

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

I grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- meet statutory requirements
- prevent, minimise, or offset adverse environmental impacts
- set standards and performance measures for acceptable environmental performance

The Hon Paul Scully MP
Minister for Planning and Public Spaces

Sydney

6 November 2025

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD-72700708
Applicant:	Homes NSW
Consent Authority:	Minister for Planning and Public Spaces
Site:	25 – 27 Boyd Street, Tweed Heads Lot 1 in DP 843470
Development:	Construction of a 13 storey residential flat building for social housing, comprising: • 80 social housing units • Tree removal and bulk earthworks • Basement parking • Communal open space • Landscaping and infrastructure services

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-72700708-MOD-1	10 June 2026	Team Leader, Regional Assessments	Changes to conditions B13, B22 and C22

FOR INFORMATION

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Affordable housing	Means housing for very low income households, low income households or moderate income households, as defined in Sec 1.4 of the EP&A Act and Section 13 of the SEPP (Housing) 2021.
Certifier	A council or person registered as a registered certifier under the Building and Development Certifiers Act 2018.
Certification of Crown Building Work	Certification under Section 6.28 of the EP&A Act
Consultation	Means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.
Council	Tweed Shire Council
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Means the development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement 25 – 27 Boyd Street, Tweed Heads, Affordable Housing</i> , prepared by Beam Planning, dated 8 January 2025, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021 (NSW)</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW)</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: - involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or - results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate)
Prescribed Conditions	The conditions prescribed by the EP&A Regulation 2021 (NSW) (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.

Professional Engineer	A Professional Engineer as defined in the Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other specified expert.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
Social Housing	Means residential premises under a social housing tenancy agreement as defined in the Residential Tenancies Act 2010. <i>Note: Social housing is a type of affordable housing.</i>

SCHEDULE 2
PART A - GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1** In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2** The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with the EIS; and
 - (c) in accordance with the approved plans in the table below:

Architectural drawings prepared by CKDS			
Drawing No.	Rev	Name of Plan	Date
A-1001	M	Site Plan	28/05/2025
A-1101	R	Basement Floor Plan Level 2	21/11/2024
A-1102	U	Basement Floor Plan Level 1	21/11/2024
A-1103	H	Ground Floor Plan	28/05/2025
A-1104	W	Level 1	28/05/2025
A-1105	W	Typical Levels 2 – 5	28/05/2025
A-1106	K	Level 6	28/05/2025
A-1107	I	Typical Levels 7 – 12	28/05/2025
A-1108	C	Roof Plan	28/05/2025
A-1201	I	Unit Type A.1 & A.2	28/05/2025
A-1202	I	Unit Type A.3 & A.4	28/05/2025
A-1203	I	Unit Type B	28/05/2025
A-1204	G	Unit Type C.1 & C.2	28/05/2025
A-1205	G	Unit Type D & E	28/05/2025
A-2001	I	Street Elevations	28/05/2025

A-2002	S	South Elevations – Brett Street	28/05/2025
A-2003	S	East Elevation – Boyd Street	28/05/2025
A-2004	M	North Elevation	28/05/2025
A-2005	M	West Elevation	28/05/2025
A-3001	T	Section A	28/05/2025
A-3002	T	Section B	28/05/2025
A-3003	S	Section C	28/05/2025
A-3004	Q	Section D	28/05/2025
A-3005	J	Section E	28/05/2025
A-3006	B	Detail Sections	28/05/2025
A-5003	G	Materiality	29/11/2024
A-5004	M	Perspectives	28/05/2025
A-5005	I	Perspectives	28/05/2025
A-5006	M	Perspectives	28/05/2025
A-5007	M	Perspective	28/05/2025
A-5008	M	Perspective	28/05/2025
A-7004	M	GFA Diagrams	28/05/2025
Landscape Plans prepared by xeriscapes			
L000	M	Coversheet	18/07/2025
L001	G	Analysis Diagrams	12/12/2024
L100	K	Landscape Plan	18/07/2025
L101	D	Landscape Section AA & Section BB	12/12/2024
L102	H	Setout & Materials Plan	18/07/2025
L103	H	Planting Plan	18/07/2025
L301	H	Indicative Plant Schedule	15/05/2025

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

- A3 To the extent of any inconsistency:
- (a) the most recent document in Condition A2 prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in Condition A2(c).
- A4 The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the Development.

