSZ is 3,010m², representing 10.35% of the total site area of 29,091m². This meets and exceeds the relevant requirements. Additionally, the total landscaped area provided across the site is 12,207m² (42% of the total site area), which is well above the minimum requirement under <i>State Environmental Planning Policy (Housing) 2021</i>—being the lesser of 6,965m² (35m² per dwelling) or 8,659m² (30% of site area).
DPHI-9 Provide an updated clause 4.6 assessment that responds to any design changes and increases in building heights resulting from flood mitigation.	An updated Clause 4.6 Assessment has been prepared by Planit Consulting and is provided in Attachment D. The revised assessment specifically addresses the design changes, including the increase in building heights by an additional 300mm to mitigate the impacts of climate change and flooding risks. The updated assessment evaluates the implications of these height increases and provides a comprehensive justification for the design changes, ensuring that the development continues to meet the objectives of the relevant planning controls while addressing the flood mitigation requirements. This assessment demonstrates that the proposed increases in building heights are consistent with the principles of good planning and development, and that the development remains

	in compliance with the overall intent of the applicable planning framework.
Other issues	
DPHI-10 In response to the Housing SEPP: - section 107(d), confirm the size (sqm) of communal open space dedicated to the RCF and its location - section 108(d), confirm the size (sqm) of communal open space dedicated to the ILUs and its location.	Urbis has reviewed the communal open space provision in response to the requirements of the <i>State Environmental Planning Policy (Housing) 2021</i> and has provided an amended Statement of Landscape Design Intent (refer to Attachment F), including updated calculations shown in diagram 3.12 on page 26. For the Residential Care Facility (RCF), Section 107(d) of the SEPP requires a minimum of 10m² of communal open space per bed. With 120 beds proposed, this equates to a requirement of 1,200m². The amended design provides a total of 1,456m² of communal open space, comprising 435m² of internal space and 1,021m² of external space, exceeding the requirement by 21%. For the Independent Living Units (ILUs), Section 108(d) of the SEPP requires a minimum landscaped area that is the lesser of 35m² per dwelling (6,965m² for 199 dwellings) or 30% of the site area (8,659m²). The amended landscape design provides a total landscaped area of 12,207m², which equates to 42% of the site and significantly exceeds the minimum requirement.
DPHI-11 In response to the ADG: - part 3F (building separation), Buildings D and E are separated from each other at a distance less than the recommended ADG standard for facing habitable room windows (i.e. 12 m up to 4 storeys, being the combination of the side/rear boundary separation distances) (Figure A). Provide justification for this reduced distance and clarify what mitigation measures are proposed to prevent overlooking. - part 4B (ventilation), update drawings DA0420 to DA0424 to confirm the number and percentage of apartments that do / do not achieve cross ventilation (current table relates to solar access only). Confirm the depth of cross-over / through ILUs.	Plus Architecture has reviewed the relevant provisions of the Apartment Design Guide (ADG) and provides the following response. For further detail, please refer to the amended Architectural Plans in Attachment C and the amended Architectural Design Report in Attachment D. <u>Part 3 F: Building Separation</u> Building separation between Buildings D and E has been reviewed. The proposed design includes a separation of 12.185 metres at the glazing line between facing habitable room windows, as illustrated in Section Drawing DA-0303, located within the amended Architectural Plans prepared by Plus Architecture (refer to Attachment C).

- part 4E (balconies), provide a schedule listing balcony sizes, divided into 1, 2 and 3 bedroom ILUs.
- part 4G (storage), provide a schedule listing proposed ILU storage sizes, divided into 1, 2 and 3 bedroom ILUs.
- part 4Q (Universal Design), confirm the number and percentage of ILUs that would meet the ADG Universal Design (20% minimum) standard

Part 4B: Ventilation

The updated compliance schedules in drawings DA-0421 to DA-0424, included in the amended **Architectural Plans** prepared by Plus Architecture (refer to **Attachment C**), now include a dedicated column confirming which ILUs achieve cross ventilation. The development achieves cross ventilation for 124 out of 199 ILUs, representing 62.3% compliance with the ADG's natural ventilation objectives.

Breakdown by stage:

- Stage 1: 56 out of 89 ILUs achieve cross ventilation (62.9%)
- Stage 2: 68 out of 110 ILUs achieve cross ventilation (61.8%)

No cross-over or through apartments are proposed in the development.

Part 4E: Balconies

Refer to the annex table 2 schedule provided in the amended cover letter within **Architectural Design Report (Attachment D)** for a breakdown of the apartment type and balcony area range.

Part 4G: Storage

All Independent Living Units (ILUs) comply with the storage requirements outlined in the Apartment Design Guide (ADG). A detailed breakdown of storage provision is included in drawings DA-0510 and DA-0511, located within the amended **Architectural Plans** prepared by Plus Architecture (refer to **Attachment C**). Each ILU is allocated a dedicated basement storage cage, and at least 50% of the required storage volume is provided internally within the apartment. The combined internal and basement storage meets or exceeds ADG requirements for all 1, 2, and 3-bedroom ILUs.

	<u>Part 4Q: Universal Design</u> All Independent Living Units (ILUs) are designed to meet the Liveable Housing Australia (LHA) Silver Level standard, which aligns with the objectives of Universal Design as referenced in the ADG. Universal Design ensures that apartments are adaptable, accessible, and capable of accommodating the changing needs of occupants over time, making them safer and easier to enter, navigate, and live in. In accordance with the Housing SEPP for Seniors Living, all ILUs have also been designed to meet relevant accessibility and adaptability provisions. This results in a development where 100% of ILUs (199 out of 199) meet or exceed the 20% minimum Universal Design requirement of the ADG. The integration of LHA Silver Level standards ensures that each apartment is readily modifiable, promoting long-term liveability and enhancing the quality of life for future residents.
DPHI-12 Amend the Staging Plan to show the staging and timing of the provision of the site landscaping works and communal open space. Clarify the predicted demolition and construction timing for each stage, noting the Noise and Vibration Assessment suggests potentially 4 years.	Refer to the updated staging boundary indicated on 03.1 Ground Level Plan page 12 of the amended Statement of Landscape Design Intent prepared by Urbis (refer to Attachment F). Please note that the swimming pool area will be delivered with the Stage one works. The proposed staging timing from the master program is as follows: • Stage 1 – 19 months • Stage 2 – 11 months
DPHI-13 Confirm that approval for signage, subdivision or lot consolidation is not proposed as part of the current development application.	Signage, subdivision, and lot consolidation do not form part of the current development application. This application seeks consent solely for the proposed built form and associated works as detailed in the architectural and supporting documentation. No signage is proposed beyond standard building identification or statutory signage, which would be subject to a separate application if required. Similarly, no subdivision of land or lot consolidation is proposed or contemplated as part of this DA.

	Should any future proposal for signage, subdivision, or lot consolidation be pursued, it would be the subject of a separate application and assessed on its own merits in accordance with the relevant planning controls at that time.
DPHI-14 Provide a tree removal and retention plan (drawn to scale, including title, date and reference).	A detailed Tree Removal and Retention Plan has been prepared Urbis, indicating the trees to be removed and retained as part of the proposed development (refer to Attachment F). Please also refer to the <i>Arboricultural Impact Assessment Report</i> by Independent Arboricultural Services dated 4th March 2023 submitted with the original EIS. This report includes a plan to identifying tree locations and includes information on the trees to be retained and removed.
DPHI-15 Update DA-0010 survey, DA-0431 deep soil zones and DA-0441 communal open space to include a drawing scale.	An amended Site Survey has been prepared by Astrea and is provided at Attachment J. This survey should be relied upon as the accurate and to-scale representation of existing site conditions. In addition, the following amended Architectural Plans have been updated by Plus Architecture to include the required drawing scale and are provided at Attachment C: • DA-0431 Deep Soil Zones • DA-0441 Communal Open Space While DA-0010 (Survey) appears as an image within the architectural plan set for contextual purposes, it is not a standalone technical survey drawing. The Astrea Site Survey (Attachment J) should be referred to for all precise survey data. These amendments ensure all relevant plans now include appropriate drawing scales, in accordance with the Department's request.
DPHI-16 Clarify whether the 23 church car parking spaces are separate and additional to the 300 RCF and ILU spaces.	We confirm that the 23 car parking spaces allocated for the church are separate and additional to the 300 parking spaces designated for the Residential Aged Care Facility (RACF) and Independent Living Units (ILUs).

	These parking provisions have been planned to operate independently to meet the distinct needs of each use.
DPHI-17 In Appendix C of the Noise Report, clarify the reason for the difference between the predicted receiver R1 and R2/R3 readings and the separate predicted receiver R1 'F1' and R2/R3 'F1' readings.	The difference in predicted noise levels between receivers R1 and R2/R3 compared to R1 F1 and R2/R3 F1 is primarily due to elevation. Receivers located on the first floor (denoted as "F1") are positioned above the height of the acoustic barrier or site fencing, which significantly reduces the effectiveness of noise shielding. At ground level, the barrier can obstruct and attenuate noise from construction activities; however, once the receiver is elevated above the height of the barrier, it no longer provides meaningful acoustic protection due to the lack of line-of-sight obstruction. As a result, first-floor receivers experience higher predicted noise levels. A copy of the amended acoustic report prepared by ADP is included in Attachment K .
DPHI-18 Provide an itemised response to each of the SDRP comments in its second meeting minutes (9 August 2023) justifying the design choices and any deviations from the SDRP recommendations.	An itemised response to each of the State Design Review Panel (SDRP) comments from the second meeting held on 9 August 2023 has been prepared by the project architect, Plus Architecture, with input from the landscape architect, Urbis, and is provided in Table 1A below. This response outlines the justification for the design choices made and addresses any deviations from the SDRP recommendations. For further details regarding the design response, please refer to the amended Architectural Plans in Attachment C, the amended Architectural Design Report in Attachment D and the amended Statement of Landscape Design Intent in Attachment F.

Table 1A: SDRP2 Table of Responses:

REF	SDRP2 Comment	Uniting Kingscliff Response:
1	Consider how Connecting with Country principles can support the development of the masterplan including:	
1a	Strengthening landscape design through an understanding of seasonal variations.	The landscape design strengthens the connection to Country through an understanding of seasonal variation by selecting a wide variety of predominantly native and endemic species that flower and change throughout the year. Some plants will be deciduous, some species flower in winter or autumn while others flower in spring and summer. A small Bush Tucker Garden will also be provided where

residents can learn about and experiment with indigenous food plants and experience seasonality by understanding those species.

Aside from the plants, native animals and insects will interact with the site in seasonal patterns, be that for seeking food or habitat. The strategic interplay of seasonal light such as cooler summer shade and warming winter sunlight will be a seasonally reoccurring pattern throughout the site. While shade will dominate, the locations for winter sun will also be highly valued by residents and connect them to this Country. For a more comprehensive summary of the proposed native plant selections please refer to the 'Seasonality of Selected Species' list in the amended Statement of Landscape Intent report prepared by Urbis in **Attachment F**.

1b	Considering the movement of water across the site and water sensitive design opportunities.	Water is typically directed away from the built form and into drainage swales and the stormwater network. While it is undesirable to have standing water as part of the stormwater drainage system there will be ephemeral moments during and after storm events to hear and see water movement across the site. Much of this water will provide passive irrigation to garden areas as a means of water sensitive design before it drains away or spills over into drainage pits. Rainwater tanks associated with the community garden will also give residents a connection to the seasons and rainfall levels. Water features in a couple of locations around the site provide further connection to water and movement, while the swimming pools organic shape provides an interpretation of a natural swimming hole.
1c	Expanding landscaped areas to create a meaningful heart associated with the RAC.	The community heart is located adjacent to the RAC where seamless indoor community facilities flows on to the outdoor dining terrace while adjacent to this is a flexible open lawn space both of which are suitable for potential first nation performances/smoking ceremonies or truth telling gatherings/education space. To the east of this is the organic shaped swimming pool and pool terrace. Its organic forms represent Sea and River Country. To the south are small First Nation inspired play elements for visiting grandchildren and an opportunity to reflect on first nation culture relating to the significance of the Bunya Nut. While sheltered and shaded seating areas provides opportunities for social gathering or quieter moments and ceilings that will incorporate Sky Country through potential art and the interplay of light and connections to the sky. One circular shaped seating area provides the opportunity for a yarn circle. This entire area is planted with predominantly native species further reinforcing the connection to Country.
1d	Explore integrating colours derived from Country into material palettes, expanding beyond whites and neutrals.	The material palette has been carefully composed to integrate a selection of warm, tactile, and texturally rich materials that enhance the architectural composition. This approach fosters a nuanced and grounded connection to place, aligning with the principles outlined in the <i>Connecting with Country</i> framework:

“During the first round of community consultation, the local recognised Aboriginal parties expressed a desire for the site to encompass the diverse colours of Country and wished to see the colours of the surrounding bushlands within the mountains also reflected across the site. Identified colours of significance are the green hues of the mountains and rainforest that surround the region, the black of the obsidian rocks and the ochres within the mountain ranges.”

These elements are reflected in the proposed material and tonal strategy, which draws upon the palette of the local geology. The design employs horizontal banding and stratification to articulate the built form, and establish a clear relation to human scale and the context of both the natural and built environment.

The built form is articulated into three distinct horizontal layers, each responding to both contextual and cultural narratives. At the base, the built form emerges from the ground plane, expressed through materials and textures that evoke natural stone, anchoring the development to the site. The mid-section—the primary body of the building—is articulated through the use of brickwork in varied ochre tones, drawing direct reference from the regional geology and the cultural significance of earthen pigments.

The uppermost levels are designed with recessive, dark-toned cladding, referencing the obsidian rock formations found in the surrounding mountain landscape. This material treatment not only reinforces the geological narrative but also serves to visually mitigate the perceived height of the four-storey built form, creating a more contextually sensitive response.

The tonal qualities of the rainforest are interpreted through a curated landscape layer, introduced via strategically positioned planters integrated into the building's façade and terraces. These planted elements serve a dual purpose: they reinforce the visual and cultural connection to Country and contribute to the softening of the built form, blurring the boundary between architecture and landscape while re-establishing a connection to the ground plane.

While the current market trend in coastal locations prefers the use of whites and neutrals, this project will see the integration of certain colours from Country integrated into different locations around the site. The Connection with Country RAPs recommendations were for the use of basalt, malachite and jasper, as well as the red earth of the region. To accommodate this the swimming pool colours will see malachite tones, while bands of malachite-coloured tiles will integrate with fixed concrete seating. Loose furniture, water features and play equipment will also utilise some of these colours. The bush tucker area and community garden will see the use of red earths and jasper to make the connection between fertile

		red soils, while pops of jasper colours will be associated with the pizza oven area. First nation art and interpretive pieces will be encouraged to utilise colour within those works. Basalt stone will also be introduced as a feature tile and stone cladding in visually important locations.
1e	Explore local Indigenous understandings of seasonal variations to inform an engaged and appropriate architecture.	As this question would relate to the landscape architecture of the site, we have sort to reflect a design that considers seasonal variation such as capturing breezes, creating shade and allowing for winter sun. Species that are deciduous during winter will be investigated for use in the Construction Certificate application phase to allow additional winter light penetration. Species such as <i>Sterculia quadrifida</i> and frangipani are two examples. Landscape architectural elements will provide future opportunities to incorporate first nation collaboration that provide understandings of seasonal change during the documentation phase. The project team will reach out to local first nations land councils and artists to engage on genuine outcomes into the project's design and deliver on the indicated outcomes of the Connecting with Country report submitted in the application and the Responding to Country Structure Diagram on Page 30 of the amended Statement of Landscape Design Intent (refer to Attachment F).
2	Native and endemic planting palettes are encouraged for all landscaped areas.	Species lists identifying endemic and native species were originally submitted as part of the SSDA. As a part of the Response to Submissions in November 2024, a detailed planting plan was requested a subsequent plan was developed to demonstrate both native and endemic planting palettes that would reflect local plant character, reinforce local identity, provide shaded pathways and communal areas with a cool subtropical environment, give privacy to neighbouring properties and internal private patio areas, and support native wildlife. Please refer to the species list attached in previously provided planting plans.
3	Refer to Advice Letter 01 dated 18th October 2022 – Point 1: Consider how learnings from this engagement can move beyond the application of surface patterns, to a wholistic and embedded approach to the design development of the landscape and built form.	During Design Development, the <i>Connecting with Country</i> (CwC) report will be utilised as a foundational reference document to guide the evolution of design strategies. It will serve as a first principles framework, informing critical aspects of the architectural expression, including material selection, detailing, and environmentally sustainable design (ESD) initiatives. By embedding the values and insights of the CwC report into the design process, the project aims to ensure that cultural responsiveness and environmental integration remain central to the architectural outcomes. As we enter the documentation phase Urbis will actively reach out to the Bunjalung community to seek inputs and collaboration ideas for how we can best work together to embed their needs beyond simple surface treatments.
4	Continue to develop a detailed flood response with safety for the	Since SDRP2, the project has developed a comprehensive stormwater and flooding design response for the site. This response was initially submitted in the original application and subsequently refined during the Response to Submissions and the first round of requisitions by all government agencies, as

inhabitants and neighbours the key consideration.

addressed in November 2024. It is noteworthy that no further requisitions or comments regarding these stormwater and flooding outcomes have been received from Tweed Council, DPHI, or other agencies in their most recent correspondence from early 2025. The flood emergency response strategy received additional commentary from agencies in early 2025, which has been thoroughly addressed in the mid-2025 DA submission documents. These documents ensure safe flood evacuation and shelter-in-place protocols for the future operational site.

