

Department of Planning, Housing and Infrastructure

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25–27 Boyd Street Tweed Heads Social Housing, Modification 1

State Significant Development Modification Assessment Report (SSD-72700708 – Mod 1)

June 2026





Acknowledgement of Country

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

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Modification 1 of Boyd Street Tweed Heads Social Housing (SSD-72700708 – Mod 1 Assessment Report

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1 Introduction

1.1 The proposal

On 6 November 2025, the Minister for Planning and Public Spaces approved a social housing development at 25 – 27 Boyd Street, Tweed Heads (SSD-72700708).

Homes NSW (the applicant) proposes to modify several conditions to facilitate the issue of the first construction certificate to enable works to commence on site.

The application was lodged pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act)

1.2 Project location

The site is located at 25 – 27 Boyd Street, Tweed Heads in the Tweed Shire LGA and within the North Coast region of NSW. The development site is in Tweed Heads city centre and is approximately 350m from the NSW State border with Queensland.

The site is shown in **Figure 1** and **Figure 2**.

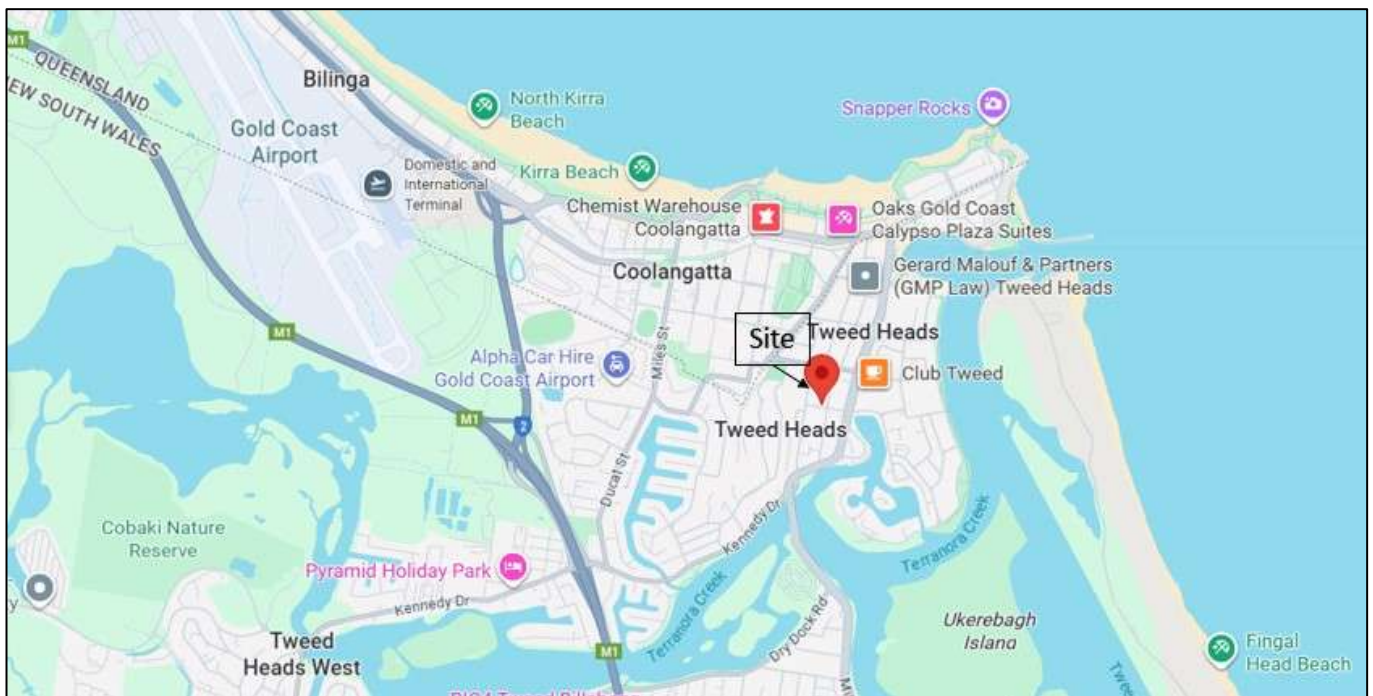


Figure 1 | Regional context map | Source: Google maps



Figure 2 | Site location outlined in red | Base source: Applicant's modification report

1.3 Modification background

Development consent was granted on 6 November 2025 for:

- a 13-storey residential flat building, comprising:
 - 80 social housing units
 - basement parking and associated works
 - landscaping, communal open space and infrastructure services

The approved development has not commenced construction.