LIMITS ON CONSENT

- A5 This consent will lapse 5 years from the date of consent unless the works associated with the development have physically commenced.

PLANNING SECRETARY AS MODERATOR

- A6 In the event of a dispute between the applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter is binding on the parties.

PART B - PRIOR TO COMMENCEMENT OF WORKS/PRIOR TO ISSUE OF A CROWN BUILDING WORKS CERTIFICATE

Note: Any reference to a Crown Building Works certificate throughout this consent is to be taken to also be a reference to a Construction Certificate and vice versa

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- B1. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. If the construction or operation of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours before the commencement of each stage, of the date of commencement and of the development to be carried out in that stage.

LONG SERVICE LEVY

- B3. Prior to the issue of the first Crown building works certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>

UTILITIES AND SERVICES

- B4. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

DIAL BEFORE YOU DIG SERVICE

- B5. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

PRE-CONSTRUCTION REQUIREMENTS

CROWN BUILDING WORK

- B6. Crown building work must not commence unless the relevant Crown building work is certified by, or on behalf of the Crown, to comply with the technical provisions of the NSW building laws in force as at:
 - (a) the date of the invitation for tenders to carry out Crown building work; or
 - (b) in the absence of tenders, the date on which the Crown building work commences.

GROSS FLOOR AREA (GFA)

- B7. The GFA must not exceed 6,468.19m². Details confirming compliance with the GFA must be submitted to the Certifying Authority prior to the issue of the first Crown Building Works Certificate for above ground works.

MAXIMUM HEIGHT

- B8. The maximum height of the development must not exceed RL 46.95m AHD including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, and flues. Details confirming compliance with the maximum height must be submitted to the Certifier prior to the issue of the first Crown Building Works Certificate for above ground works.

SITE STABILITY

- B9. Prior to the commencement of basement works, the Applicant must submit to the Certifier a report from a qualified engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
 - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
 - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (d) details which demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times for the duration of building work; and
 - (f) details of written approvals obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

STRUCTURAL DETAILS

- B10. Prior to the commencement of works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that the structural drawings comply with:
- (a) the relevant clauses of the NCC; and
 - (b) this development consent.

FLOODING

- B11. Prior to commencement of works, the Applicant must submit plans prepared by a suitably qualified person, to the Certifier demonstrating:
- (a) that all structures subject to flooding and overland flows have been structurally designed to withstand the forces of floodwaters having regard to the impact of debris, the impact of immersion and buoyancy forces up to the Probable Maximum Flood (PMF) event, and
 - (b) all basement carpark areas are designed to minimise floodwater ingress for up to the PMF event. This includes protection of carpark exhaust riser, basement openings for plant ventilation louvres and other components which may otherwise create a water ingress risk.

STORMWATER MANAGEMENT SYSTEM

- B12. Prior to the commencement of works, the Applicant must submit to the Certifier, details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s) that is:
- (a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;

- (b) in accordance with applicable Australian Standards; and
- (c) with a system capacity designed in accordance with Australian Rainfall & Runoff, A Guide to Flood Estimation (Engineers Australia and, Commonwealth of Australia (Geoscience Australia) Version 4.2, 2019) and Managing Urban Stormwater: Council Handbook (Draft) (EPA, 1997).

DEWATERING AND GROUNDWATER

B13. Prior to the commencement of excavation works, the Applicant must submit evidence to the Certifier that demonstrates:

- (a) A revised Aquifer Interference Impact Assessment, prepared in accordance with the NSW Aquifer Interference Policy and Framework (2012), has been submitted to and endorsed by the NSW Department of Climate Change, Energy, the Environment and Water – Water Group, **and**
- (b) A revised Dewatering Management Plan (DMP), has been submitted to and endorsed by the NSW Department of Climate Change, Energy, the Environment and Water – Water Group, and
- ~~(c) A Water Access Licence has been obtained prior to any water take occurring, unless an exemption under Clause 7 of Schedule 4 of the Water Management Regulation 2018 applies.~~