We have developed a comprehensive stormwater and flooding design response to the site which was submitted in the original application and refined during the Response to Submissions and first round of requisitions by all government agencies, in November 2024. No further requisitions or comments on these outcomes have been received from Tweed Council, DPHI or the other agencies as it specifically relates to stormwater and flooding outcomes in the most recent letters in early 2025.

The flood emergency response strategy has had some further commentary from agencies in early 2025 and this has comprehensively been responded to in the mid-2025 DA submission documents, ensuring the safe flood evacuation and shelter-in-place outcomes for the future operating site.

5 Consider the following:

5a Increasing heights and reducing building footprint where feasible, in close consultation with Council.

The SDRP provided commentary encouraging a significant increase in building heights as a means to optimise site density and unlock greater opportunities for outdoor amenity at the ground plane. While this proposition offered certain urban design benefits, subsequent community consultation revealed strong and consistent feedback expressing concern regarding increased building heights and their potential impacts on neighbourhood character, privacy, and visual amenity.

As a design team, we have placed high value on the integrity of the community engagement process and recognise the importance of maintaining public trust and alignment with local expectations. In acknowledgment of the depth of community sentiment, we have chosen not to pursue the increased height strategy. Instead, the proposal reflects a balanced approach that seeks to optimise site outcomes within a scale that is more appropriate and acceptable to the existing community context.

5b Reducing or relocating parking surrounding the Church to allow a redistribution of GFA and enhanced open space offerings.

The sites parking remains in accordance with the original DA approval for the Church on the site. This is retained for the redevelopment and located in close proximity to the church doors for better accessibility by the church congregation and visitors. This parking is used for church or special events within the church only and is intended to remain a flexible use of space outside of these times to maximise options

and enhance the open space offerings. The overflow carpark adjacent the church will include reinforced turf cell to provide a flexible open space offering when not in use.

6 Consider how the site can provide beyond the minimum 15% landscaping requirements:

6a	Reposition the RAC closer to the Church to create a larger consolidated community landscaped area.	The Church location and immediate lands surrounding it are fixed by the requirements of the Uniting Church. As such, the lands and parking which surround the existing Church have been made available for flexible open space uses (as described below) but are not made available for redevelopment or moving new buildings inside these grounds. The final proposal as submitted balances the open spaces and landscaped areas of the church lands for church and community visitor uses.
6b	Provide a balance of quality built form and quality open space focusing on creating a community heart to the project.	The community heart is previously described in item 1.c. above. This area is approximately 1200m ² and the design consists of high-quality built form elements and functional spaces that encourages community gatherings and social interactions.
7	There are limited options for a street address for the project. Consider how a clear and welcoming entrance can be designed.	The project will include entry signage and entry pathways from both Kingscliff Street and Lorien Way. These paths will be shaded either by an entry arbour off Kingscliff Street or canopy shade trees off Lorien Way. The exposure of blank and rudimentary fencing and services will be avoided through screen planting and the use of visually interesting design elements such as branded entry signage or the like. Signage and wayfinding is being developed now that will further reinforce the arrival experience. This will be submitted as a separate DA to Tweed Council as is the direction provided by DPHI that signage is not approved as part of an SSDA. Opportunities for additional public street trees are to be discussed during the Construction Certificate approvals phase.
8	The Council owned sewer pump is a barrier to the entrance of the site and proactiveness is encouraged in conversations with Council to develop alternate strategies. Provide further detail on the building footprint, existing landscaping and considerations for odour mitigation.	Council has been approached on a number of occasions before submission and during the development assessment process. It has been concluded that Council do not wish to amend the existing sewer pump station or the sewer network. The development as proposed considers the sewer pump station into the civil works, landscape design and the siting of buildings the land. An odour report has been submitted with the development application and concludes that with the proposed design and located ILU layouts that no adverse odour impact will be received by future residents.

		The landscape design seeks to sufficiently screen this sewer pump station. Screening vegetation is also proposed where viable as is the retention of existing trees.
9	Re-examine the road network and where possible investigate more opportunities for shared space between vehicles and pedestrians.	The proposal has provided suitable pedestrian circulation and connection throughout the site whilst minimising conflict with vehicles. This was a key request of Tweed Council and other agencies. Due to the age demographic of the users of the project, pedestrian and vehicle shared spaces is not encouraged for this proposal.
10	The road network for the site will likely experience low traffic volumes. It is understood that allowances for deliveries and ambulance access needs to be balanced with a safe pedestrian network. Consider the material palette for the roads and how they might be softened through permeable paving to assist with drainage and street cooling.	We have considered the use of permeable pavement and will continue to do so during the documentation phase to seek opportunities. Should the products prove cost prohibitive we will focus on higher quality common area embellishments and First Nation initiatives. The street surface treatments will utilise different finishes to help to soften this element and where possible shade trees will help to cool this surface.
11	Re-examine the wayfinding for the site and consider how users (residents, staff and visitors) will naturally understand how to move around including:	
11a	Cues in the landscape and planting palettes.	The landscape design thoughtfully incorporates visual cues and planting strategies to support intuitive wayfinding throughout the site, especially for residents living with dementia. By introducing distinctive landscape elements and accent planting at key decision points, residents and visitors are subtly guided as they move through the environment. Pathways have been designed as continuous loops, avoiding disorienting dead ends. This ensures that if someone becomes unsure of their location, they will soon encounter a familiar feature or planting composition that helps them reorient themselves within the site
11b	Different characters for individual buildings developed through varied material palettes.	To enhance wayfinding and provide a sense of identity across the site, the landscape design reinforces the unique character of each building through varied material and planting palettes. This approach not only aids navigation for all users—including those with dementia—but also creates a visually rich and engaging environment.

		Circulation routes are designed as loops, eliminating confusing dead ends and encouraging confident exploration. Distinctive elements and planting at intersections serve as memory cues, helping individuals recognise their surroundings and find their way with ease.
11c	Intuitive wayfinding options over extensive reliance on signage.	As addressed in response to question 11B, wayfinding elements are dotted throughout the site. This includes unique activity nodes, interpretive elements, and accent planting arrangements.
		Please refer to the Circulation Structure Diagram (03.8 Page 22) from the amended Statement of Landscape Design Intent in Attachment F which demonstrates clear paths of travel throughout the site and linking each of the buildings to the user experiences provided such as the swimming pool area and community garden.
11d	Model each user experience to understand clear paths of travel.	Wayfinding and signage formal documentation is being developed for DA submission to Tweed Council, as signage is not approved as part of the SSDA process. However, the site is more than capable to implementing these signage and wayfinding outcomes in the current design, by implementing: • Clear sightlines to public communal spaces from pathways • An intuitive pathway network around the site with centralised gathering areas • Visitors are guided to visitor parking spaces and met with cues like the RACs porte cochere arrival area for visting the RAC, • Staff workflows internal to buildings laid out in detailed workflow and process diagrams as is Uniting's standard process and detailed further in design development before CC. • The comprehensive signage and wayfinding strategy will outline this further in a signage DA to be submitted to Council after the SSDA assessment process.
12	Provide a section through the eastern boundary showing the landscaping of communal areas and stormwater culvert in relation to boundaries and buildings.	Refer to Section 04 on page 39 of the amended Statement of Landscape Design Intent prepared by Urbis for this eastern boundary section (refer to Attachment F).
13	The sub-tropical character of the area is important and should be reflected in the landscape design wherever possible.	The projects design drivers have focussed on creating subtropical shade, cross breezes and the subtropical coastal landscape character and these drivers have manifested into the project as the concept evolved. Refer to the provided planting plans which proposes extensive use of native and endemic subtropical planting throughout the site. This will provide shaded spaces along walkways and throughout the site. In addition, shade structures with seating are dispersed across the site so that there is always somewhere shaded to sit and rest surrounded by subtropical planting. Generous roof

	overhangs adjacent the pool area, along with a separate pool pavilion shelter provide ample shade to this communal area. An entry arbour with trellis and climbing plants provides a shaded pathway from Kingscliff Street into the core of the site. Strategically placed trees will assist in shading glazing along the eastern and western facades. Coastal breezes and cross ventilation will provide additional cooling effects for external spaces.
14	Refer to Advice Letter 01 dated 18th October 2022 – Point 9: Re-consider the proportions and orientation of the communal open spaces to points a, b, c, d. This letter refers to: Re-consider the proportions and orientation of the communal open spaces to: a. Maximise daylight amenity. Provide updated shadow studies at regular intervals in midwinter. b. Maximise privacy for apartments and balconies when in proximity to communal open space. Carefully consider the location of private open spaces in relation to common and public areas. c. Maximise deep soil planting and increase tree canopy cover for the site. d. Promote a sense of community within the site, and not simply landscaped areas in-between buildings. The connection between open spaces and indoor common circulation needs strengthening to achieve well used and activated gathering spaces. Response to (a): The design seeks to provide a predominantly shaded external environment as a desired climate response, however consideration has still been given to placement of vegetation so that there are opportunities for northern light penetration into private living spaces and communal areas that will be desirable during cooler winter months. Consideration has also been given to neighbouring properties with the detail planting plans and sections indicating that there will be minimal foliage overhanging neighbouring properties. Where trees along the boundary have the potential to impact on solar access to neighbouring private outdoor use areas, we have specified open canopy species to provide a balance between privacy and dappled light penetration. Response to (b): Privacy for private patios and balconies in close proximity to communal social spaces will be mitigated by providing dense ground level screen planting and partially screening tree foliage where possible. Response to (c): Refer to the latest deep soil calculation diagram. Deep soil has been maximised where possible and tree canopy cover has also been maximised to provide a predominantly shaded outdoor environment. Trees are also placed in locations that do not meet the minimum 6m garden bed width to be considered Deep Planting Zone, however it is our professional opinion that these trees will still thrive in the conditions available and to support additional meaningful canopy cover around the site. Response to (d): The landscape promotes a sense of community first and foremost through designed pedestrian connectivity throughout the common areas with shaded pathways and a series of outdoor rooms and nodes. These spaces reinforce the sense of community through incidental meetings or arranged gatherings. The community garden provides a space to come together and nurture produce, as well as a relaxed space for conversations and connections between residents, while the adjacent pavilion provides a shaded seating area, BBQ and pizza oven to connect people through food. The Village Square provides a flexible communal space with shaded paved seating areas, open lawn space and a small First Nation inspired play space for grandchildren. The adjacent pool area provides the opportunity to relax and connect with residents enjoying a swim and the surrounding lounge spaces. Overall, the landscape design will encourage the community to connect and feel part of a homogeneous community that helps to address the potential risks of loneliness in elderly citizens.

15	Refer to Advice Letter 01 dated 18th October 2022 – Point 13: Undertake an audit and review of the extent of hardstand carparking on the site, specifically in relation to the Church.	The church hardstand extents have been reduced to include a significant area that is overflow parking, typically only used during weekend church service. This surface is now a turf cell that is permeable to collect rainfall and reduce the thermal mass.
16	Re-examine the ILU building planning to include external corridor options and remove dead-end corridors where possible to create a greater engagement with the surrounding environment for residents.	The design team undertook a detailed exploration of alternative building configurations, including a single-loaded corridor typology. While this arrangement offered clear benefits in terms of natural ventilation and daylight access to communal circulation spaces, several critical constraints were identified— primarily relating to privacy of neighbouring properties and fire separation requirements under the National Construction Code (NCC). Under the NCC, the requirement to maintain fire compartmentalisation between the corridor (as a designated means of egress) and the adjoining sole- occupancy units (SOUs) limited the permeability of the dwellings to the corridor side. Although there were potential opportunities to introduce windows to facilitate cross ventilation across all dwellings in a single-loaded scheme, these ambitions were ultimately constrained by the need to preserve compliant fire separation, thus competing with the ventilation objectives. Regarding neighbouring amenity and privacy, the design team considered the implications of open, externally facing residential corridors on the privacy of adjacent properties. Open corridors were found to potentially increase opportunities for overlooking, which was deemed inconsistent with the feedback received during community consultation. As a result, the proposed built form adopts a double-loaded corridor configuration. This arrangement ensures compliance with fire separation provisions while enabling controlled access to natural ventilation and daylight at key points—specifically through operable windows strategically located at lift lobbies and common areas. This approach balances regulatory requirements with amenity considerations, supporting both safety and environmental performance within the building.
17	Provide further details on ADG compliance including:	
17a	Daylight access	Refer to drawings DA-0410 and DA-0650 to DA-0666 in the amended Architectural Plans prepared by Plus Architecture for solar access compliance and substantiation analysis (refer to Attachment C).

17b	Cross ventilation	Refer to drawing numbers DA-0420 to DA- 0424 in the amended Architectural Plans prepared by Plus Architecture for cross ventilation compliance (refer to Attachment C).
18	The renders for the ILU buildings appear similar across the masterplan. Consider how each ILU can have a distinctive appearance by creating varied material palettes and responding to the surrounding landscape areas.	The built form is articulated into three distinct horizontal layers, each responding to both contextual and cultural narratives. At the base, the built form emerges from the ground plane, expressed through materials and textures that evoke natural stone, anchoring the development to the site. The mid-section—the primary body of the building—is articulated through the use of brickwork in varied ochre tones, drawing direct reference from the regional geology and the cultural significance of earthen pigments. The uppermost levels are designed with recessive, dark-toned cladding, referencing the obsidian rock formations found in the surrounding mountain landscape. This material treatment not only reinforces the geological narrative but also serves to visually mitigate the perceived height of the four-storey built form, creating a more contextually sensitive response. The tonal qualities of the rainforest are interpreted through a curated landscape layer, introduced via strategically positioned planters integrated into the building's façade and terraces. These planted elements serve a dual purpose: they reinforce the visual and cultural connection to Country and contribute to the softening of the built form, blurring the boundary between architecture and landscape while re-establishing a connection to the ground plane.
19	Refer to Advice Letter 01 dated 18th October 2022 – Point 18: Consider cross ventilation of apartments and avoid double loaded corridor layouts where feasible.	The design team undertook a detailed exploration of alternative building configurations, including a single-loaded corridor typology. While this arrangement offered clear benefits in terms of natural ventilation and daylight access to communal circulation spaces, several critical constraints were identified— primarily relating to privacy of neighbouring properties and fire separation requirements under the National Construction Code (NCC). Under the NCC, the requirement to maintain fire compartmentalisation between the corridor (as a designated means of egress) and the adjoining sole- occupancy units (SOUs) limited the permeability of the dwellings to the corridor side. Although there were potential opportunities to introduce windows to facilitate cross ventilation across all dwellings in a single-loaded scheme, these ambitions were ultimately constrained by the need to preserve compliant fire separation, thus competing with the ventilation objectives. Regarding neighbouring amenity and privacy, the design team considered the implications of open, externally facing residential corridors on the privacy of adjacent properties. Open corridors were found to potentially increase opportunities for overlooking, which was deemed inconsistent with the feedback received during community consultation.

		As a result, the proposed built form adopts a double-loaded corridor configuration. This arrangement ensures compliance with fire separation provisions while enabling controlled access to natural ventilation and daylight at key points—specifically through operable windows strategically located at lift lobbies and common areas. This approach balances regulatory requirements with amenity considerations, supporting both safety and environmental performance within the building.
20	Refer to Advice Letter 01 dated 18th October 2022 – Point 20: Re-consider the dementia circuit location on level one for the RAC. Prioritise ground and garden access for dementia patients/residents.	The dementia garden is purposefully located on Level 1, offering an improved outcome in terms of both security and resident amenity across the broader village. Residents living with dementia benefit from environments where stimulus can be carefully managed, supporting emotional stability and minimizing the risk of overstimulation. In contrast, the ground level of the site—characterized by its high level of activation and movement—would pose significant logistical and supervisory challenges for carers and support staff. The Level 1 location therefore enables better environmental control, ensuring a safer and more therapeutic setting for residents requiring specialised care.
21	Consider integrated sustainability options rather than additive, including:	
21a	External corridors in ILUs to reduce the need for air-conditioned spaces.	The design team has carefully considered the thermal comfort and environmental performance of communal spaces throughout the development. While certain activity areas—particularly those accommodating permanent or large groups—will require mechanical ventilation to meet functional and compliance requirements, the proposed residential corridors have been designed to be naturally ventilated. This approach ensures regulatory compliance without reliance on mechanical systems, contributing to long-term sustainability and reduced operational energy use. A key factor influencing the decision to adopt internalised corridor configurations is the need for enhanced weather protection. The anticipated resident demographic of the village includes older individuals, many of whom may experience reduced mobility and increased sensitivity to temperature fluctuations and adverse weather conditions. By providing naturally ventilated/ weather protected internal corridors, the design enhances year-round accessibility, comfort, and safety, thereby supporting the wellbeing and independence of residents as they age in place.
21b	Providing ample cross-ventilation for apartments	The current proposal is fully compliant with the requirements of the Apartment Design Guide (ADG), including provisions for cross ventilation. Operable skylights to top level apartments have been integrated to increase cross ventilation opportunities. The proposal delivers cross ventilation to 61.3 % of the total proposed apartments

21c Providing external shading for openings to promote passive thermal comfort	The design team has rigorously explored a range of design strategies—including building layouts, façade articulation, and window and opening placements—to ensure optimal thermal comfort for future residents. Additionally, the BASIX commitments have been carefully optimised to enhance thermal performance outcomes, and skylights have been integrated into top-floor apartments to further improve natural daylight access and internal amenity
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Table 1: Department of Planning, Housing and Infrastructure (Continued)

DPHI-19 The Department considers that the church car parking area and the identified narrow access/entrance areas (circled in blue in Figure B) may not provide equivalent function to other larger communal open space. Please update drawing DA-0441 to include a separate breakdown of these areas.	As requested, Plus Architecture has amended drawing DA-0441 to include a separate breakdown of these areas. The updated drawing now provides a clearer distinction and addresses the concerns regarding the equivalent function of these spaces in relation to the larger communal open space. The revised drawing is provided in Attachment C.
DPHI-20 Demonstrate consideration of all agency advice received regarding the Response to Submissions Report.	Consideration has been given to all agency advice received in response to the exhibited Response to Submissions Report. A detailed response to each item of agency feedback is provided in the tables below, supported by updated technical documentation where relevant. These responses outline how the matters raised have been addressed through revised plans, additional clarification, or further assessment, as appropriate.