2 Proposed modification

2.1 Modification overview

The modification seeks to revise the wording of conditions that require the submission of information or confirmation that relevant approvals have been obtained prior to commencement of work or issuing a construction certificate. These conditions pertain to dewatering and groundwater management, a section 68 approval, and the management of seepage and stormwater. The changes are intended to facilitate the commencement of early construction works on the site.

2.2 Changes to conditions of consent

2.2.1 Condition B13 – Dewatering and groundwater

Prior to the commencement of excavation works, condition B13 requires the applicant to submit a revised Aquifer Interference Impact Assessment and Dewatering Management Plan (DMP) endorsed by the NSW Department of Climate Change, Energy, the Environment and Water – Water Group (Water Group), along with evidence that a Water Access Licence has been obtained prior to any water take.

The modification proposes to remove the requirement to provide evidence of a Water Access Licence, based on post-determination consultation with the Water Group, which advised that a licence is not necessary where the revised Aquifer Interference Impact Assessment and DMP have been endorsed by the Water Group.

2.2.2 Condition B22 - Plumbing permit

Prior to the commencement of works, condition B22 requires the applicant to provide evidence that a section 68 approval to carry out water supply, stormwater and sewage works (plumbing permit) has been obtained from Tweed Shire Council (Council).

The modification proposes to change the wording so that the condition allows works, not involving sewer, water or sewage, to commence on-site where the applicant provides evidence that an application for the section 68 approval has been lodged with Council.

2.2.3 Condition C22 – Disposal of seepage and stormwater

Condition C22 requires that any seepage, rainwater collected during construction, or groundwater is not discharged to the street stormwater system unless prior written approval has been obtained from the Environmental Protection Authority (EPA).

The modification proposes to remove the EPA as the approval authority, following post-determination consultation which confirmed that the EPA does not have a role in providing such approvals. Instead, the condition is proposed to be amended to require that the discharge of seepage, stormwater or groundwater be managed in accordance with the approved Dewatering Management Plan, Construction Soil and Water Management Plan, and any relevant approvals issued by Council and/or the NSW Department of Climate Change, Energy, the Environment and Water, as applicable.

3 Statutory context and engagement

3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought are provided in **Table 1** below.

Table 1 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	The Department has reviewed the scope of the modification and considers that it can be characterised as a section 4.55(1A) modification as the proposed modification is of minimal environmental impact and the modified project is substantially the same development. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act.
Consent Authority	The Minister continues to be the consent authority under section 4.5(a) of the EP&A Act and has the capacity to modify the development consent.
Decision-maker	In accordance with the Minister’s instrument of delegation dated 21 November 2025, the Team Leader, Regional Assessments, may determine the modification as: • the application is minor • no council objection was received • no public objections were received; and • there is no disclosed reportable political donation.

3.2 Mandatory matters for consideration

Mandatory matters for consideration include:

- matters of consideration required by the EP&A Act
- matters of consideration required by the EP&A Regulation
- matters of consideration required by environmental planning instruments.

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

3.3 Department's engagement

In accordance with the EP&A Regulation the Department made the modification application publicly available on the Department's website.

Given the nature of the proposed modifications and the applicant's evidence demonstrating pre-lodgement consultation with relevant Government agencies, the application was not formally referred to any Government agencies for comment.

4 Assessment

The Department has assessed the proposed modification, having regard to the statutory requirements and documents submitted by the applicant, including pre-lodgement consultation with relevant government agencies.

The Department considers the proposed changes, which are minor in nature, will not result in any additional unacceptable impacts and will facilitate the commencement of early construction works on the site.

4.1 Changes to conditions of consent

4.1.1 Condition B13 – Dewatering and groundwater

The Department is satisfied that the proposed changes to Condition B13, as detailed in **Section 2.2.1** reflect post-determination advice provided by the Water Group to the applicant that advises they are not required to obtain a Water Approval Licence where they have a revised Aquifer Interference Impact Assessment and DMP endorsed by the Water Group. The Department notes the applicant's advice that they have commenced consultation with the Water Group about the revised Aquifer Interference Impact Assessment and DMP.

The Department recommends that condition B13 be amended to remove part (c) of condition B13.

4.1.2 Condition B22 - Plumbing permit

The Department is satisfied that the proposed changes, as detailed in **Section 2.2.2** seek to clarify that a section 68 approval (plumbing permit) does not need to be obtained for construction works that do not involve sewer, water and sewage. The Department notes the applicant's advice that works involving sewer, water and sewage will not commence until approximately 16 weeks into the construction program and acknowledge the current wording of the condition would require the applicant to obtain plumbing permit prior to this unnecessarily.

The Department recommends that Condition B22 be amended to clarify that a section 68 approval (plumbing permit) must be obtained prior to the commencement of water supply, stormwater and sewerage works.