LANDSCAPING

B14. Prior to the commencement of above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:

- (a) is consistent with the landscape plans prepared by xeriscapes dated 12 December 2024 as amended by any requirement of these conditions;
- (b) includes details of tree planting;
- (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
- (d) demonstrates adequate drainage and watering systems;
- (e) includes details of plant maintenance and watering for the first 12 months; and
- (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

B15. Prior to the commencement of works, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:

- (a) all vehicles must enter and leave the site in a forward direction;
- (b) all vehicles must be wholly contained within the site, before being required to stop;
- (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
- (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
- (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
- (f) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
- (g) submit to the Certifier a Report demonstrating compliance with the following:
 - (i) Australian Standards for the layout, design and security of bicycle facilities;

- (ii) provision of electric vehicle charging infrastructure in accordance with the NCC;
- (iii) provisions of 66 car parking spaces in accordance with the relevant plans listed in Condition A1; and
- (iv) provision of bicycle storage for 28 bicycles and 8 visitor bicycle spaces which may include storage for electrical bicycles or mobility scooters, in accordance with the relevant plans listed in Condition A1.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

B16. Prior to the commencement of works, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included in the CPTED report prepared by Beam Planning dated 13 December 2024.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

B17. Prior to the commencement of above ground works, the Applicant must submit a Report to the Certifier from an acoustic Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Impact Assessment, prepared by Spectrum Acoustics dated June 2025.

BASIX CERTIFICATION

B18. Prior to the commencement of above ground works, the BASIX No. 1776956M_03 Certificate must be submitted to the Certifier with all of the commitments therein clearly shown on the Construction plans.

COLLECTION OF WASTE

B19. Prior to the commencement of works, a design certificate and detailed plans prepared by the architect must be submitted to the Certifier confirming that waste can be collected from the site as detailed in the Waste Minimisation and Management Plan prepared by CKDS, dated 28 May 2025.

AIRSPACE PROTECTION

B20. Prior to the commencement of above ground works, separate approval must be obtained from the Federal Department of Infrastructure, Transport, Regional Development and Communications (DITRC) under the Airports (Protection of Airspace) Regulations 1996 for any construction cranes that penetrate the Obstacle Limitation Surface.

B21. The Secretary shall be notified of any amendments to the approved development required by the determination of the DITRC, and any relevant approvals / modifications to existing approvals will need to be sought by the Applicant.

PLUMBING PERMIT

B22. Prior to the commencement of **any works water supply, stormwater or sewerage infrastructure works** approval pursuant to section 68 of the Local Government Act, 1993

(NSW) ~~to carry out water supply, stormwater and sewerage works~~ must be obtained from Tweed Shire Council.

All of the following must be clearly illustrated on the site plan accompanying the application for section 68 approval:

- Position and depth of the sewer (including junction);
- Stormwater drainage termination point;
- Easements;
- Water main; and
- Proposed water meter location.

WORKS IN ROAD RESERVE

B22. All proposed works within the public road and footway shall be designed and constructed to Council's standards and specifications and a copy of the detailed plans submitted to Council prior to work commencing. The applicant/developer shall arrange for necessary inspections by Council during works or following completion.

All redundant vehicular crossings must be removed and replace with a concrete footpath to match existing.

Streetscaping including two (2) locally occurring native species street trees on the Brett Street frontage road reserve, planted in accordance with Council's engineering specifications and standard drawings including drawing number SD701. Street trees are to comply with Development Design Specification D14 Landscaping public spaces and in particular D14.08.3C Tree planting and Location and D15 Works in proximity. Tree species are to be *Harpullia pendula* (Tulipwood), *Waterhousea floribunda* (Weeping Lilly Pilly) or similar equivalent to tie in with existing street tree species.