Table 2: Department of Climate Change, Energy, Environment and Water – Conservation Programs, Heritage and Regulation Group

Issue Raised	Response
Biodiversity CPHR-3 The proposal does not avoid impacts on biodiversity values.	Biodiversity Assessment and Solutions (BA&S) has reviewed the Department's comments and provides the following response addressing the matters raised in relation to the application of the avoid, minimise and offset hierarchy (refer to Attachment L).

It appears the revised BDAR has not been amended to address the recommended action contained in our letter dated 18 June 2024. Rather the BAS letter argues the legislation allows for a proponent to either avoid or minimise impacts to biodiversity.

The proposal has been assessed under Appendix C Streamlined assessment module – small area of BAM 2020 which states:
“The streamlined assessment module for small area developments must only be used according to the area clearing threshold shown in Table 12. Even though these are small areas of impact, the assessor must still apply the hierarchy of avoiding and minimising impacts on biodiversity before considering offsetting residual impacts.”

As detailed in our letter dated 18 June 2024, there have been several judgements by the NSW Land and Environment Court that have upheld the hierarchy of avoid, minimise and offset requirements.

Recommend

Consistent with our letter from 18 June 2024, Section 6 of the BDAR be revised to:

- demonstrate and justify measures taken by the proponent to avoid and minimise impacts on biodiversity values of the site in accordance with Section 6.12 of the Biodiversity Conservation Act 2016, and then sections 7, 9 and 10 of the BDAR amended accordingly; and
- if avoidance cannot be achieved due to existing site constraints, to clearly describe and justify why the required hierarchy cannot be applied and/or is not achievable in this situation.

The information provided to the Department in the BDAR, and subsequently in the response dated 30 October 2024 to the Department's first RFI dated 18 June 2024, provide a clear and robust justification that avoidance of vegetation on the subject land is not possible. The subject land is highly constrained with respect to the development proposal due to its existing topography, landscape position and required flood mitigation measures.

CPHR Officers have visited the site previously, which would have enabled an understanding of the practical constraints for the proposal on the subject land. This response serves to reinforce the principal rationale of the proponent's position and reiterate the key reasoning to ensure clarity for the Department and IPC.

We are pleased to note that the framing of the ‘avoid and minimise’ recommendation by CPHR in their most recent RFI is no longer framed in the context of their original argument, i.e., that the site is TEC or Wallum Froglet habitat. This shift in focus suggests that the characterisation of the habitat value of the subject land provided by BA&S in the BDAR and follow-up response is now supported.

It is also noted that the other ‘key issues’ raised by BCS in their RFI dated 18 June 2024 have been resolved by way of Biodiversity Assessments & Solutions’ (BA&S) previous response. This suggests acknowledgement by the Department that the key issues initially raised are no longer a point of concern.

With respect to the ‘avoid, minimise and offset hierarchy’, CPHR continues to seek to argue that the BDAR does not adequately “demonstrate and justify measures taken by the proponent to avoid and minimise impacts on biodiversity values of the site”. However, as stated by CPHR, “if avoidance cannot be achieved due to existing site constraints, to clearly describe and justify why the hierarchy cannot be applied and/or is achievable in this situation”. This has been previously addressed in the BDAR and in the information provided in response to the Department's RFI dated 18 June 2024.

As previously noted, the site comprises highly modified, disturbed and fragmented vegetation of low ecological value, within an urban setting. Much of the vegetation is situated within a stormwater basin 2.5 m to 3.5 m below the surrounding terrain. Due to the required fill for flood mitigation, retaining vegetation is not practical or viable. Plate 1 below, which shows site contours, highlights the practical constraint associated with avoidance of vegetation within the existing stormwater basin.

It is considered that BCS, having reviewed supporting documents such as the Flood Impact Assessment Report (Venant Solutions, September 2024) and other technical reports, in combination with information provided in the BDAR and RFI response, has adequate information to determine that avoidance cannot be applied and/or is not achievable in this situation.

In line with the BOS 'avoid, minimise and offset hierarchy', the proponent has considered whether "reasonable measures" exist to avoid impacts. Given the physical constraints of the site and the low biodiversity value of the vegetation, it is considered that no reasonable alternatives are available to avoid impacts. As such, the impacts are being appropriately offset and credits have been calculated by the BAM-C in accordance with the BAM, ensuring the proposal complies with the legislative requirements of the BOS.

The following is information provided in the response dated 30 October 2024 to BCS's RFI dated 18 June 2024, which is still considered appropriate to directly address the BCS statement "if avoidance cannot be achieved due to existing site constraints, to clearly describe and justify why the hierarchy cannot be applied and/or is achievable in this situation".

The BDAR fully acknowledges that all vegetation would be removed from the subject land to accommodate the proposal. The subject land is a highly modified site with limited biodiversity values and low condition vegetation dominated by exotic vegetation. There is no reasonable or practical way to retain any of the higher condition polygons of vegetation on the subject land if the proposal is to proceed, and the biodiversity value of retaining the low condition regrowth vegetation in a managed

urban stormwater basin would be challenged. The fragmented regrowth vegetation within the stormwater basin, should any of it be retained, would sit several metres below the surrounding development on the subject land and the wider locality, which then raises obvious practical implications regarding potential viability and management of any retained vegetation into the future within this residential zone.

The value of retaining any such vegetation, much of it dominated by exotic vegetation, already fragmented and with no meaningful connectivity available to other areas of valuable habitat, is considered negligible. This is in the context of the low condition of vegetation, the existing land use, the land zoning and its urban residential location. Developing the land in accordance with the land zoning and for an important social purpose, with the incorporation of extensive landscaping as proposed, would provide more native vegetation on the subject land than currently exists.

Importantly, a Bill to reform the BOS was introduced to NSW Parliament on the 15th August 2024. It is important to note, that even in strengthening the legislation, the first step identified in this proposed hierarchy would be as follows “the proponent of the action first takes all reasonable measures to avoid the impacts of the action on biodiversity values”. The word reasonable has been underlined for emphasis. This indicates that the decision maker needs to consider if ‘reasonable measures’ are available to avoid impacts. This needs to be considered for this proposal with the context of the location of the vegetation in an urban stormwater basin, approx. 2.5m – 3.5m below surrounding ground levels, and in the context of the low biodiversity value of the fragmented vegetation on the subject land, which is dominated by exotic species, and either planted or derived. One would then assume that the proposal would be assessed in the context of the location of the subject land in a residential zone in a developed urban area. If the subject land is to be developed for the intended purpose, it is considered that no reasonable measures are available to retain some of the vegetation on the subject land, especially within the lower elevation stormwater basin, which is the area raising the most conjecture with this proposal.

	It is considered that the information contained in this response, together with additional information provided in the BDAR (V3), provides the Department with confidence that the Streamlined BDAR prepared for the proposal has been undertaken in accordance with the BAM, that biodiversity impacts have been minimised through proposed mitigation, and that the offset credits calculated through the BAM_C are proportionate with the assessed impacts.
Evacuation and Shelter	
CPHR-4 Proposed evacuation and shelter in place strategies have not been reviewed or supported by the NSW State Emergency Services (SES) CPHR notes the proponent has addressed our previous comments. We acknowledge and agree with the SES's concerns previously raised on the proposal prior to its most recent amendment. We understand the proponent has revised the proposal in attempting to respond to the SES's comments. However, it is not clear whether SES supports or still holds concerns with the revised proposal. <u>Recommend</u> Consistent with our letter from 18 June 2024, prior to the proposal being determined, review and support from the NSW State Emergency Services be provided for the combination of evacuation and shelter in place proposals for the proposed development and its inhabitants.	Full consideration has been given to the NSW State Emergency Service's (SES) submission and the comments provided by CPHR regarding the combination of proposed evacuation and shelter-in-place strategies for the development. In response to the SES's feedback, the Flood Emergency Response Plan (FERP) has been revised by specialist flood consultants Water Technology, and the amended FERP is included at Attachment A. This updated plan reflects a detailed review of flood risk and emergency management provisions, and provides a clear framework for staged evacuation planning, safe refuge, and communication protocols in accordance with SES expectations and current best practice. Table 4 of this submission provides a detailed response to each of the items raised in the SES submission, demonstrating how the proposal has evolved to directly respond to SES concerns. While formal written endorsement from SES is not yet available at the time of this submission, the proponent has acted in good faith to directly respond to SES's concerns. The revised FERP and accompanying documentation reflect current guidance and best practice flood emergency planning.

Table 3: Department of Climate Change, Energy, Environment and Water – Water Group

Issue Raised	Response
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Water Licensing DCCEEW-1.1 Recommendation – post approval Department of Planning, Housing and Infrastructure advise the proponent that determining water take from the aquifer interference activity needs to be based on the volume of groundwater that enters or is removed from the excavation Explanation Section 3.3.3 of the Hydrogeological Assessment (Appendix W) refers to the calculation of water take based on the difference between the volume dewatered and the volume reinjected. DCCEEW Water advises this interpretation is incorrect, as the water take needs to be based on the initial water take and is not reduced by subsequent reinjection.	SMEC has reviewed the Department's recommendation regarding groundwater take and provides the following response, The total groundwater take from the excavation is provided in SMEC 2024 - 30013633 Uniting Kingscliff Hydrogeological Assessment (HA) and is provided as follows: • Without mitigation measures, inflows to the excavation are estimated to be 1500 m³/day and approximately 180 ML over the 120 day dewatering period. • With a Secant Pile Wall (SPW) and reinjection, the average pumping rates is estimated to be 1600 m³/day or 192 ML over the 120 day dewatering period and the drawdown at the site boundary is generally less than 0.2 m. Based on the HA, the estimated total take over a 120 day dewatering period is 192 ML. This volume assumes instantaneous excavation to the maximum depth of -0.5 mAHD. However, dewatering is not anticipated to start until several weeks into the construction phase and therefore operate for less than 120 days (refer to Attachment G).
Groundwater impacts and management DCCEEW-2.1 Recommendation – post approval Department of Planning, Housing and Infrastructure require the proponent to design the building basement as a 'tanked design', i.e. fully sealed watertight construction. <u>Explanation</u> The building site basement construction below ground level is within the Tweed-Brunswick Coastal Sands Groundwater Source. Coastal sand aquifer systems are highly permeable and Section 3.1 of the Hydrogeological Assessment assumes the basements will be tanked. However, there is no clear statement that the basements will be tanked. Construction dewatering will be required to complete the buildings and after this the basement should be fully sealed (tanked).	SMEC has reviewed the requirement and confirms that the building basements are designed to be fully "tanked" below both the current and the future predicted (climate change-adjusted) water table to ensure a sealed, watertight construction in accordance with the Department's recommendation (refer to Attachment G).

DCCEEW-2.2

Recommendation – post approval

Department of Planning, Housing and Infrastructure require the proponent to prepare a Dewatering Management Plan which addressed the following:

- Is prepared in accordance with the guidelines 'Minimum requirements for building site groundwater investigations and reporting (DPE 2022)'.
- Include a process for monitoring and managing dewatering impacts on basic rights bores within 500m of the proposed dewatering activity and include the provision of Make Good provisions consistent with the NSW Aquifer Interference Policy.
- Contingencies should the predicted construction dewatering timeframes need to be extended.
- Include a statement of commitment for the submission of a dewatering completion report.

Explanation

As stated in the Hydrogeological Assessment, the full details and methods of dewatering are not yet known and the DMP and CEMP are yet to be developed. Preparation of a DMP that effectively manages impacts to the water source and its users is required.

The proponent is proposing to reinject part of the dewatered groundwater (after treatment) around the site to minimise the drawdown impact. There are 11 domestic groundwater works within 500m of the proposed dewatering work site. Due to the potential for uncertainty in the proposed reinjection outcomes, it is recommended make good provisions be developed for the domestic bores as required under the NSW Aquifer Interference Policy.

SMEC has reviewed the requirement for a Dewatering Management Plan (DMP) and advises the following in relation to its preparation and content (refer to **Attachment G**).

A Dewatering Management Plan (DMP) will be prepared for the approved construction contractor when a contractor is appointed. This is because:

- The basement design (size, shape, depth) may change based on revised contractor designs;
- It is normally the responsibility of the construction contractor to undertake the dewatering as they take possession the site; and
- Specific details required to be contained in the plan, such as monitoring, make good requirements, contingencies and completions report will depend on the contractors final design, dewatering method, site access constraints and prevailing climatic conditions.

The DMP will be prepared in accordance with the "minimum requirements for building site groundwater investigations and reporting (DPE 2022) and include among others:

- A responsibility matrix for installation, operation, maintenance and monitoring;
- A monitoring plan with schedule for monitoring events, including:
- Groundwater levels and quality,
- Discharge quality and volume,
- Assessment of impacts to basic rights bores with trigger values for quality and groundwater level drawdown;
- Mitigation and or make good measures; and
- Data collection, storage and assessment requirements.
- Contingencies in case the dewatering rate and or the time required for dewatering mean the total take exceeds the approved entitlement; and
- Completion report requirements.

Table 4: State Emergency Service

Issue Raised	Response
Recommendations	
It is understood that the proposal has assessed the feasibility of implementing flood barriers and concluded that this would adversely impact neighbouring properties, “as the site is accepting water from 11 neighbours as well as from the Kingscliff Street road network.	Noted. Consideration of the points raised by the NSW State Emergency Services has been carefully undertaken by Water Tech. Detailed responses addressing these specific comments are provided below. For further information, please also refer to the amended Flood Emergency Response Plan prepared by Water Tech, included as Attachment A.
Taking into consideration the flooding constraints for the site, we recommend not proceeding with the current proposal, which seeks to increase the number of vulnerable people on the floodplain. Where possible, we recommend progressively relocating such vulnerable development outside of the floodplain, as recommended by the Flood Inquiry. We refer to our previous advice, dated 13 June 2024 and 4 August 2023. The proposed development is located within the current FPL (Flood Planning Level), on a low flood island. Filling the site to the FPL but leaving evacuation routes below the FPL does not alleviate the risk to life. The proposal would further increase the complexity of flood operations for the Tweed Shire LGA, and directly transfer the risk to NSW SES for warning, evacuation, and potentially rescue. Consequently, this proposal is likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, particularly given the vulnerability of the occupants. There are considerable risks associated with evacuating aged care residents, particularly those requiring specialised medical care and equipment, as acknowledged in the FERP. Similarly, there are considerable risks associated with extremely vulnerable people sheltering in buildings surrounded by floodwaters who may be isolated for more than 50 hours, and potentially up to 3 days.	

SES-1 Should the development be pursued, as a minimum we recommend:	
SES-1a The flooding and associated risks to the site are resolved without reliance on emergency services or a private evacuation plan.	The proposed development reduces the existing burden on emergency services by setting a plan for evacuation and providing a flood refuge above the PMF. Currently the flood emergency strategy for the existing development is to evacuate the site, but there may not be sufficient time available for a full evacuation of the RAC residents. Given that the existing buildings are all single-storey and have floor levels at 3.3 m AHD, the entire site would experience above floor flooding in events with a magnitude of approximately the 1% AEP riverine flood with no available flood refuge. Should flood levels exceed 3.3 m AHD at the site, rescue by the emergency services would be required for the existing development. On the other hand, the FERP proposed for this future project sets out a flood emergency response strategy for the proposed development that would allow most site occupants to self- evacuate and for the remaining occupants to shelter-in-place for the duration of flooding. Emergency services would only be required to attend the site in the event of a fire or medical emergency occurring while the site is isolated. This is a reduction on the burden of emergency services relative to existing conditions. The probability of evacuation failing is approximately the same in the 2 scenarios, but the consequences of evacuation failing are significantly worse in existing conditions compared with the proposed development. The probability of the NSW SES needing to rescue people in developed conditions would be much smaller as people would be less likely to require rescue. The development does not rely solely on a FERP to mitigate and manage the flood risk to life. This is primarily managed by structural measures, such as refuge floor levels above the PMF level and the RAC building being constructed to withstand the forces associated with flooding. The structural measures incorporated into the proposed development reduce

	the flood risk to life that already exists at the site by providing places of relative safety in which site occupants can shelter during a flood. The reliance on emergency services and the SES is greatly reduced as a result of this proposed development and the accompanying FERP, included as Attachment A.
SES-1b Considering the impacts of climate change. It is estimated that the actual probability of a 1 in 100 AEP for this catchment area is approximately a 1 in 62 AEP event for the current 2025 scenario.⁴ For the proposed development site, this could result in more frequent inundation and/or isolation than what is currently expected based on previous modelling.	All floor levels of the proposed development have now been raised 300mm to take climate change into account. Council's adopted 1% AEP flood level for the year 2100 (i.e., incorporating climate change conditions) is 3.6 m AHD. The appropriate 0.5 m of freeboard has been added to this level and all proposed habitable spaces have a floor level of 4.1 m AHD or greater. Therefore, when climate change in the year 2100 is taken into consideration the ground floors of the proposed buildings would only be subject to above floor flooding in events larger than the 1% AEP flood. That is, the probability of above floor flooding of habitable spaces in any given year would be less than 1% in the year 2100. In present day conditions the annual probability of above floor flooding would be approximately 0.435%.
SES-1c That building design considers the potential flood and debris loadings of the PMF so that structural failure is avoided during a flood, noting the entire site and surrounding area will be subject to H6 flood hazard level and up to 8 m flood depth in a PMF.	It is a requirement of the FERP that the proposed RAC building be designed by a structural engineer to withstand the forces of floodwater, debris and buoyancy of the riverine PMF (see Sections 5.2 and 5.5 of the FERP). This structural certificate has already been supplied along with the application documents.
SES-1d Reconsidering basement carparking or redesigning it to ensure that it is passively protected to the PMF i.e., that all entrances and openings (vents, etc.) are located above the PMF.	As outlined in DPHI point 4 of Table 1 the basement entry ramps have been revised to incorporate a crest at the entry point, set at RL 3.8 which is the 1% AEP flood level plus 0.5 m freeboard (refer to amended Architectural Plans in Attachment C). This design measure provides a freeboard above surrounding road levels (approximately RL 3.4), functioning as a passive barrier to mitigate the risk of floodwater ingress under design flood conditions.