4.1.3 Condition C22 – Disposal of seepage and stormwater

The Department is satisfied that the proposed changes, as detailed in **Section 2.2.3** reflect post-determination advice provided by the EPA to the applicant which confirms they have no role in providing approvals relating to the discharge of seepage, rainwater or groundwater collected or

pumped out during construction. The Department notes the applicant's proposed wording which instead seeks to specify that the discharge of seepage, rainwater and groundwater should be managed in accordance with the approved DMP, approved Construction Soil and Water Management Plan, and any relevant approvals issued by Council and/or the NSW Department of Climate Change, Energy, the Environment and Water, as applicable. The Department accepts the EPA's advice and agrees that the applicant's proposed wording provides for the appropriate management of seepage, rainwater or groundwater.

The Department recommends that Condition C22 be amended to remove reference to the EPA and to add reference to the DMP, Construction Soil and Water Management Plan, and any relevant approvals issued by Council and/or the NSW Department of Climate Change, Energy, the Environment and Water, as applicable.

5 Evaluation

The Department's assessment has considered all relevant statutory matters and advice from government agencies. The Department's assessment concludes that the modification is acceptable as:

- it will not result in additional unacceptable environmental impacts
- it does not involve any changes to the approved built form
- it will allow for early construction works to commence on-site, which will assist the developer to manage project timelines
- supports the NSW Government's priority to deliver additional affordable housing.

The Department has formed the opinion that the impacts of the modification are acceptable and considers the proposal should be approved subject to modified conditions.

6 Recommendation

It is recommended that the **Team Leader, Regional Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies the consent** for Boyd Street, Tweed Heads, Social Housing (SSD-72700708 – Mod 1), subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (**Appendix C**).

Recommended by:



Renah Givney
Senior Planning Officer
Regional Assessments

Recommended by:



Andrew Newman
Principal Planning Officer
Regional Assessments

7 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'EM', is positioned above the printed name.

Erin Murphy

Team Leader

Regional Assessments

Appendices

Appendix A – Summary of documents referenced

- Modification Report

The above documents can all be found at the following link:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-1-changes-various-conditions>

Appendix B – Statutory considerations

Matters for consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration the matters referred to in section 4.15(1) of the EP&A Act as they are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of these matters is shown in **Table C 1** below.

Table C 1 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, planning agreements	Error! Reference source not found. – Statutory considerations
EP&A Regulation	Error! Reference source not found. – Statutory considerations
Likely impacts	Section Error! Reference source not found. - Assessment
Suitability of the site	Section Error! Reference source not found. - Modification background and Section Error! Reference source not found. - Assessment
Public submissions	Section Error! Reference source not found. - Engagement & Section Error! Reference source not found. - Assessment
Public interest	Section Error! Reference source not found. - Engagement, Section Error! Reference source not found. - Assessment and Section Error! Reference source not found. - Evaluation
Reasons given for the grant of consent	The Department has considered the proposed modification in the context of the reasons given by the Department for the grant of consent for SSD-72700708. The Department considers the proposed modification is consistent with the reasons given for the development consent.

Objects of the EP&A Act

In determining whether to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development.

The Department is satisfied that the modification does not alter the development's consistency with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

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

The Department considers that the modified development does not alter the developments compliance with the principles of ESD.

EP&A Regulation

The Department considers that the application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications and public participation procedures for SSD.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

- State Environmental Planning Policy (Sustainable Buildings) 2022
- Tweed City Centre Local Environmental Plan 2012

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal management

The site is mapped as coastal use area and coastal environment area, and therefore sections 2.10 and 2.11 apply to the development.

The proposed modification does not involve any changes to the approved built form. The development continues to be consistent with the provisions of sections 2.10 and 2.11.

Chapter 4 – Remediation of land

This chapter aims to ensure potential contamination issues are considered in the determination of a development application and requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose of the proposed development.

The proposed modification does not involve any changes to the approved built form. The land is considered suitable for its intended future use.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP aims to protect the biodiversity value of vegetation in non-rural areas and to protect the water quality and quantity of water catchments.

The original application was accompanied by a BDAR that found the site is highly modified and that the development is not likely to have any significant impact on biodiversity values.

No further consideration of biodiversity pursuant to the Biodiversity and Conservation SEPP is required.

State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP encourages the design and construction of more sustainable buildings to help meet climate change targets.

The proposed modification does not involve any changes to the approved built form or approved ESD initiatives or BASX commitments.

Tweed City Centre Local Environmental Plan 2012

The Tweed City Centre Local Environmental Plan 2012 (TCCLEP 2012) sets out the principal planning controls which apply to the subject site. The proposed modification does not involve any changes to the approved built form or operational aspects of the development. The development continues to be consistent with the TCCLEP 2012.

Appendix C Recommended instrument of modification