VENTILATION

B23. Prior to the commencement of mechanical plant and equipment works, the Applicant must submit to the Certifier details, prepared by a suitably qualified person certified in accordance with clause A2.2(a)(iii) of the NCC, that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, to ensure adequate levels of health and amenity for the occupants of the development and to ensure environment protection.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

B24. Prior to the issue of the first Crown building works certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the buildings and external elements around the buildings have been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B25. Prior to the commencement of any works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
 - (i) hours of work
 - (ii) 24 hour contact details of the site manager
 - (iii) community consultation and complaint handling procedure
 - (iv) traffic management
 - (v) noise and vibration management, prepared by a suitably qualified person
 - (vi) management of dust and odour to protect the amenity of the neighbourhood
 - (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
 - (viii) prevention and contamination management, including any unexpected contamination finds protocol
 - (ix) waste management
 - (x) external lighting in compliance with applicable Australian Standards
 - (xi) site security, including fencing or hoarding
 - (xii) flora and fauna management.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with Condition B27;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with Condition B28;
 - (d) Air Quality Management Sub-Plan in accordance with Condition B29;
 - (d) Construction Waste Management Sub-Plan in accordance with Condition B30;
 - (e) Construction Soil and Water Management Sub-Plan in accordance with Condition B30;
 - (f) an unexpected finds protocol for contamination and associated communications procedure in accordance with Condition B44;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure in accordance with Condition C29; and
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- B26. Prior to the commencement of any works, the Applicant must submit to the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP) for the development with measures to reduce environmental impacts and harm during construction of the development arising from construction traffic, including, at a minimum, the following information:

- (a) Location of any proposed work zone(s);
- (b) construction vehicle access arrangements and haulage routes;
- (c) predicted number and timing of construction vehicle movements and vehicle types;
- (d) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles; and
- (e) A copy of the final CPTMP.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

B27. Prior to the commencement of any works, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub Plan (CNVMP) for the development, prepared by a suitably qualified person, with measures to minimise environmental impacts and harm during construction of the development arising from construction noise and vibration, including, at a minimum, the following:

- (a) identification of noise sources and sensitive receivers;
- (b) quantification of the rating background noise level (RBL) for sensitive receivers;
- ((c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (ICNG) (as may be updated or replaced from time to time);
- (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG;
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures; and
 - (ii) alternative excavation methods;
- (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- (i) include a complaints management system that would be implemented for the duration of the development.

AIR QUALITY MANAGEMENT SUB-PLAN

B28. Prior to the commencement of works, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (AQMP) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:

- (a) relevant environmental criteria to be used to guide management of dust and odours;
- (b) dust and odour management practices to be implemented, including:
 - (i) watering of exposed surfaces and stockpiles;
 - (ii) covering of truck loads;
 - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
 - (iv) progressive land stabilisation works to minimise exposed surfaces;
 - (v) monitoring requirements;
 - (vi) communication strategy; and
 - (vii) system and performance review for continuous improvements; and
- (c) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

B29. Prior to the commencement of works, the Applicant must submit to the Certifier a Construction Waste Management Sub Plan (CWMP) for the development. The CWMP must include, as a minimum, the following information:

- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
- (b) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
- (c) procedures for minimising the movement of waste material around the site and double handling;
- (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) requirement that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; and
- (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
 - (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- B30. Prior to the commencement of works, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) for the development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during construction;
 - (b) details of measures to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (c) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - (d) detail all off-site flows from the site during construction; and
 - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- B31. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- B32. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works – the positions of all footings/ foundations;
 - (b) at other stages of construction – any marks that are required by the principal Certifier and provide information on the positions to the principal Certifier.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

- B33. Prior to the commencement of works, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- B34. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- B35. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- B36. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.

- B37. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- B38. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the occupation of the building.

SEWER – COUNCIL

- B39. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and advise the Certifier of its location and depth prior to commencing works.
- B40. Works in the vicinity of public infrastructure must comply with the following requirements:
- (a) No portion of any habitable structure may be erected within one metre of public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.
 - (b) The driveway concrete slab must contain construction joints or removable paving within one metre from the sewer, to enable council to remove and reinstate without destruction, and limit the scale of removal whilst undertaking construction works on the sewer. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
 - (c) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metre horizontally clear of sewer main.
 - (d) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted to be planted within one metre of the sewer to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping over the sewer shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.
 - (e) Deep soil planting zones are not permitted within one metre of the sewer to ensure adequate protection of council's public sewer infrastructure.