	Consideration was given to extending this strategy to address flood protection under a Probable Maximum Flood (PMF) scenario. However, due to the significant level disparity between the spine road (RL ~3.4) and the PMF level (RL 8.0), implementing a ramp crest at PMF height was found to be operationally and spatially impractical. Achieving the required rise to RL 8.0, followed by a descent to basement level RL 0.0, would necessitate an excessively long ramp with substantial impacts on site layout, vehicle functionality, and compliance with gradient requirements. The adopted solution balances flood resilience with functional design constraints, ensuring passive protection against riverine flooding with an AEP of approximately 0.625%. This outcome substantially exceeds minimum planning controls and meaningfully addresses flood risk to infrastructure without compromising operational viability. Further detail regarding flood mitigation and emergency response strategies is provided in Attachment A. Architectural commentary and supporting detail on the basement entry ramp design is provided by Plus Architecture in Attachment C.
SES-1e That all future users of this development are transparently informed of the high flood risk at this location and making sure that any prospective customers of the ILU and RAC facility are making an informed decision when/if deciding, for themselves or their relatives, to purchase a property or access residential care services at this location, where they will be exposed to flooding and secondary risks.	Sections 5.5, 6.2.2 and 6.3.1 of the FERP (refer to Attachment A) have been updated to include actions ensuring: all residents are made aware of the risk of flooding all prospective new residents are made aware of the flood risk and the flood emergency response strategy for the development as part of the sales process.
Flood Risks	
SES-2a The site and broader area, including the road network, are impacted by both riverine and overland flooding. The proposed development site is situated on a Low Flood Island, with access/egress cut before the site becomes completely inundated. The last evacuation route out of the site is cut around the 1% Annual Exceedance Probability (AEP) flood event (3.12m AHD at the site5 when Low Point B (3.3 m AHD) at the northern site	Water Technology broadly agrees with this summary of the flood behaviour at the site. However, please note that the proposed development includes fill. Therefore, in post-development conditions the ground levels in the southern half of the site will vary between 3.3 m AHD and 3.8 m AHD. As the maximum riverine 1% AEP flood level at the site is 3.3 m AHD the southern part of the site would not be inundated to any depth in this event.

exit is cut by riverine flooding,⁶ which means that evacuation would need to be completed before this occurs. Noting that the south-western driveway exit onto Lorien Way is cut even before that, once riverine flood levels at the intersection of Lorien Way and Beach Street (Low Point C) reach 2.87 m AHD, with the southern half of the site inundated in the 1% AEP riverine event by flood depths up to 2 metres⁷ – this includes the area around Buildings A, B, C and southern part of the RACF.⁸ In the 0.2% AEP riverine flooding, the entire site is completely inundated with flood depths up to 2 metres,⁹ and in the Probable Maximum Flood (PMF) riverine event, the entire site will be completely submerged under floodwaters in excess of 5 metres deep (8m AHD at the site)¹⁰ and H6 flood hazard level,¹¹ which is unsafe for all vehicles and people and all building types are considered vulnerable to failure.¹² The site may be isolated for more than 50 hours, and potentially up to 3 days (i.e. 72 hours).

SES-2b

It is noted that all proposed buildings will have their ground floor level, which is intended for habitable uses, at 3.8m AHD, which is above the 1% AEP flood level, with over-floor flooding expected between the 1% AEP and the 0.2% AEP event - flooding of all ground floor levels of around 0.7 metres depth is expected in the 0.2% AEP event.¹⁴ In a PMF event, all buildings will experience over floor flooding in excess of 4 metres depth (with their ground floor and Level 1 completely overtopped) and Building A will be completely submerged. Noting that Buildings B-F and the RACF will have Levels 2 & 3 above the PMF level.

Further details regarding flood affectation of the proposed development can be found in Section 3 of the FERP (refer to **Attachment A**).

Appropriate flood risk management measures to address the flood risk to life at the site are outlined in Section 5.5 of the FERP and Section 5.1 of the FERP outlines the most appropriate flood emergency response strategy given the flood behaviour described in Section 3 of the FERP.

Please note that all floor levels other than basement levels have been raised by 0.3 m to account for climate change. The new ground floor and level 1 floor levels are set out in the table below along with the estimated probability of flooding reaching these floor levels. See Appendix F of the FERP for how these probabilities were estimated (refer to **Attachment A**).

Floor	Floor Level (m AHD)	Probability of Above Floor Flooding	AEP
Ground Floor	4.1	1 in 230	0.435%
Buildings A – F Level 1	7.25	1 in 180,000	0.00056%
RAC Building Level 1	7.70	1 in 500,000	0.0002%

	• In the 1% AEP riverine flood no building would experience above floor flooding • In the 0.2% riverine AEP flood the ground floors of all buildings would flood to a depth of 0.6 m. Levels 1 and above would not experience above floor flooding. • In the riverine PMF the ground floors of all buildings would be entirely inundated. Level 1 of Buildings A – F would flood to a depth of 0.75 m and Level 1 of the RAC building would flood to a depth of 0.3m.
SES-2c Current evidence suggests that flood events will become more frequent due to climate change. A Climate Change Calculator has been developed to address the updated ARR climate change guidelines (Wasko et al, 2024), recommending the adjustment of the BoM 2016 IFDs to account for the warming that has occurred since the mid-point of the data used for their development (1961-1990). This results in a significant increase in existing conditions flood levels.	As outlined above, all floor levels of the proposed development have now been raised to take climate change into account. Flood levels in climate change conditions have been based on Council's adopted 1% AEP flood level for the year 2100, which is 3.6 m AHD. The appropriate 0.5 m of freeboard has been added to this level and all proposed habitable spaces have a floor level of 4.1 m AHD or greater. Therefore, when climate change in the year 2100 is taken into consideration the ground floors of the proposed buildings would only be subject to above floor flooding in events larger than the 1% AEP flood. That is, the probability of above floor flooding of habitable spaces in any given year would be less than 1%. In present day conditions the annual probability of above floor flooding would be approximately 0.435%.
SES-2d The change in flood probabilities with climate change for this catchment area results in the new probability of the 1 in 100 AEP to be approximately 1 in 62 AEP event for the current 2025 scenario, becoming even more frequent in the future.¹⁶ For the proposed development site, this could result in more frequent inundation and isolation than what is currently expected based on previous modelling.	As outlined above, all floor levels of the proposed development have now been raised to take climate change into account. Council's adopted 1% AEP flood level for the year 2100 (i.e., incorporating climate change conditions) is 3.6 m AHD. The appropriate 0.5 m of freeboard has been added to this level and all proposed habitable spaces have a floor level of 4.1 m AHD or greater. Therefore, when climate change in the year 2100 is taken into consideration the ground floors of the proposed buildings would only be subject to above floor flooding of habitable spaces in events larger than the 1% AEP flood. That is, the probability of above floor flooding in any given year would be less than 1%. In present day conditions the annual probability of above floor flooding would be approximately 0.435%.

Emergency Management Considerations	
SES-3a The report assumes that there would not be sufficient time to complete a full vehicular evacuation of the site ahead of all the possible flood event.¹⁷ In overland flooding events evacuation may not be possible “as this type of flooding would occur with little or no warning and would likely only have a duration of a few hours.”¹⁸ It is also possible for overland flooding to occur “while site occupants are evacuating ahead of riverine flooding. This would occur with little or no warning and would first cut Low Point C and Lorien Way south of the site, preventing evacuation from the site to the west. Overland floodwaters could rise within 15 minutes to inundate Low Point B, cutting evacuation from the site onto Kingscliff Street potentially for several hours. Once overland floodwaters receded evacuation of the site onto Kingscliff Street could be resumed. However, if riverine flooding had already risen to the level of Low Point B by the time overland flooding had receded, Low Point B (and all other access to and from the site) would remain inundated and evacuation could not be resumed.”¹⁹ This would result in vulnerable people becoming trapped at the site, unable to evacuate and would be further exposed and vulnerable to secondary risks (such as fire and medical emergencies).	The FERP sets out the flood emergency response strategy for the independent living unit residents and visitors, for whom shelter in place is a back- up strategy in the unlikely event that overland flooding cuts the evacuation route for a long enough duration to prevent evacuation ahead of riverine flooding. Sections 5.2.4 and 5.5 of the FERP outline the risk management measures to be implemented to accommodate occupants of the flood refuge, including a back-up power supply and the provision of non-perishable food and drinks in the flood refuge (refer to Attachment A). Appendix G of the FERP discusses compliance of the proposed development with the shelter in place-related development controls in the DCP for sensitive development. Section 6.4 has now been added to the FERP to discuss the secondary risks of a fire or medical emergency occurring during a flood. Emergency services would be able to access the site in events up to and including the 1% AEP flood. It is only in events larger than this that emergency service access to the site would be cut.
SES-3b While we understand that the proposal replaces an existing single storey aged care facility with a finished floor level of approximately 3.57m AHD,²⁰ (capacity of 171 people, with no opportunity to shelter in place in a flood event) with a larger, multi-storey complex (with a capacity of 424 people, with space above the PMF for residents to shelter in place), the existing risk should not be used to justify increasing the number of vulnerable people in a high-risk floodplain by relying on shelter in place (SIP) as “the primary flood emergency response strategy for the majority of the RAC residents and the back-up strategy for the rest of the site occupants.”	The SSDA does not propose a change in the use of the site. The existing aged care centre at the site is subject to an existing flood risk to life. While the proposed development increases the number of people who could be on site at any given time, the differential risk assessment outlined in Appendix F demonstrates that the proposed development significantly reduces the flood risk to life relative to in existing conditions. The proposed development is an opportunity to reduce the risk to life for existing occupants and to reduce the existing burden on emergency services. Section 6.4 has now been added to the FERP (refer to Attachment A) to discuss the secondary risks of a fire or medical emergency occurring during a flood. Emergency services would be able access the site in events up to and including the 1% AEP flood. It is only in events larger than this that emergency service access to the site would be cut.

	The risk of landslides or mudslides impacting the evacuation route is low given that the topographic relief adjacent to the roads along the route is low until the route reaches beyond the riverine floodplain. Once outside of the floodplain and in the steeper topography of the Kingscliff headland, multiple routes would be available for site occupants to reach the nominated evacuation centres. Should one of these roads be impacted by mudslides or landslides triggered by intense rainfall, other routes would be available.
SES-3c It is not safe to justify this increase by relying on an emergency management strategy that will leave vulnerable people unable to evacuate, exposed to the risk of flooding (with all buildings surrounded by H6 hazard flooding and depths in excess of 5 metres in a PMF and potentially isolated for more than 50 hours) and further vulnerable to secondary emergencies (such as fire and medical emergencies) - further noting that the FERP did not take into consideration secondary risks such as fire or landslides and mudslides which could be triggered by intense rainfall and may also cut local roads. The 'shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for future development. Such an approach is only considered suitable for existing dwellings where the risk of staying is lower than the risk of evacuating, without increasing the number of people subject to such risk/s.	Tweed Shire Council has development controls specific to shelter in place for sensitive development, including future development, in Section A3.2.6(b) of the DCP. Compliance of the proposed development with these controls is discussed in Table G-0-2 of Appendix G in the FERP (refer to Attachment A). It should be reiterated that sheltering in place is not the only flood emergency response strategy available to the aged care residents and staff. Not all riverine floods will rise as quickly as the design PMF and in many slower rising events there may be sufficient lead warning time available to prepare and evacuate the aged care residents. The FERP specifies that the NSW SES is the lead combat agency for flooding and that any orders issued by the NSW SES should be followed, irrespective of the strategy set out in the FERP. Should the NSW SES consider that the rate of rise is slow enough that there is sufficient warning time available to evacuate the entire site, considering the vulnerabilities and specialised transportation requirements of some of the occupants, they will likely issue an evacuation order which must be complied with. It is noted that the NSW SES does not endorse shelter in place as a strategy for future development. The proposed development includes capacity for 120 aged care residents, which is roughly equivalent to the 112 aged care residents that the current development can accommodate. Shelter in place is only proposed as a primary flood emergency response strategy for the immobile aged care residents in the RAC building as the needs of these vulnerable occupants for specialised equipment and medication can best be met on site rather than in an evacuation centre.

	and as there may not be sufficient time available for evacuation for these occupants. Shelter in place as a primary flood emergency response strategy is therefore only proposed for the residents of the existing use of the site (aged care centre). The proposed development does not include a significant increase in the number of aged care residents that could be on site at any given time. Therefore, although the existing dwellings will be demolished they will be replaced with roughly equivalent dwellings in terms of use and capacity, but these new dwellings will have significantly higher floor levels and will provide locations above the PMF where site occupants can shelter if required. As the independent living units (ILUs) are the component of the SSDA that increases the number of residents that could be on site, they represent the future development component of the proposed development. The primary flood emergency response strategy for the ILU residents is to evacuate off site. Shelter in place is only proposed as a strategy of last resort for these residents.
SES-3d A basic principle of emergency management is to separate people from hazards. Given that it is rare to be able to move the hazard, the most widely accepted method of doing so is to implement evacuation. When the option for evacuation is denied, and the hazard cannot be moved then a dangerous situation remains that requires the highest level of monitoring and intervention. This residual risk will be passed on to emergency services to manage at a time when resources are in abnormally high demand. Evacuation of hospitals and aged care can be complex and is known to be associated with an increased rate of mortality in patients and nursing facility residents.^{23 24 25} Placing vulnerable people at risk in a location where they can be trapped by floodwaters (because they cannot be evacuated due to their complex medical needs) should be avoided.	Tweed Shire Council has development controls specific to evacuation and also to shelter in place for sensitive development, including residential care facilities, in Section A3.2.6(b) of the DCP. The sensitive development-related controls consider the vulnerability of occupants of such facilities. The proposed development demonstrates suitability by addressing these controls. Compliance of the proposed development with these controls is discussed in Table G-0-2 of Appendix G in the FERP (refer to Attachment A). The FERP outlines triggers and actions for monitoring and implementing the flood emergency response strategy for the development to be undertaken by on-site Flood Wardens. The triggers for action depend on on-site observations and flood warnings or emergency warnings that would be issued for the area by the BoM or the NSW SES regardless of the presence of the seniors living facility. Therefore, the burden of monitoring and implementing the flood emergency response strategy will be placed on the nominated Flood Wardens rather than on emergency services.
SES-3e	Tweed Shire Council has development controls specific to evacuation and also to shelter in place for sensitive development, including residential