PUBLIC DOMAIN

- B41. Prior to the commencement of works, the Applicant must provide documentation and/or plans to the Certifier and must be approved by the Certifier demonstrating that the public domain works be generally in accordance with the Design Report prepared by CKDS and xeriscapes dated 24 October 2024.

CONSTRUCTION FLOOD MANAGEMENT

- B42. Prior to commencement of works, the Applicant must prepare and implement for the duration of the works:
- (a) flood warning and notification procedures for construction workers on the site; and (b) evacuation and refuge protocols.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- B43. Prior to the commencement of works, the Applicant must:

- (a) undertake Consultation with the relevant owner and provider of services that will be affected by the Development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- (b) prepare a dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
- (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

B44. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event that unexpected finds of contaminated material, including acid sulfate soils, are encountered during works.

PART C – DURING CONSTRUCTION

SITE NOTICE

- C1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction and noise complaints;
 - (c) the approved hours of work;
 - (d) the prohibition of unauthorised entry to the site.
- C2. The site notices must:
- (a) be positioned prominently at the site and inform the public of the key project details;
 - (b) have dimensions of at least A1 size with large writing;
 - (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

- C3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 6pm, Mondays to Fridays
 - (b) 8am to 1pm, Saturdays.
- C4. No work may be carried out on Sundays or public holidays.
- C5. Activities may be undertaken outside of the hours specified in Condition C3, if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out only between the following hours:
- (a) 9am to 12pm, Mondays to Fridays;
 - (b) 2pm to 5pm Mondays to Fridays; and
 - (c) 9am to 12pm, Saturdays.

IMPLEMENTATION OF MANAGEMENT PLANS

- C8. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- C9. Applicant must ensure that construction vehicles (including concrete agitator trucks) do not arrive at, or on, the Site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- C10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- C11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than three hours, with at least a one hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.
- C12. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (2016) Vibration in Buildings - Effects on Structures, English Translation* (German Institute for Standardisation, 2016);
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, February 2006) (as may be updated or replaced from time to time).
- C13. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

- C14. The Applicant must take all reasonable steps to minimise dust generated during all of the works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- C15. If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:
- (a) protect and support the building, structure or work from possible damage from the excavation; and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage, unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to the applicant that underpinning is not required.
- C16. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

TREE PROTECTION

C17. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside all tree protection zones.

EROSION AND SEDIMENT CONTROL

C18. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

CUT AND FILL

C19. Whilst building work is being carried out, the Certifier must be satisfied that all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before disposal to an approved waste management facility; and
- (b) the classification and the volume of material removed must be reported to the Certifier.

C20. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 (NSW) or must be a material identified as being subject to a resource recovery exemption by the EPA.

WATER SERVICE

C21. The development must be provided with a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by the property owner. Applications for the bulk water meter shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements.

DISPOSAL OF SEEPAGE AND STORMWATER

C22. Any seepage or rainwater collected on the site during construction or groundwater must not be **pumped discharged** to the street stormwater system unless ~~separate, prior approval, in writing is given by the EPA~~ **managed in accordance with the 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. All discharges must be undertaken** in accordance with the *Protection of the Environment Operations Act 1997* (NSW).

C22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval from the Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

C23. Council must be notified of any discharge of groundwater into Council's drainage system external to the site.

ASBESTOS

- C24. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant legislation and guidelines, including:
- (a) *Work Health and Safety Regulation 2017* (NSW);
 - (b) *SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace* (December 2022);
 - (c) *SafeWork NSW Code of Practice – How to Safely Remove Asbestos* (December 2022); and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014* (NSW), including Part 7 – ‘Transportation and management of asbestos waste’.

CONTACT TELEPHONE NUMBER

- C25. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

ABORIGINAL CULTURAL HERITAGE

- C26. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by ambs ecology + heritage dated May 2025.
- C27. All reasonable steps must be taken to avoid harm, modification, or other impacts to Aboriginal objects except as authorised by this approval.
- C28. The Registered Aboriginal Parties must be kept informed of the Development. The Registered Aboriginal Parties must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the Development.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- C29. If a Relic (as defined in the *Heritage Act 1977* (NSW)) or an Aboriginal object (as defined in the *National Parks and Wildlife Act 1974* (NSW)) is unexpectedly discovered:
- (a) all works must cease immediately;
 - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
 - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- C30. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

WATER SUPPLY, TAKE AND LICENSING

- C31. Should groundwater be intercepted, a water access license (WAL) must be obtained prior to any take occurring unless an exemption applies under the *Water Management (General) Regulation 2018*

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- C32. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and include details, including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an Incident;
 - (c) a description of the immediate steps taken in relation to the Incident; and
 - (d) identifying a contact person for further communication regarding the Incident.
- C33. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 to this development consent (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

- C34. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the noncompliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a noncompliance.

PART D – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

GENERAL REQUIREMENTS

NOTIFICATION OF OCCUPATION

- D1. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- D2. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

- D3. Prior to the occupation or commencement of use, the Applicant must provide documentation to the Certifier demonstrating that the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required by this consent.

BASEMENT CONSTRUCTION

- D4. Prior to the occupation or commencement of use, the Applicant must provide documentation to the Certifier demonstrating that the basement has been designed and constructed to be waterproofed or fully tanked.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- D5. Prior to occupation or commencement of use, the Applicant must provide a Report (Post-Construction Dilapidation Report) to the Certifier, stating:
- (a) whether, based on a comparison of the Pre-Construction Dilapidation Report and Post Construction Dilapidation Report, there has been any structural damage to any adjoining buildings infrastructure or roads;
 - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage which is the result of the carrying out of the Development;
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- D6. The Applicant must provide a copy of the Post-Construction Dilapidation Report, required by Condition D6, to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

- D7. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- D8. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
 - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development.
- D9. Prior to the occupation or commencement of the use of the Development, any damage identified in Condition D6 as being caused by the carrying out of the Development not subject to Condition D7 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- D10. Prior to the occupation or commencement of use, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development; and
 - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.
- D11. Prior to the occupation or commencement of use, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

COMPLIANCE WITH BASIX CERTIFICATE

- D12. Prior to the occupation or commencement of use, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- D13. Prior to the occupation or commencement of use, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating that the Development does not exceed the approved gross floor area and approved building height.

ACOUSTIC COMPLIANCE

- D14. Prior to the occupation or commencement of use, the Applicant must prepare and submit to the Certifier, a report prepared by a suitably qualified person, demonstrating compliance with all noise mitigation measures required under Condition B18.

STRUCTURAL INSPECTION CERTIFICATE

- D15. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- D16. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Structural Inspection Certificate or have been compared with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

- D17. Prior to the occupation or commencement of use, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
 - (b) verifies that a maintenance program under the Landscape Plan required under Condition B13 has been commenced;
 - (c) includes details of plant maintenance and watering for the first 12 months; and
 - (d) includes details of plant maintenance and watering for the life of the Development.

FIRE SAFETY CERTIFICATION

- D18. Prior to the occupation or commencement of use, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.
- D19. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

- D20. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
- (a) achieves the objective of minimising light spillage:
 - (i) beyond the property boundary; and
 - (ii) to any adjoining or adjacent Sensitive Receivers;
 - (b) complies with the latest version of *AS 4282-2023 - Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2023); and
 - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

CERTIFICATE OF COMPLIANCE – WATER MANAGEMENT ACT

- D21. Prior to the occupation or commencement of use of the development, a Certificate of Compliance issued under the Water Management Act 2000, for the development, is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

UTILITY PROVIDERS

- D22. Prior to the occupation or commencement of use, the Applicant must ensure that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.
- D23. Prior to the occupation or commencement of use, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

PARKING

- D24. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier evidence that the secure car and bicycle parking has been provided in accordance with Condition B15.
- D25. Prior to the occupation or commencement of use of the Development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

- D26. Prior to the occupation or commencement of use, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- D27. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an **Operational Plan of Management** for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
 - (b) management of communal areas and open spaces;
 - (c) loading and unloading;
 - (d) security and staff management;
 - (e) emergency management/ evacuation and incident response protocols;
 - (f) waste management;
 - (g) tenant induction and behaviour/ house rules;
 - (h) community consultation and complaint procedures.