"DPE (2022) recommends SIP can be used if the duration of flood inundation is less than 6 hours. The site may be isolated for up to 50 hours. Therefore, according to the NSW Department of Planning and Environment (DPE) shelter-in-place guideline (2022), shelter in place is not a recommended flood emergency response strategy for the proposed development." Sheltering in place is especially dangerous considering the site is a Low Flood Island (people can get trapped at the site on the top floors) and the proposal is for sensitive development, with many residents requiring specialised medical care and essential equipment (such as continuous oxygen 27). We would like to emphasise that these are extremely vulnerable people with <i>"common medical conditions for the RAC residents include dementia, diabetes and heart disease. Some of the residents require a secure unit."</i> And <i>"some residents from other Uniting ILU facilities have had early stages of multiple sclerosis, Parkinson's disease, cancer and other degenerative illnesses."</i> "The residents would be older than the general population and therefore have a greater risk of experiencing a medical emergency." However, the proposal suggests that <i>"the primary flood emergency response strategy is to only evacuate visitors, ILU residents, mobile RAC residents and some staff and for RAC residents with mobility impairments and medical requirements to remain on site," because many of them will "require specialised equipment and medication that would not be available at an evacuation centre."</i>	care facilities, in Section A3.2.6(b) of the DCP. The criteria set out in the DCP for adopting evacuation as the flood emergency response strategy for sensitive development cannot be met for the RAC residents. It would not be appropriate to evacuate the RAC residents with mobility impairments, many of whom require specialised equipment and medication and that would not be available at an evacuation centre. The needs of these residents can best be met on site, provided that the SIP risk reduction measures listed in the FERP are implemented (such as a back-up power supply for the refuge area and the storage of appropriate medications) . Therefore, the flood emergency response strategy is for RAC residents with mobility impairments to remain on site. Section A3.2.6(b) of the DCP (related to sensitive development) states that if the requirements for evacuation are not able to be satisfied for all future occupants "a PMF refuge shall be provided in accordance with design criteria". A flood refuge is thus provided for the proposed development in line with the design criteria set out in the DCP for sheltering in place for sensitive development. The proposed development demonstrates suitability by addressing these controls/criteria. Compliance of the proposed development with these controls is discussed in Table G-0-2 of Appendix G in the FERP (refer to Attachment A).
SES-3f The NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management. Most plans will rely on the actions of one or more third parties and all plans require regular maintenance and review, and most importantly an ongoing commitment from all participants. These conditions are difficult to implement and are unlikely to be achieved in a private ownership context where there is no external audit or monitoring.	The project team acknowledges the NSW SES's position regarding the limitations of relying solely on development consent conditions requiring private flood evacuation plans, and shares the broader objective of reducing reliance on emergency services during flood events through sound land use planning and appropriate risk mitigation strategies. The imposition of development consent conditions for this SSDA is a matter to be addressed by DPHI. The SSDA does not propose the imposition of specific consent conditions requiring a private flood evacuation plan. Furthermore, the proposed development does not rely solely on a FERP to mitigate and manage the flood risk. Flood risk is also

	managed by structural measures, such as all habitable floors being above the PMF level and the RAC building being constructed to withstand the forces of floodwater, debris and buoyancy up to the riverine PMF. The structural measures provide places of relative safety for site occupants to safely occupy during flooding. It must be noted that the structural measures incorporated into the proposed development reduce the flood risk to life that already exists at the site. The existing buildings are all single storey and therefore in existing conditions there are no places of relative safety available for the aged care residents or staff on site. The proposed development therefore reduces the existing flood risk to life by providing places of relative safety in which site occupants can shelter during a flood. Section 6 of the FERP includes actions for review and maintenance of the FERP, ensuring that the FERP is kept up to date, ensuring that all Flood Wardens and staff are given induction and training into their flood emergency response responsibilities and for undertaking an annual audit of the resources necessary to implement the FERP. Responsibility for these tasks is set out in Section 6.2 of the FERP (refer to Attachment A). The proposal represents a measurable improvement in flood resilience and occupant safety for a vulnerable population. By embedding risk reduction measures into the design and management framework, the development ensures that flood risk is appropriately mitigated, and that reliance on external emergency services is minimised—not increased—through this proposal.
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Table 5: Tweed Shire Council

Issue Raised	Response
Emergency Flood Response TSC-1a - A Flood Emergency Response Plan (FERP) prepared by Water Technology dated 13 February 2024 (updated 22 November 2024) has been provided with the application.	The NSW SES Timeline Evacuation Model (TEM) is the model developed by the NSW SES for modelling the time required for evacuation and is the appropriate model to use for this purpose. The TEM and its application to the proposed development is set out in Section 5.2.3 of the FERP (refer to Attachment A).

- The FERP proposes flood emergency response strategy for the mobile residents of the ILUs is to evacuate off site.
- The plans indicate that the ILUs accommodate 400 beds. The FERP underestimates the total number of residents of the ILUs as being 220 residents. Given the underestimation of the potential population of the ILUs, the timeline evacuation modelling is inaccurate and cannot be relied upon.
- The evacuation off site strategy for mobile residents is generally acceptable as the evacuation route to the designated evacuation centre (Kingscliff TAFE) is above the design flood level. However, this is subject to accurate modelling and appropriate evacuation strategies.

The Vehicular Evacuation Time component of the model (which is the component that relates the capacity of the development to the time required for evacuation) considers the number of vehicles evacuating, rather than the number of people. The evacuation capability assessment in Section 5.2.3.2 of the FERP conservatively assumes that a flood occurs when the site is at full vehicular capacity (i.e., 301 vehicles). This capacity is based on the total number of parking spots on site and is not directly calculated from the number of residents.

The FERP demonstrates that there is sufficient time available to evacuate all 301 vehicles that could be on the site and all vehicles from the residential area south-west of the site based on a Moderate Flood Warning unless overland flooding occurs simultaneously with a duration greater than 4.5 hours, which has a low probability (see Section 5.2.3.2 of the FERP). A back-up shelter- in-place strategy is detailed to address the unlikely event that this occurs.

Therefore, the timeline evacuation modelling is accurate and appropriate evacuation strategies have been set out in the FERP based on the results of the flood evacuation modelling.

It should be noted that the proposed evacuation strategy offers redundancy with regard to the evacuating population. The average occupancy of the ILUs is expected to be less than 1.5 residents per unit and therefore each vehicle leaving the site will likely on average be transporting 1.5 people. Most vehicles would have 5 seats, which means that each vehicle would likely have several spare seats available for any neighbours who may need to share the vehicle for evacuation. Should 301 cars evacuate from the site during a flood evacuation there would be approximately 1,500 seats available for evacuating ILU residents and visitors. However, there will also be 2 Uniting- owned buses available to transport ILU residents or visitors who do not have their own vehicle. Therefore, there is more than sufficient vehicular capacity to transport the ILU residents and visitors from the site consistent with the timeline set out in the FERP.

	Please note that the FERP has been updated to reflect 199 ILUs with an average occupancy of 1.5 residents per dwelling. Uniting has indicated that this is well above the average occupancy rate it expects for this development. Therefore, the FERP conservatively assumes that there could be a maximum of 299 ILU residents on site at any given time. Please see Section 2.6 of the FERP for discussion of average occupancy of the ILUs.
TSC-1b The FERP advises shelter in place is proposed for the RAC. The FERP has provided a response to address DCP A3 Section A3.2.6 (b) for sensitive development. The shelter in place strategy does not comply with the following requirement from A3.2.6 (b) for sensitive development: For new facilities, minimum floor area of refuge to be no less than 50% of the total floor area located below the PMF, or an equivalent area that would comfortably accommodate and service the needs of the occupants for a period not less than one week. For extensions to new facilities, minimum floor area of refuge to be no less than 50% of the incremental increase in total floor area located below the PMF due to the extension. Instead, the following strategy is proposed: Levels 2 and 3 are proposed as the 'flood refuge' area as these levels are above the PMF. The ground level (non-residential) and level 1 (residential) is below the PMF. Levels 2 and 3 have a combined habitable area of 2,630m² (excluding bathrooms) with RAC residents and staff proposed to shelter in this refuge. • 120 RAC residents and 30 staff are proposed to be accommodated above the PMF by moving 2 beds into each resident room on Level 3 and into most residents rooms on level 2. • Each RAC resident is proposed to retain their own bed, which would likely be used to transport them to another resident's room on level 2 or 3. • Thirty bed rolls for staff are proposed to be stored in the on the ground floor and carried upstairs as part of the evacuation procedure. • Level 2 provides an average space 18.8m² per person. 40 RAC residents and 30 staff are proposed to shelter on level 2.	It should be reiterated that sheltering in place is not the only flood emergency response strategy available to the aged care residents and staff. Not all riverine floods will rise as quickly as the design PMF and in many slower rising events there may be sufficient lead warning time available to prepare and evacuate the aged care residents. The FERP specifies that the NSW SES is the lead combat agency for flooding and that any orders issued by the NSW SES should be followed, irrespective of the strategy set out in the FERP (refer to Attachment A). Should the NSW SES consider that the rate of rise is slow enough that there is sufficient warning time available to evacuate the entire site, considering the vulnerabilities and specialised transportation requirements of some of the occupants, they will likely issue an evacuation order which must be complied with. The primary flood emergency response strategy for the ILU residents and the mobile RAC residents is to evacuate from the site. Therefore, it is only the occupants of the RAC building for whom the primary strategy is to shelter in place. The total floor area of the RAC building below the PMF level (i.e., the ground floor and Level 1) is approximately 3,500 m². The floor area of the refuge (i.e., habitable areas on Levels 2 and 3) is approximately 2,630 m². Therefore, the flood refuge represents 75% of the floor area below the PMF level and exceeds the size requirements for the flood refuge. In addition to comfortably complying with the shelter in place controls set out in the DCP regarding the size of the flood refuge, the flood refuge comfortably exceeds the minimum floor area recommendations of the

- Level 3 provides an average space 16.4m² per person. 80 RAC residents are proposed to shelter on level 3
- The FERP justifies the departure from Council's shelter in place controls which requires 50% of the total floor area below the PMF refuge to be provided as a flood refuge by stating the Australian Red Cross require a minimum space of 5m² per person for temporary shelters.
- In a worst case scenario with the development at full capacity, in excess of 500 people (including resident population and staff) would need to shelter on levels 2 & 3 of the RAC facility. This would result on people being also accommodated in corridors, entry areas and clinical rooms.

This does not comply with the controls of DCP A3 and requires moving aged care residents, staff and medical equipment into each other's rooms.

Australian Red Cross. The Australian Red Cross recommend a minimum space of 5 m² per person for temporary shelters, which are defined as those providing safe respite for in excess of 18 hours. The RAC residents and staff would have an average floor space of 18.8 m² per person on level 2 of the RAC building and 16.4 m² per person on level 3. Even in the very unlikely worst-case scenario where all site occupants may need to shelter in the flood refuge, the average floor area per person would be 5.5 m², exceeding the recommendation from the Australian Red Cross.

The flood refuge is designed to accommodate site occupants for a 72-hour stay. The 72-hour refuge stay is based on hydrographs of the critical duration PMF from the Tweed Valley Flood Study 2009 Update (BMT WBM, 2009), Council's adopted flood modelling at the time of submission of the SSDA. In the critical duration PMF the site would be isolated for up to 50 hours. A 22 hour buffer has been added to this and the flood refuge will be provisioned for a 72-hour stay.

Vertical evacuation of RAC residents, staff and equipment from the ground floor and level 1 to higher levels of the RAC buildings would only be triggered for events with an Annual Exceedance Probability of 1%.

Therefore, the probability of the RAC residents needing to be moved upstairs or to share a room in any given year is approximately 1%. If vertical evacuation is required, all RAC residents and staff can be comfortably accommodated on levels 2 and 3. Uniting has confirmed that accommodating 2 aged care residents in each room is operationally possible and the inconvenience is acceptable to Uniting given the low probability that RAC residents will need to be moved. There would be at least 7.5 hours available to move any necessary medical/food/water supplies from the ground floor and resident beds and large equipment from level 1 of the RAC building upstairs to the flood refuge and an additional 7 hours to move residents and other supplies from level 1 to the flood refuge.

Flood risk mitigation measures adopted for the flood refuge to ensure that normal operations can continue for the RAC residents during all flood

	events up to and including a riverine PMF are outlined in Sections 5.2.4 and 5.4 of the FERP. Further details regarding compliance of the proposed development with the shelter in place- related development controls in the DCP are set out in Appendix G of the FERP.
TSC-1c NSW Department of Planning, Housing and Infrastructure have recently finalised 'Shelter in place guideline for flash flooding' following the NSW Independent Flood Inquiry after the 2022 major flood event. The guideline shelter in place considerations include existing emergency management strategies for the area, as determined through the flood risk management process and by the NSW SES. Additionally, the guidelines advise a sensitive land use (such as aged care) may not be suitable for shelter in place.	The new Shelter in place guideline for flash flooding (SIP Guideline) (DPHI, 2024) states that sensitive land uses may not be suitable for shelter in place. However, the SIP Guideline is a guidance document intended to assist Councils in setting their development controls regarding shelter-in-place. Tweed Shire Council has development controls specific to shelter in place for sensitive development in Section A3.2.6(b) of the DCP and the proposed development demonstrates suitability by addressing these controls. Compliance of the proposed development with these controls is discussed in Table G-0-2 of Appendix G in the FERP (refer to Attachment A). The SIP Guideline is discussed in Section 5.2.4 of the FERP. The site would be isolated for 50 hours in the design PMF, which exceeds the maximum 12 hour duration of isolation recommended in the SIP Guideline. Therefore, the proposed strategy of sheltering in place is not consistent with the SIP Guideline. However, Uniting Kingscliff is an existing aged care facility with significant flood risk to life. While the existing site does not include a location above the PMF, the proposed development includes floors in most buildings where site occupants could shelter above the peak flood level. Therefore, as demonstrated by the differential risk assessment in Appendix F of the FERP, the proposed development would reduce the existing flood risk to life, provided that a flood emergency response strategy that includes Shelter In Place is implemented.
TSC-1d The SES submission for the proposal does not support increasing the number of vulnerable people exposed to the significant flood risk.	The proposed development significantly reduces the existing flood risk to life by providing a structurally stable flood refuge area above the PMF level that allows site occupants to safely occupy the site during a flood if required.

	The risk-based assessment of the proposed development in Appendix F of the FERP demonstrates that the proposed development reduces the risk to life on site relative to pre- development conditions. In pre-development conditions all site occupants and dwellings would be exposed to above floor flooding in riverine events as frequent as the 1% AEP event as all existing buildings are only single storey (refer to Attachment A). The Risk Score for the site in pre-development conditions is 1.71. However, in post-development conditions: • No site occupants or dwellings would be exposed to above floor flooding in a 1% AEP riverine event • It would take a flood with an AEP of 0.435% (i.e., an annual probability of 1 in 230) before the ground floors of the new buildings would flood • Even in a riverine PMF Buildings B – F and the RAC building would have floor levels 2 and 3 above the PMF level • The site would have a Risk Score of • 0.096 when vertical evacuation (i.e., sheltering in place) is considered. This is a 94% reduction in flood risk to life relative to the existing risk at the site. Therefore, the proposed development would significantly reduce the existing flood risk to life. The FERP prepared for the proposed development would further reduce risk to life by outlining a primary flood emergency response strategy of evacuation for the ILU residents, reducing the risk of residents remaining on site and becoming exposed to flooding.
TSC-1e The proposal does not meet clause 5.22 Special flood considerations of the Tweed Local Environment Plan 2014 (TLEP 2014). Additionally, the proposal does not meet Council's DCP shelter in place flood controls. As such the proposal has failed to demonstrate that the proposal is has adequately considered the safe occupation and efficient evacuation of people in the event of a flood, and incorporates appropriate measures to manage risk to life in the event of a flood as required by TLEP 2014.	See the response to Item DPHI-2 in Table 1 for an explanation of how the proposed development complies with Clause 5.22. The explanation sets out how appropriate measures have been incorporated to address flood risk to life and to address how the site can be safely occupied and efficiently evacuated in the event of a flood. Compliance with the shelter in place development controls in the DCP is addressed in Appendix G of the FERP and is further elaborated on in the above response to Item TSC-1b (refer to Attachment A).

Contamination	
TSC-2a The applicant has referred to the previously provided Stage 1 Preliminary Site Investigation (PSI) prepared by ADG Consulting and dated June 2022, to confirm the site's history, identify potential sources of contamination and associated contaminants relating to previous and current land uses. The investigation does not address Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 for all properties subject to this application as outlined in Council's previous comments noting that the existing residential lots on Lorient Way have not been included in the assessment. The absence of this information cannot be remedied by way of conditions to satisfy the provisions of the SEPP and should be addressed prior to the determination of the application.	As detailed under point DPHI-5 in Table 1 of this letter, the Preliminary Site Investigation Report prepared by ADG has been amended to include an assessment of the existing residential lots on Lorient Way (refer to Attachment B). This updated assessment has been undertaken in accordance with relevant NSW Government guidelines, including Chapter 4 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The amended report confirms that the identified lots are suitable, or will be made suitable following any required remediation, for the proposed seniors housing development. The investigation did not identify any significant contamination that would preclude the intended residential use, and any minor issues identified can be managed through standard remediation practices where necessary. Accordingly, the updated report demonstrates that the residential properties on Lorient Way meet the requirements for suitability under the SEPP and pose no constraint to the proposed development proceeding.
TSC-2b As with the above item, pre-demolition testing for all properties has not been included in the PSI. The investigation does not address Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 for all properties subject to this application, in particular sub-slab testing, as outlined in Council's previous request. This information cannot be conditioned in the absence of a Preliminary Remedial Action Plan for the subject sites and remains outstanding.	As detailed above, an amended Preliminary Site Investigation (PSI) has been prepared by ADG Consulting (refer to Attachment B), which now includes all properties subject to this application, including residential dwellings on Lorient Way. The PSI has been undertaken in accordance with relevant NSW Government guidelines, including the Contaminated Land Planning Guidelines, and in alignment with the <i>National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)</i>. The PSI comprised: • 20 boreholes drilled to a depth of up to 3.0 metres below surface level across accessible areas of the site; • 126 soil samples, of which 39 were analysed for a full suite of contaminants of concern including metals, TRHs, BTEX, PAHs, organochlorine and organophosphate pesticides, and asbestos;

	• Field screening for VOCs using a photo-ionisation detector (PID); • Analysis carried out by NATA-accredited laboratories, with quality assurance and duplicate sampling included; • No exceedances of relevant Health Investigation Levels (HIL-B) or Health Screening Levels (HSL-B) for any contaminants tested; • One isolated piece of bonded asbestos cement was identified on the surface near the church building, which does not warrant remediation under the Contaminated Land Management Act 1997. The PSI concludes that: • There is no evidence of gross contamination; • The site is suitable for the proposed residential aged care and independent living development; • Remediation is not required; and • All findings support compliance with Section 4.6(1) of the SEPP, particularly that the site is suitable in its current condition for the proposed use. The findings of the PSI, supported by a robust desktop review, extensive field investigations, and laboratory analysis of soil samples from across the site, provide a clear basis for the consent authority to conclude that the land is not contaminated within the meaning of Section 4.6 of the <i>SEPP (Resilience and Hazards) 2021</i>. The investigation confirms that the site is suitable for the proposed residential use in its current state, and that no further testing, including sub-slab sampling, is required to support the determination of the application. The assessment has been undertaken in accordance with all relevant guidelines and standards, and no evidence of contamination was identified that would preclude development of the land as proposed.
Sewer TSC-3a The proposed services plan suggests that there are multiple services within the existing sewer easement. The existing sewer line depth has	A services investigation was completed and the sewer line was located with Ground Penetrating Radar. The sewer line has been plotted on the

not been confirmed with onsite data. The following items are to be addressed and provided for review: i. Site data via survey confirming the location and depth of the sewer rising main. ii. Updated services plan demonstrating compliance with WSAA, Design specifications D15 – Works in proximity, Design Specification – D12 – Sewage systems and any other relevant specification (specifically noting that the zone of influence of the service). iii. Provide updated plans displaying the above information.	amended Astrea Survey (Attachment J), showing the location of the line within the easement. Enscape, the project civil engineer, has developed a services corridor section (refer to Attachment N) demonstrating the alignment and depths of the services located within the easement.
TSC-3b Council's preference for the subject site is to have the entire sewer load discharge directly into the existing Sewer Pump Station (SPS) which is located internally of the site's property boundaries, which has the depth to accommodate sanitary drainage for this proposal.	ADP, as the project engineers, have reviewed Council's preference for the entire sewer load to discharge directly into the existing on-site Sewer Pump Station (SPS), which has sufficient depth to accommodate the sanitary drainage for this proposal. ADP confirm there are no objections to this proposed approach. However, due to site land constraints, it will be necessary for a portion of the Uniting sewer network to run within and/or cross the existing Tweed Shire Council easement. This alignment has been carefully considered to ensure compliance with relevant standards and to minimize any potential impacts (refer to Attachment H).
TSC-3c Splitting the site's discharge may aid in the delivery of infrastructure in the proposed stages of development, however, the existing 150mm sewer main within Lorien Way takes a route twice as long to ultimately discharge back into the same location at the SPS located within the Uniting Kingscliff subject site. Discharging the proposed development's sewer load directly in the SPS avoids the need for the proposed site's sewer to travel this significant unnecessary distance at flatter grades and avoids any system capacity constraints that may exist in the Lorien Way route.	ADP, as the project engineers, acknowledge Council's observation that splitting the site's sewer discharge may assist in infrastructure delivery during staged development. However, discharging the entire sewer load directly into the existing Sewer Pump Station (SPS) on-site is preferred, as it avoids the longer and flatter-graded route along Lorien Way, which could present capacity constraints and unnecessary infrastructure complexity. ADP have no objections to this proposed direct discharge approach. Nonetheless, due to site land constraints, a portion of the Uniting sewer network will still need to run within and/or cross the existing Tweed Shire Council easement. This alignment has been planned to ensure operational efficiency and compliance with applicable requirements (refer to Attachment H).
Sewer Pump Station	

TSC-4 It has been proposed that two new electricity transformers are to be installed toward the western boundary of the site resulting in a new power supply to the sewer pump station (SPS) that exceeds 220m in length. Council's preference is that there is no change to the exiting electricity servicing arrange for the SPS, however accept that this is the accepted arrangement from Essential Energy.	ADP note Council's general acceptance and reiterate its position outlined in previous submissions and copied below. The electricity supply upgrade works for the development site requires the removal of the existing pole mount transformer and associated overhead conductors into the site. As this impacted the existing supply to the Council's SPS, an alternate supply arrangement was required. In the Design Information Pack (DIP) for the development issued by Essential Energy it was a requirement to power the Sewer Pump Station from one of the new padmount substations. DIP Extract below / highlighted on page 3 of the DIP attached: <i>"A dedicated LV underground circuit from one of the padmounts (easement required) to supply the Tweed Shire pumping station"</i> A design using a suitable LV conductor size has been carried out to ensure the quality of power supply to Council's SPS is maintained. This design was approved by Essential Energy during the design certification process.
Threatened Fauna – Bush Stone-curlew	
Note: Bush Stone-curlew has previously been recorded onsite by Council as indicated in Council submission dated 25 June 2024. Targeted contemporary survey to inform the Biodiversity Development Assessment Report (BDAR 2024) dated 30 October 2024 prepared by Biodiversity Assessments & Solutions does not appear to have been undertaken after the applicant was made aware of the Council records.	Noted
Note: Given previous records of Bush Stone-curlew onsite and absence of sufficient targeted contemporary survey to deem the habitat onsite unsuitable for the species, Council consider that a species polygon in the BDAR 2024 should be generated and species credits applied. Notwithstanding, it is noted that the BDAR 2024 includes a recommendation at Section 7.5 Table 24 (pp. 62) for '(a) Bush Stone-curlew construction phase management plan to be prepared prior to the	Noted

issue of a construction certificate or commencement of works' as a pre-construction measure. Whilst Council supports the preparation of a Bush Stone-curlew management plan it is noted that details of the content of the management plan have not been provided. It is therefore unclear what best practice actions are to be implemented by the proponent.	
TSC-5a Prior to determination, the following should be provided: Consider previous records of Bush Stone-curlew onsite and factor into BDAR calculations where required to accord with the Biodiversity Assessment Method 2020	Biodiversity Assessments and Solutions acknowledges Council's concerns regarding the Bush Stone-curlew and has updated the Biodiversity Development Assessment Report (BDAR) accordingly. The revised BDAR (Version 3), which incorporates consideration of Council's records, includes calculated offset requirements and a Bush Stone-curlew Management Plan. This updated BDAR is provided in Attachment L. In preparation for DA submission, and the preparation of a Biodiversity Development Assessment Report (BDAR) to accompany the submission, fauna and flora surveys were undertaken by ecologists on the subject land. The subject land was initially surveyed by ecologists from Green Tape Solutions in July 2022 over three (3) days, which included nocturnal surveys. The Bush Stone-curlew was not recorded on the subject land at that time and no historical records were noted. Biodiversity Assessments & Solutions (BA&S) was then engaged to prepare a BDAR for DA submission, with flora and fauna surveys undertaken over approx. five (5) days in October and December 2023, in accordance with the BAM 2020. This included nocturnal surveys over four (4) nights. The species was not recorded on the subject land at that time despite surveys, and a review of the BioNet Atlas threatened species records did not reveal any records of the BSC on the subject land. The subject land does not represent typical or preferred habitat for the Bush Stone-curlew, nor do critical habitat features, most notably fallen timber, occur on the subject land, or in proximity. The subject land is surrounded by development. The Bush Stone-curlew is not identified as a serious and irreversible impact (SAIL) species under the Biodiversity Offsets Scheme (BOS), and therefore it was not automatically populated as requiring assessment as part of the streamlined BDAR.

Tweed Shire Council informed the proponents in their RFI dated 25 June 2024 of two (2) Council held records of the Bush Stone-curlew, understood to be for one single unbanded adult roosting on the subject land and recorded in September and November 2019. The species is commonly known from the Kingscliff area, and Tweed Shire Council actively supports Bush Stone-curlew conservation initiatives such as community education and targeted threat reduction programs in the local area.

Discussions with Council indicated that the preparation of a Bush Stone-curlew Management Plan would be appropriately prepared as a condition of consent at the Construction Certificate stage, and it was identified as such in the BDAR (V2). This was ultimately not accepted by Council and the requirement for a Bush Stone-curlew Management Plan was brought forward to being required for DA submission. This management plan has been completed and is attached to the revised BDAR (V3).

With respect to the consideration of historical records for the Bush Stone-curlew on the subject land and assessment with regards to the BOS and the requirement for calculation of offsets, the following is noted.

- The Bush Stone-curlew is not a listed SAI species and was therefore not automatically populated as a candidate species requiring surveys on the subject land under the BAM 2020.
- There are no publicly available records occurring on the subject land for the species, and Council records were not known of at the time of assessment.
- The Bush Stone-curlew was not recorded on the subject land in preparation for DA submission, by Green Tape Solutions in July 2022, or by BA&S in October-December 2023.
- The key habitat requirement for the Bush Stone-curlew as identified in the BAM-C, i.e., fallen/standing dead timber including logs; is not present on the subject land. Considering the absence of the species on the subject land at the time of surveys undertaken, the question as to whether the requirement to offset the species under the BOS is appropriate.
- Nevertheless, when considering the historical records on the subject land as notified by Council, and the known local population and

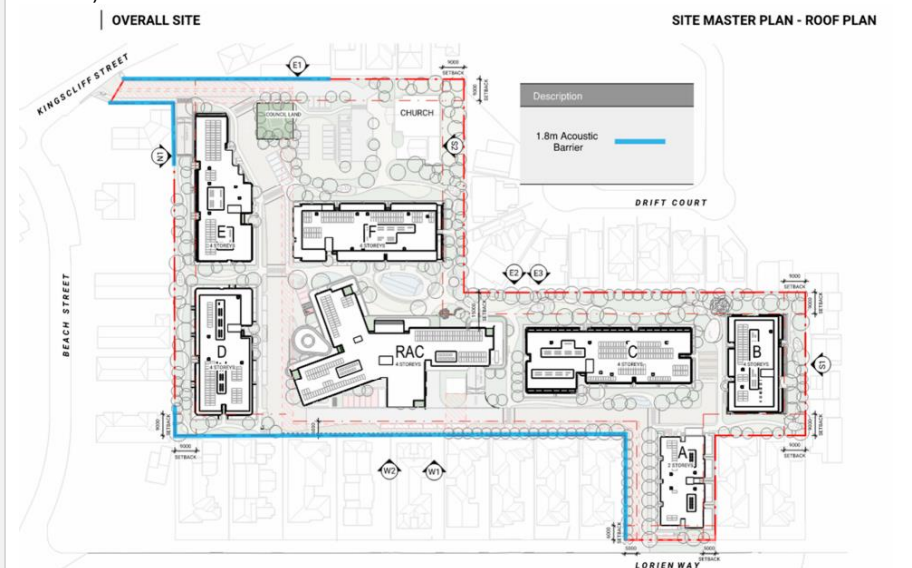
	potential for future occurrence of the Bush Stone-curlew on the subject land, it is considered acceptable to adopt the requirement for offsets to be calculated by the BAM-C for the species. The BDAR (V3) has been updated to include the calculation of the credit offset requirement (9 species credits) for the Bush Stone-curlew on the subject land as well as being accompanied by a Bush Stone-curlew Management Plan
TSC-5b Prepare a Bush Stone-curlew Management Plan detailing suitable best practice construction phase avoidance and mitigation measures having regard for the Recovery Plan for the Bush Stone-curlew (<i>Burhinus grallarius</i>) dated February 2006 prepared by NSW DEC to include (but may not be limited to): - Pre-construction works survey undertaken by a suitably qualified ecologist. - Site personnel awareness induction. - Fencing and signage details. - Site monitoring by a suitably qualified ecologist during the construction period. - Protocol that specifies where roosting or nesting of Bush Stone-curlew is observed onsite immediately prior to or during construction, a construction exclusion zone of at least 30 metres radius is to be established around the nest or roost site. In the case of nesting birds all works are to cease in the exclusion area until chicks have fledged. In the case of roosting bird/s, all works must cease in the exclusion area until the roosting bird/s move offsite at their own volition. - Other contingency protocols (unintentional harm), contacts and details of any necessary animal ethics and/or handling licences or permits that may be required/obtained in the event of unintentional Bush Stone-curlew harm/injury or intervention actions.	Biodiversity Assessments and Solutions has prepared a Bush Stone-curlew Management Plan addressing all matters requested by Council, including best practice avoidance and mitigation measures consistent with the <i>Recovery Plan for the Bush Stone-curlew (Burhinus grallarius)</i> (NSW DEC, February 2006). This plan includes protocols for pre-construction surveys, site inductions, fencing and signage, ecological monitoring, exclusion zones, and contingency procedures in the event of harm or disturbance. The Management Plan is enclosed in Attachment L.
Noise – Amenity Note: Amenity – The SEARs Construction Noise and Vibration Assessment for Uniting Kingscliff prepared by ADP Consulting Pty Ltd dated 25 October	Noted

2024 (Project No: BNE0732 Revision 04) has been submitted. In consideration of the numerous complaints received by Council regarding amenity impacts from the existing activities at the site, the following further information is recommended for review:	
TSC-6a Clarification is required that representative noise sampling is from a free field position in the absence of the existing development operating for consideration of background noise in accordance with Noise Policy for Industry (EPA, 2017).	Sections 2.2.1 and 2.2.2 of Attachment K (amended Acoustic Report) specify whether measurements were taken under free-field or non-free-field conditions. Where non-free-field conditions applied, measured noise levels have been appropriately adjusted to account for façade reflections in accordance with the relevant Australian Standards. The background noise levels presented therefore represent free-field conditions, consistent with the requirements of the Noise Policy for Industry (EPA, 2017). 2.2 Unattended noise measurements 2.2.1 Location L1 Unattended noise measurements were conducted for a period of 7 days between Friday 19th May and Friday 26th May 2023 at Location L1 (as shown in Figure 1). The latest long-term monitoring was undertaken to confirm the previous assessment and clearly represent the noise at the boundary nearest the neighbours to the east of the carpark. The location was not in free field conditions, noise levels have been adjusted for facade reflections as per Australian Standards. The location was noted to be in absence of the existing development operating at the time. The location L1 will replace L1P for background noise levels for Lorient Way, Drift Court and Kingscliff Beach Village sensitive receptors as there is a new flight path due to the Gold Coast Airport upgrade. 2.2.2 Location L1P and L2P Unattended noise measurements at location L1P and L2P are from the ADP CAN with the measurements undertaken in May/June 2022. For further information please refer to the ADP CAN. The long-term monitoring device from the previous assessment were located in free field conditions, with the microphone approximately 1.8 metres above the natural ground level, fixed to posts/fencing and located adjacent to the nearest sensitive residential receivers as identified in Figure 1. The noise monitoring data collected at these areas will be used as a basis for establishing the noise emission criteria from the background noise data collected (refer to Section 1 for a summary of the noise emission criteria). The locations were noted to be in absence of the existing development operating at the time.
TSC-6b Limited information has been provided regarding operational noise emissions of the development, recommended use restrictions, and practical measures to prevent noise and vibration impacts for	An Operational Noise Assessment has been provided for relevant areas in the development. The assessment includes noise modelling inputs and considers potential operational noise sources such as, operational barrier, gates, communal spaces, mechanical plant/emergency generator, waste collection and deliveries. Recommended use restrictions and practical

implementation by the operators. This may include potential impacts on amenity for onsite and neighbouring residential receivers from the use of common areas associated with recreation and communal uses, waste storage and collection areas, deliveries and servicing, car parking, bus parking and pick up/drop off areas, vehicle and pedestrian gate noise and vibration, laundry, kitchens and cafe including mechanical exhaust (including plant location), generators, and mechanical plant and equipment. Further clarification required.

controls to manage potential noise and vibration impacts on both on-site and neighbouring residential receivers are addressed. Refer to Section 6 of the amended Acoustic Report in Attachment K.

Barriers are proposed for operational use as per Figure 4 (refer to extract below).



TSC-6c

An example site management plan and outline of recommended restrictions on site operations be implemented.

As this development application pertains to the redevelopment of an existing operational Uniting facility and site operational management plan, the current protocols will remain in effect. The operational assessment conducted by ADP, as detailed in the acoustic report, will be integrated and executed upon the commencement of this approval. Figure 4 of the aforementioned amended acoustic report delineates anticipated traffic and patron volumes, providing an evaluation against various times of day and operational measures proposed as components of these works (refer to **Attachment K**).

	This approach ensures that the site incorporates considerations of the current operational requirements while simultaneously ensuring that future operations do not impose any additional unwarranted impacts on adjacent properties.
Urban Design Note: It is acknowledged that improvements have been made to the RAC to achieve a higher level of compliance with the Apartment Design Guidelines, however only minimum design changes have been made. Council maintains that the original comments provided in the submission dated 25 June 2024, specifically Items 6, 7 & 8, could be further integrated into a better urban design outcome. In addition to the previously provided urban design comments, the following recommendations are provided for further improvements:	The Residential Aged Care Facility (RACF) is classified as a Class 5 building under the National Construction Code (NCC), and as such, SEPP 65 and the Apartment Design Guide (ADG) does not apply. However, in line with best practice and to support the overarching objectives of resident wellbeing, amenity, and high-quality urban design, key ADG principles—including building separation, solar access, and natural ventilation—have been carefully considered and incorporated into the design of the RACF. <u>Item 6</u> 6.1 / 6.2 - The proposed massing and siting considers the environmental and planning constraints and opportunities to deliver a proposal which is tailored to the specific site conditions. Following the precinct block plan resulting from the sewer easement and application of the allowed height, a proposed green spine to the eastern boundary and a road to the western boundary have been established defining the pedestrian and vehicular movements within the site. Setbacks along the eastern and western boundaries have been increased by at least 3m to improve scale transition from the existing lower density neighbouring properties. The most sensitive transitions have increased setbacks of 18m to 22m to mitigate any overshadowing to the neighbours. The built form is further articulated with several breaks to the built form to allow for better amenities and increased separation between low density buildings. As the subject site is landlocked by adjoining neighbours on most boundaries, it would not be possible to rotate buildings to orientate 90

degrees against all boundaries. Furthermore, the subject site is substantially longer than it is wider, therefore rotating building forms would prove inefficient from an internal access perspective.

6.3/6.4 - The proposed built form within this higher-density portion of the site draws on established precedents in both scale and typology observed along Kingscliff Street, ensuring a cohesive integration with the evolving urban fabric. The proposed building orientation is the result of analysing opportunities to harness natural resources. Larger building footprints are oriented North to South, to provide a larger number of apartments with easterly and westerly aspects for solar access. Buildings which take advantage of an east to west configuration to maximise northern light access, have smaller footprints which allows to limit the south-only aspect apartments.

The proposal focuses heavily on landscaped activation at the ground plane through a path that connects a variety of smaller outdoor rooms along the eastern boundary - communal shaded nodes with tables and seats, lawns for outdoor activities - to a central community hub. At the heart of the development, the community hub is adjacent to the club house and includes a recreational pool, a roof cover incorporating First Nations' design by connecting users to sky country and the 'Bunya Nut' natural play inspired by First Nations' connection to the Bunya Pine. The green spine is also a strategic buffer to soften the transition between the adjacent two storey residential dwellings to the east in conjunction with a recessive 4th level approach achieved by implementation of increased setbacks.

Informed by consultation with local Indigenous communities, the design acknowledges Connecting with Country as a lived experience—an immersive, physical, and emotional relationship with Country that extends beyond communal areas into the private realm of each dwelling.

Accordingly, the proposed design embraces Kingscliff's natural qualities through an architectural language that is open, permeable, and engaged with its environment. Façade strategies, such as the use of floor-to-ceiling glazing and glass balustrades, foster transparency and enable residents to visually and physically experience elements of Country—light, air,

landscape, and sky—on a daily basis, enhancing well-being and sense of place.

In balancing this connection with considerations of privacy and neighbourhood character, the proposal integrates a series of thoughtful mitigation measures. These include generous building separations and layered landscaping strategies that utilise native planting—both within balcony planters and at the ground plane—to soften building interfaces and provide natural visual buffers. These design interventions collectively establish a cohesive, contextually responsive outcome that advances both the cultural values of Connection with Country and the amenity expectations of the wider community.

The design team has collaborated with the BASIX ESD consultants to ensure the development achieves the required standards of energy-efficient thermal comfort. Passive design strategies—including deep window reveals, articulated slab edges, and high-performance glazing—have been strategically integrated to optimise thermal performance across all buildings. These measures effectively mitigate heat gain and loss without reliance on visually intrusive shading devices that would otherwise compromise the architectural intent and cohesive aesthetic of the proposal.

Item 7

7.1 The design provides for both a central meeting space that is open to a range of uses such as gatherings on the covered large patio area, a lawn space to spill out onto and for other potential uses such as pilates and yoga, and the adjacent swimming pool. The pavilion shelters allow the community to come together, while a small First Nation inspired play space offers activities for visiting grandchildren. A range of other communal uses are dispersed evenly throughout the site which allow residents in all locations to be close to some form of communal activity or use, whether that be the community produce garden, the bocce court, or social shelter spaces

7.2 The landscape package includes character imagery that are indicative only. For example, the image showing a large circular gathering of residents is to indicate the intent for such gatherings to occur within this site. The extent of the lawn area in this image was not the main idea that it was trying to convey. The design does however include many lawn areas, some larger than others. The design includes an informal bocce playing court that will include a synthetic lawn playing surface and edging to three sides including both ends of the court. A children's play area is also included in the design. The formal golf putting green has not been included in the design, however residents will be encouraged to use portable putting holes on the lawn spaces provided around the site including the bocce lawn when not in use.

7.3 The communal open space calculations have been confirmed as part of this additional information pack. Urbis has reviewed the communal open space provision in response to the requirements of the *State Environmental Planning Policy (Housing) 2021* and has provided an amended **Statement of Landscape Design Intent** (refer to **Attachment F**), including updated calculations shown in diagram 3.12 on page 26.

The deep soil calculation now includes eligible DSZ calculations for this area and can be seen in the calculations diagram in Section 3.11 on Page 25 of **Attachment F**. Deep soil has been maximised where possible and tree canopy cover has also been maximised to provide a predominantly shaded outdoor environment. Trees are also placed in locations that do not meet the minimum 6m garden bed width to be considered Deep Planting Zone, however it is Urbis' opinion that these trees will still thrive in the conditions available and to support additional meaningful canopy cover around the site.

7.4 As nominated in the previous response to submissions, the project design has been developed over years of planning and consultation. The proposal focuses heavily on landscaped activation at the ground plane, with extensive areas of both passive and active, indoor and outdoor communal open space proposed without the deletion of Building B and C. Alongside the open space provisions, the building form and scale is specific to the operational, function and economic requirements of the

	Uniting Kingscliff Development. The deletion of Building B would require an unreasonable and unnecessary loss of development potential, housing provision and social and economic benefit. 7.5 The shadow study prepared by Plus Architecture clearly demonstrates that the central 'heart' and community hub adjacent the RAC building, including the swimming pool, receives sunlight access to at least 50% of this primary area for over 3 hours between 9am and 3pm on June 21, in excess of Council's DCP requirements for solar access to communal open space areas. <u>Item 8</u> 8.1 The design report was updated in the submission of RFI#1 to include all aspects of the NSW Seniors Housing Design Guide, refer to page 19 of the report for Design for physical ageing and dementia. 8.2 It is relevant to highlight that the ADG is a guideline for best practice design of Residential Flat Buildings (applicable to class 2 buildings only), the importance of the ADG relies on achieving the principles it establishes. the document suggests some design strategies to achieve the principles, the ADG does not require to follow the design strategies exactly as written in the design guide, if the principle (outcome) is achieved The design report in the ADG response matrix acknowledges departures from the ADG's guidelines and substantiates how the proposal achieves the ADG principles. Only kitchens ceilings are lower than in the guidance in the ADG, the intent of the high ceilings is to improve daylight penetration and openness of internal spaces, the open plan arrangement of living areas in all apartment types, together with full height glazing increase daylight penetration mitigating the need for high ceilings in kitchens. The depths of the apartments are slightly deeper than the ADG recommendations, the extra depth is provided to ensure that in an age in place setting, living spaces are generous to allow for the optimal
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	operation of mobility aids that residents may require as they age in their homes. • There are no internal lift wells in the proposed apartments and the entry ramps for basements are located further than 3metres from a bedroom window in building, the RAC building which provides access to stage 1 basement is not adjacent to any apartments. • Refer to drawing DA -0421 to DA-0424 for cross ventilation calculations. All skylights are 1000mmm x 1000mm. Further detail on the design rationale, ADG compliance, and supporting design elements is provided in the amended Architectural Plans and amended Architectural Design Report, included at Attachment C and Attachment D respectively.
TSC-7a The deletion of the gates between the ILUs outdoor amenity areas and common areas is a poor accessibility outcome that could have emergency evacuation implications.	With the design of private courtyard gates, Uniting seeks to balance pedestrian circulation/connection with the resident preference for privacy, safety and security. For Uniting Kingscliff it was selected to remove gates to private open spaces on ground level apartment courtyards. This is due to the general preference of Uniting residents to prioritise privacy and security in these courtyards. The feedback received from other projects is that gates invite unwanted privacy or security concerns. It was deemed that no gates is the overwhelming preference, but if a future buyer would like a gate then these can be installed on request by Uniting.
TSC-7b Foyer entrances are not considered defined within the elevations and lack articulation modulation to enhance access to the building. They do not provide wet weather access and protection.	In alignment with the overarching design philosophy of the masterplan, a familial yet contextually responsive approach has been adopted to articulate building entries. A holistic design methodology has been applied with nuanced variations across buildings, ensuring that each entry point is legible, welcoming, and contextually grounded. Entry articulation is achieved through a combination of architectural elements and material detailing that give each building a distinct identity. Awning structures are consistently employed to provide weather protection and reinforce the legibility of entry points. Landscape design has been integrated with the architectural form to support intuitive wayfinding, guiding both residents and visitors to key access points. <u>Building A</u>

The primary entry to Building A addresses Lorien Way. A curved-profile awning provides weather protection and echoes the language of the building's facades. This, in conjunction with facade articulation, defines the building's address. A recessed glazed entry door offers transparency and reinforces a welcoming gesture.

Building B

The entry to Building B is defined by a recessed plane in the built form, creating an inviting threshold for occupants. An overhead awning provides shelter, while the adjacent landscape buffers private open space (POS) and delineates the entry zone.

Building C

Positioned at the junction of the building's geometry, Building C's entry is marked by a curved, triple-height masonry wall that defines the entry path. An awning strengthens the sense of arrival and provides weather protection.

RAC Building

The port cochere of the RAC building serves as a prominent architectural marker of the entry point. Its geometry and materiality create a bold and legible address, enhancing the user's arrival experience.

Building D

The southern facade of Building D reveals a recessed entry zone, enhanced by contrasting materiality. A two-storey, double-height masonry wall frames the entry path, creating a strong formal gesture. An overhead awning provides both visual and functional cues for wayfinding and shelter.

Building E

Addressing the internal roadway, Building E's entry is similarly expressed through a well-defined recess in the built form. Contrasting materials on the recessed plane and integrated planters above the doors reinforce the entry gesture. An awning contributes to the architectural language of legibility and weather protection.

	<u>Building F</u> The entry to Building F is framed by two-storey blade walls flanking a recessed portal. A contrasting colour palette highlights the articulation, and together with the awning, these elements provide strong visual cues to guide residents and visitors. Refer to the amended Architectural Plans and amended Architectural Design Report, included at Attachment C and Attachment D respectively for relevant plans.
TSC-7c The lobby area adjacent to the lifts of the ILUs have a limited circulation space and forgo the opportunity to provide improved amenity by providing opportunities for resident interaction (e.g. provision of a seating/waiting area).	As part of a broader strategy to promote social interaction and foster a sense of community within the development, the design team investigated opportunities to incorporate informal meeting spaces along residential corridors. To assess the viability and performance of such interventions, a series of site visits were undertaken to observe built projects where similar strategies had been implemented. These precedents offered insights into both the potential and the limitations of this design approach. While the integration of communal spaces within circulation zones is theoretically compelling—providing opportunities for daylight access, natural ventilation, and location at key nodes of resident movement—real-world application is significantly constrained by compliance with the Building Code of Australia (BCA) and relevant Australian Standards. A recurring challenge identified was the requirement for fire safety compliance, which necessitates the physical separation of communal areas from egress paths. For example, lounges furnished to encourage resident engagement were often required to be enclosed with fire-rated barriers to mitigate risks associated with combustible materials impeding evacuation routes or firefighting efforts. This separation, while necessary for safety, frequently removed these spaces from natural movement paths, diminishing their intended function as active social hubs. As a result, many of the communal areas observed were underutilized, often functioning as ancillary spaces rather than vibrant environments for

	social interaction. These findings led the design team to conclude that, within the constraints of the current regulatory framework, the successful integration of communal spaces—particularly within residential corridors—presents considerable challenges. Unlocking the full social and functional potential of such spaces will likely require substantive shifts in building regulations to better support their intended use. In acknowledgment of these limitations, the current proposal adopts a considered approach by incorporating a range of seating areas throughout communal zones within the Residential Aged Care Facility (RACF) and residential building entry lobbies. Together with outdoor circulation and activity areas, these elements are designed to enhance resident amenity and promote meaningful social interaction. This includes a network of well-integrated seating nooks positioned along the masterplan's pedestrian pathways, encouraging both spontaneous encounters and planned gatherings among residents and community members.
TSC-7d Building A includes a variety of materials and architectural modulation that is a positive contribution to the built form street scape of Lorien Way. These features include, curved brick works (entrances and balconies) and balustrade variation with glass/curve/brickwork. Unfortunately, these positive elements of the façade of Building A is not carried through into the whole development and is only visible from the primary building façade of Building A to Lorien Way. It would be beneficial to enhance all buildings with the similar architectural articulation and modulation.	The façade design and architectural articulation of Building A have been conceived in direct response to the character and finer grain of Lorien Way. In contrast, the remainder of the site is situated within a higher-density zoning context, necessitating a distinct and contextually appropriate design approach. The proposed built form within this higher-density portion of the site draws on established precedents in both scale and typology observed along Kingscliff Street, ensuring a cohesive integration with the evolving urban fabric. Ongoing consultation with the State Design Review Panel (SDRP) has been instrumental in shaping a design outcome that not only aspires to design excellence but also aligns with the strategic vision and desired future character of the locality. For additional insight into the broader design rationale across the site, refer to the response provided under item TSC-7h.
TSC-7e	The design team supports the principle that greenery plays a vital role in softening and enriching the architectural expression of buildings.

The building facades to the internal driveway lack planters and opportunities for greening the building. The facades facing existing residential dwellings include planters that allow foliage to hang from the upper levels softening the facades. This landscaping is considered beneficial to both the occupations and the overall aesthetics. Council consider that this treatment should be applied to front facades all elevations of the buildings. This would greatly enhance the architectural merit of the buildings and reduce the overall bulk, creating consistency and continuity across the various eight proposed independent living unit buildings throughout the development.	However, regulatory compliance and long-term maintenance must be carefully addressed to ensure that landscape strategies are both safe, durable, and feasible over the life of the development. Under the National Construction Code (NCC), cascading or continuous vertical landscaping across multiple levels of Type A construction buildings is classified as a potential fire risk, and such configurations are generally discouraged on fire safety grounds. In response, where planting is proposed, the design ensures that vegetation is strategically located to prevent cascading effects and avoid creating vertical fuel paths that could compromise occupant safety. In addition, the ongoing viability and maintenance of landscape elements is a central design consideration. Plant species and planter locations have been carefully selected in collaboration with landscape consultants and relevant stakeholders, ensuring they are accessible for routine maintenance by staff or residents, as appropriate. This integrated approach supports a robust, compliant, and enduring landscape strategy that contributes to the visual and environmental quality of the project without compromising safety or functionality.
TSC-7f There is a lack of internal /external storage facilities for the smaller units throughout the development.	The development is fully compliant with the Apartment Design Guide (ADG) storage requirements, including for smaller units. Internal and external storage has been carefully integrated into the design of each dwelling to ensure that residents have access to functional and adequate storage areas. Detailed storage allocations—including both internal (within units) and external (such as storage cages or lockers)—are documented on Drawings DA-0510 to DA-0512, prepared by Plus Architecture (refer to Attachment C). These plans clearly demonstrate how the required storage volumes are met or exceeded across all apartment types, including one-bedroom and studio units.
TSC-7g There is a lack of flood free storage for ground floor units that may be affected by flooding.	The development meets the minimum storage requirements of the Apartment Design Guide (ADG), as detailed in the amended Architectural

	Plans prepared by Plus Architecture (refer to Drawings DA-0510 and DA-0511 in Attachment C). With regard to flood protection, there is no specific requirement in the applicable DCP for flood-free storage. Nevertheless, the design adopts a conservative and robust approach to flood resilience. Ground floor units, including associated internal storage areas, have been elevated to incorporate a freeboard of 500mm above the 1:100 year ARI flood level, along with an additional 300mm allowance for future climate change impacts. This results in protection equivalent to a 1:230 year ARI flood event, ensuring that ground floor units and storage areas are effectively safeguarded from flood risk.
TSC-7h With the exception of Building A, the majority of balconies are finished with glass balustrades which lack architectural variation and creates minimal modulation with limited façade treatments. Additionally, this creates overlooking impacts for adjoining low-rise dwelling houses. Alternative treatments to balconies to include screening devices (e.g. shutters, sliding screens) mitigates overlooking impacts and provides sun shading to occupants of the units.	The design team is of the view that the proposal, as presented in the SSDA submission, represents a nuanced and contextually responsive approach to façade articulation. A familial design strategy has been adopted to establish a cohesive architectural language across the development, while allowing each building to express its own identity. This is achieved through the consistent application of materials and a clear, legible architectural expression, enriched by subtle variations such as articulated slab edge detailing, tonal differentiation within the material palette, and a thoughtfully composed façade rhythm. This design approach not only reinforces visual continuity across the precinct but also contributes to a strong sense of place—one that meaningfully responds to the outcomes of the Connection with Country (CwC) engagement process. Simultaneously, it facilitates a genuine connection to the surrounding natural environment, while maintaining a sensitive balance between residential amenity, privacy, and neighbourhood character. Connection with Country (CwC) is a foundational principle of the Government Architect New South Wales (GANSW) design guidelines in the pursuit of design excellence. In alignment with this principle, and informed by consultation with local Indigenous communities, the design acknowledges CwC as a lived experience—an immersive, physical, and

	emotional relationship with Country that extends beyond communal areas into the private realm of each dwelling. Accordingly, the proposed design embraces Kingscliff's natural qualities through an architectural language that is open, permeable, and engaged with its environment. Façade strategies, such as the use of floor-to-ceiling glazing and glass balustrades, foster transparency and enable residents to visually and physically experience elements of Country—light, air, landscape, and sky—on a daily basis, enhancing well-being and sense of place. In balancing this connection with considerations of privacy and neighbourhood character, the proposal integrates a series of thoughtful mitigation measures. These include generous building separations and layered landscaping strategies that utilise native planting—both within balcony planters and at the ground plane—to soften building interfaces and provide natural visual buffers. These design interventions collectively establish a cohesive, contextually responsive outcome that advances both the cultural values of Connection with Country and the amenity expectations of the wider community.
TSC-7i The ADG design criteria for cross ventilation states that at least 60% of units are to be naturally ventilated. As documented on the amended cross ventilation plans, the proposal achieves a total of 62% of units with natural cross ventilation. Council understands this may be compliant, however further consideration of operational windows on opposing facades, including in corridors, should be considered as a priority, where possible.	Plus Architecture has confirmed and updated cross ventilation information on the amended Architectural Plans (refer to Drawings DA-0420 to DA-0424 in Attachment C), which demonstrate that 62.3% of units achieve natural cross ventilation. The current proposal is fully compliant with the requirements of the Apartment Design Guide (ADG), including provisions for cross ventilation. It should be noted that cross ventilation of internal corridors is not a mandatory requirement under the ADG. The design team has rigorously explored a range of design strategies—including building layouts, façade articulation, and window and opening placements—to ensure optimal thermal comfort for future residents. Additionally, the BASIX commitments have been carefully optimised to enhance thermal performance outcomes, and skylights have been integrated into top-floor apartments to further improve natural daylight access and internal amenity.

Landscaping	
Note: Based upon review of the Detailed Landscaping Package dated October 2024 prepared by Urbis, Council's concerns raised in the submission dated 25 June 2024 regarding landscaping and compensatory planting measures remain.	Noted
TSC-8a Restricted deep soil zones The total area of Deep Soil Zones (DSZ) appears to have been overstated. In accordance with the Apartment Design Guidelines (ADG) deep soil zones are described as follows: 'deep soil zones are areas of soil not covered by buildings or structures within a development. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas'. Approximately 1290 m² of the areas identified as DSZ's shown on Dwg. No. 03.11 Landscape Design Structure Diagram – Planting, are restricted by carparking, onsite stormwater detention infrastructure and stormwater easements (Figure 8). The remaining DSZ's contribute approximately 8.4 % of the site area as opposed to approximately 4531m² or 15.1 % as reported in the ADG Verification dated 14 March 2024. Figure 1 - Refer to Figures sheet Landscape zones are narrow in width and/or comprise hard landscape elements. The opportunity to install medium sized trees without future conflict with built form at tree maturity is constrained based on the development layout. DSZ generally do not appear to extend beyond the minimum 6 m width as recommended in the ADG's.	Urbis has reviewed the calculation and functionality of Deep Soil Zones (DSZ) in relation to the Apartment Design Guide (ADG) requirements and has prepared an amended Statement of Landscape Design Intent, provided at Attachment F. The following advice and clarifications are provided in response: DSZ calculations have been revised in accordance with the ADG definition, which requires deep soil areas to be a minimum of 6 metres in width and free of buildings, structures, and impervious surfaces. The revised DSZ area is 3,010m², which equates to 10.35% of the total site area (29,091m²). This exceeds the minimum 7% requirement under Section 3E-1 of the ADG. In addition, the proposal satisfies Section 108(2)(d) of the <i>SEPP (Housing) 2021</i>, which requires landscaped area to be the lesser of: • 35m² per dwelling (199 x 35 = 6,965m²), or • 30% of the site area (29,091m² x 30% = 8,727m²). The design provides a total landscaped area of 12,207m², equivalent to 42% of the site area, well above the minimum threshold. Council also raised concerns regarding the adequacy of planting zones for supporting medium-sized trees without future conflict with built form. The submitted planting plans include indicative mature tree canopies, demonstrating minimal interaction with surrounding buildings. In narrower planting areas (less than 6m), columnar or upright-growing medium-sized tree species have been selected to minimise conflict.

	Should any issues arise with tree growth in proximity to structures, Uniting commits to engaging a qualified arborist to undertake selective pruning as needed. Additionally, root barriers can be installed as a mitigation measure. Further refinement of species selection, placement, and mitigation strategies can be addressed during the Construction Certificate stage, in consultation with Council. Please refer to Structure Diagram 03.11 of the amended Statement of Landscape Design Intent for the revised DSZ calculations (refer to Attachment F).
TSC-8b Compensatory tree and habitat measures The proposal is understood to involve the loss of 39 local native trees regarded as 'prescribed vegetation' under Council's Development Control Plan (DCP) Section A16 Preservation of trees or vegetation and an estimated 1500 m² of habitat representative of a candidate Endangered Ecological Community in moderate condition (as reported in the BDAR 2024) categorised as a red-flagged value under Council's DCP Section A19 Biodiversity and Habitat Management. As indicated above, DSZ's shown on the current plans appear to be restricted in dimensions to accommodate mature trees at maturity and conform only to the minimum requirements of the ADG's (at 7% of site area). Additionally, compensatory landscaping does not appear to have been provided and incorporated into the development layout design zones to: - Achieve the fundamental objective of increased urban tree canopy cover. - Satisfy provisions of Council's DCP A16 and DCP A19 through replacement planting onsite commensurate with the loss of prescribed vegetation and red-flagged values comprising species that are representative of those candidate Endangered Ecological Communities	The previously submitted detailed planting plans provide an accurate design of where trees can be supported throughout the site and the indicative mature canopy cover. This now includes a total of 332 trees across the site. Tree species have been selected and proposed in location that have sufficient soil stratum in terms of both width and depth to allow them to thrive and grow into a mature state. Although a number of these trees may be positioned in garden areas that are narrower than the 6m width requirement to be considered DSZ as per the ADG, the species selections and available soil volume and surface area is sufficient in our professional opinion to support healthy and valuable tree growth and canopy cover. While we recognise the ADG guidelines require a minimum 7% DSZ under their definition, it is worth noting that other jurisdictions such as Brisbane see value in narrowed DSZ by allowing for 4m wide garden beds so long as they have an overall 25m³ of surface area for root spread. The detailed planting plans previously provided includes a species list that includes a significant number that are representative of candidate Endangered Ecological Communities for replacement planting onsite. Council can confirm increased substitution of any species from these communities as part of the Construction Certificate approval phase to their satisfaction.

(listed under the BC Act as identified in the submitted BDAR 2024) proposed for removal. iii. Demonstrate application of the biodiversity mitigation hierarchy under the NSW Biodiversity Offset Scheme of avoidance, minimisation in addition to the retiring of offset credits to compensate for residual impacts. Additional deep soil zones that are compliant with the minimum deep soil zone dimensions specified in the ADG, should be provided to achieve the abovementioned objectives through modification of proposed built form and expansion of DSZ's.	The proposed planting will include a significant amount of local native species to help demonstrate the application of the biodiversity mitigation hierarchy under the NSW Biodiversity Offset Scheme
Culturally Sensitive Housing Needs TSC-9 Council acknowledges that the applicant has undertaken engagement with the Aboriginal community regarding built form and connecting with Country. However there is no indication of any consultation with the Aboriginal community regarding seniors housing needs within the community. Council's original position remains that further consultation should be undertaken with the Aboriginal community on seniors housing needs within the community.	As acknowledged by Council, consultation with Aboriginal community representatives has been an integral part of the project's environmental assessment process. This engagement is detailed in the 'Consultation Outcomes Report – Phase 1 & 2' prepared by Ethos Urban, and the 'Connecting with Country Framework' prepared by DLCM, both of which were submitted with the original EIS and reflect a strong commitment to cultural responsiveness in the project's planning and design. Through these processes, Uniting has sought to listen to, and reflect, the views of Aboriginal stakeholders—particularly in relation to housing, wellbeing, and community connection. These discussions also touched on broader themes including housing outcomes, accessibility, affordability, and the cultural relevance of place. Uniting remains committed to fostering inclusive outcomes and welcomes ongoing dialogue with Council and Aboriginal stakeholders to ensure the project continues to respond appropriately to the diverse needs of the community.
Pedestrian Safety TSC-10 The Social Impact Assessment (SIA) noted that during operation of the development, additional traffic generated by the development may cause adverse accessibility and noise as well as impacts to pedestrian	Council's request for a clearer demonstration of how pedestrian safety is acknowledged and will be effectively mitigated, particularly in relation to changes in transport locations and schedules. We believe this matter can be appropriately addressed through the imposition of a development

safety. A satisfactory response has not been provided to Council's previous request that the "pedestrian safety social impact identified on p.45 of the SIA should be amended to clearly demonstrate how pedestrian safety will be effectively mitigated, including ways to communicate any changes to transport locations and schedules." As such it is recommended that an operation management plan be prepared that clearly demonstrates how pedestrian safety will be effectively mitigated, including ways to communicate any changes to transport locations and schedules.

consent condition, requiring the preparation of an Operational Management Plan.

This plan will clearly outline the strategies and measures to mitigate pedestrian safety risks, as well as detail how any changes to transport arrangements will be communicated to ensure that residents, staff, and visitors are kept informed. We propose that this plan be prepared and submitted for approval prior to the issue of an Occupation Certificate for any stage of the development.

Table 6 - Community Submission

Issue Raised	Response
Your project team would have recently received the Tweed Shire Council's response to the submission from Uniting Kingscliff's relating to submissions from the community and other stakeholders relating to SSD - 47105958. In the council's submission they mention along the lines that; "residents in Lorient Way are concerned about being overlooked by balconies in Building A". As an immediate neighbour who will be greatly affected if this development goes ahead as per the current proposal, I am writing to you to flesh out this issue. I am really worried that the facts set out below have been overlooked and may slip through the process. Certainly Uniting Kingscliff appear not to have made any changes despite community feedback. According to the EIS Building A is a Residential Flat Building with a Double Loaded Corridor Alarming in the minutes of the meeting UK had with the State Design Review Panel it is stated on page 61 of appendix C, Point BG002 re overlooking into private yards UK's response includes "Building A has also	The design team acknowledges the feedback provided through the State Design Review Panel (SDRP) process and references the SDRP Response Table as a documented summary of the project's design evolution. It is important to note that while certain line items in the table may suggest design directions or considerations, they are not indicative of mandatory or binding changes. In particular, the recommendation to explore a single-loaded corridor in Building A was raised following the SDRP Round 1 presentation. The response table serves as a record of commentary and the corresponding actions or considerations taken by the design team in response to that feedback. It does not imply that the building was modified to include a single-loaded corridor. Following further design development, consultation, and functional analysis, the design team has retained a double-loaded corridor configuration in Building A. This outcome reflects a balanced resolution of planning, amenity, site efficiency, and broader community and stakeholder feedback, resulting in a built form that achieves high performance in terms of privacy, access, and liveability.

been reduced to a single loaded corridor to further address these concerns"

Point BG008 that the SDRP recommended that: " buildings should have single- loaded corridors where feasible"

UK's response to this was

"We have applied a single loaded corridor approach to building A where this responds also to the "overlooking" concerns of the southern neighbours adjacent to the site".

This is further reinforced by a statement made on page 62, in addressing a specific privacy concern by residents. The response at point A002:

"A single loaded corridor outcome proposed. Only access way corridor facing south, and all private balconies to the apartments face north."

Despite telling the SDRP three times that Building A had been reduced to a single loaded corridor all the plan diagrams continue to show that building A is in fact a double loaded corridor with the living rooms / balconies directly overlooking my living areas (dining, kitchen & living room). In addition, the building is set back only 5 metres (the plans indicate that the balconies on level 1 are inside the 5m setback) despite the claim on page 68 of the EIS that the development achieves a minimum 9m setback.

The site of Building A is zoned R2 as such "residential flat buildings " are prohibited. It seems to me that UK are working on the assumption they will get the land rezoned, while at the same time capitalising on the R2 zone's 5m setback. The Apartment Design Guide requires apartment buildings up to 4 storeys to have a 12m setback between habitable rooms, with a further 3m increase to the building setback from the boundary when there is a change in zone from apartment buildings to a lower density area, both of which would be applicable under this current proposal.

As I said above I am really concerned that despite what Uniting Kingscliff Redevelopment Team have said to the SDRP the plans still show Building A as a Residential Flat Building with a Double Loaded Corridor, completely at odds with the R2 zoning and the Apartment Design Guide.

This decision has been informed by ongoing development of the proposal since the initial masterplan concept and has also been shaped by further inputs gathered during the second round of community consultation. It is critical to assess the project as submitted in the State Significant Development Application (SSDA), rather than referring to earlier concept iterations which do not reflect the resolved design.

While the design team carefully considered the SDRP's suggestion to implement a single-loaded corridor, the progression of the scheme has responded to broader performance objectives—including functional efficiency, site constraints, and community feedback—through other architectural means. The outcome delivers a building that performs well in terms of amenity, privacy, and contextual integration.

It is also important to note that Building A is not classified as a Residential Flat Building (RFB) under the relevant planning definitions, and therefore the Apartment Design Guide (ADG) does not strictly apply.

Specifically, the proposed development seeks approval for 'Seniors Housing' being a specific land use defined within the 'residential accommodation' group term. Seniors housing is defined under the Tweed Local Environmental Plan 2014 as:

seniors housing means a building or place that is—
(a) a residential care facility, or
(b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or
(c) a group of independent living units, or
(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
and that is, or is intended to be, used permanently for—
(e) seniors or people who have a disability, or
(f) people who live in the same household with seniors or people who have a disability, or
(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

I hope that in bringing this issue to your attention it can be fully addressed in accordance with the planning legislation.

but does not include a hospital.

Note. Seniors housing is a type of residential accommodation—see the definition of that term in this Dictionary.

That is, the proposal is seeking approval for 6 buildings (Buildings A, B, C, D, E and F) comprising 'a group of independent living units' and 1 building comprising 'a residential care facility'.

The development standards and design criteria for 'Seniors Housing' are defined in *State Environmental Planning Policy (Housing) 2021*. Specifically, pursuant to clause 97 of the Housing SEPP in determining a development application for development for the purposes of seniors housing, a consent authority must:

- consider the Seniors Housing Design Guide, published by the Department in December 2023 and
- be satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.

As outlined in Section 4.7.5.2 of the EIS, Chapter 4 of the Housing SEPP addresses the design of residential apartment development. The objective of this chapter is to improve the design quality of residential apartment development in NSW.

Clause 144(3) specifies what type of buildings this chapter of the Housing SEPP applies to. It states:

- (3) This chapter applies to development only if—*
- (a) the development consists of—*
- (i) the erection of a new building, or*
 - (ii) the substantial redevelopment or substantial refurbishment of an existing building, or*
 - (iii) the conversion of an existing building, and*
- (b) the building is at least 3 storeys, not including underground car parking storeys, and*
- (c) the building contains at least 4 dwellings.*

The ILUs within the Uniting Kingscliff Development are all at least 3 storeys, except for Building A, which is only 2 storeys. This chapter is therefore only applicable to Buildings B to F.

Clause 147(1) requires the consent authority to consider the Apartment Design Guide to development to which Chapter 4 is applicable. Consequently, the Buildings B to F were assessed against the non-discretionary development standards in Table 4-3 of the EIS and the provisions of the integrated Apartment Design Guide – Parts 3 and 4 in the Architectural Design Report prepared by Plus Architecture (refer to Appendix C of the EIS).

It is acknowledged that the EIS makes reference to Building A having a building typology of a residential flat building.

Nevertheless, the proposal has been adjusted to achieve key objectives of the ADG, including compliance with building separation distances to preserve the amenity of neighbours and residents, despite these not being statutory requirements in this context. This reflects the design team's commitment to delivering high levels of amenity and privacy.

In response to privacy concerns associated with adjoining properties, the following considerations are presented:

The Apartment Design Guide (ADG) recommends a building separation of 12 metres for developments up to four storeys in height. Where this separation relates to a shared boundary between two sites, the requirement is effectively halved, with each development expected to provide a 6-metre setback from the boundary, resulting in the intended cumulative 12-metre separation.

The ADG acknowledges, however, that full compliance may not be immediately achievable in instances where adjacent sites have not yet undergone redevelopment. In such transitional contexts, the guideline recognises that the full intent of the separation provision will be realised incrementally, as neighbouring properties are redeveloped in accordance with the standard.

In the current proposal, Building A is set back 6 metres from the southern boundary, consistent with the requirements outlined in the Apartment Design Guide (ADG). This setback is considered sufficient to protect the privacy of adjoining properties.

A further query has been raised regarding the additional 3-metre building separation recommended by the ADG where there is a contextual change in building scale. In this instance, Building A is located within the same R2 Low Density Residential zone as the neighbouring properties along Lorient Way. As such, there is no zoning transition that would necessitate the application of the additional 3-metre separation.

Furthermore, the proposed building bulk and scale are compliant with the applicable Local Environmental Plan (LEP) controls for the R2 zone. Therefore, the additional separation suggested for scale transitions is not applicable in this context.

Drawing DA-0703 provides a sectional illustration through Building A (35 Lorient Way) and the adjacent southern boundary. The section demonstrates that the existing roof eave of the neighbouring dwelling obstructs direct sightlines from the proposed upper-level balconies into the adjoining private open space. This architectural condition, when combined with strategic building orientation and the introduction of landscape buffers, effectively maintains a respectful and appropriate privacy interface between properties.