D28. The Operational Plan of Management must be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

OPERATIONAL WASTE MANAGEMENT

D29. Prior to the occupation or commencement of use of the development, the Applicant must prepare an **Operational Waste Management Plan** for the development and submit it to the Certifier. The Operational Waste Management Plan must:

- (a) be prepared in consultation with Council;
- (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
- (c) confirm the location of waste collection and establish appropriate routes to the collection point;
- (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
- (e) detail the type and quantity of waste to be generated during operation of the development; and
- (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).

Note: Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the development.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

D30. Prior to the occupation or commencement of use of the development, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:

- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
- (b) specifies, but is not limited to, details of:
 - i. the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - ii. measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - iii. how vehicles larger than a 6.4m SRV delivering to the site must be managed.

GEOTECHNICAL CERTIFICATION

D31. Prior to occupation or commencement of use, a Geotechnical Engineer shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.

FLOOD EMERGENCY RESPONSE PLAN

D32. Prior to the occupation or commencement of use, the Applicant must submit a final **Flood Emergency Response Plan** (FERP) to the Certifier. The final FERP must incorporate measures to further manage flood risks presented by the basement.

STORMWATER

- D33. Prior to the occupation or commencement of use, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- D34. Prior to the occupation or commencement of use, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan** that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
 - (b) specifies, but is not limited to:
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information; and
 - (iv) Work Health and Safety requirements.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- D35. Prior to the occupation or commencement of use, the Applicant must submit to the Certifier evidence that the Development has implemented all the CPTED measures set out in Condition B16.

REGISTRATION OF EASEMENTS

- D36. Prior to occupation or commencement of use, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

ENGINEERING CERTIFICATION OF PUBLIC INFRASTRUCTURE

- D37. All works relating to public infrastructure must be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to the occupation or commencement of use.

RETAINING STRUCTURES

- D38. Retaining structures greater than 1.2m in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the Certifier prior to occupation.

PART E – POST OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- E1. Following occupation or commencement of use and throughout the life of the Development, the Applicant must:
- (a) implement the Stormwater Operational Maintenance Plan required by Condition D30; and
 - (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

- E2. Following the occupation or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.
- E3. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site;
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

- E4. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with this consent;
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- E5. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage. Temporary waste holding is permitted within designated areas only as per the approved plans of this consent.
- E6. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

LANDSCAPING

- E7. Landscaping for the Development must be carried out and maintained in accordance with the approved Landscape Plan required under Condition B13.

GREEN TRAVEL PLAN

- E8. The Green Travel Plan, prepared by SECA solution, dated 28 November 2024 and approved under this consent shall be implemented following occupation of the development. The Green Travel Plan must be reviewed and updated annually and implemented for the life of the development.

FIRE SAFETY CERTIFICATION

- E9. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- E10. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

NOISE

- E11. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

BASIX CERTIFICATION

- E12. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1776956M_03 and any updated certificate issued if amendments are made.

DWELLING USE

- E13. A minimum of 80 dwellings within the development must be used for the purpose of social housing in perpetuity in accordance with the Response to Submissions Report, prepared by Beam Planning and dated 22 July 2025.

ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
 - (b) certificates under Part 6 of the EP&A Act;
 - (c) approval under section 138 of the *Roads Act 1993* (NSW) for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
 - (d) approvals for the installation of any hoardings over Council footways or road reserves;
 - (e) approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
 - (b) environmental laws including Protection of the *Environment Operations Act 1997* (NSW) and its regulations;
 - (c) *Disability Discrimination Act 1992* (Cth);
 - (d) *Building and Construction Industry Long Service Payments Act 1986* (NSW);
 - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
 - (f) *Airports (Protection of Airspace) Regulations 1996* (Cth).
- AN6. The Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* (NSW) agrees; and
 - (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. The operation and maintenance of warm water systems and water-cooling systems (as defined under the *Public Health Act 2010* (NSW)) must comply with the *Public Health Act 2010* (NSW), *Public Health Regulation 2012* (NSW) the *Legionnaires' Disease Control Guideline* (version 3.3, dated 9 May 2023, prepared by NSW Health), and applicable Australian Standards.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition C30 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition C30), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition C31):
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident; and
 - (e) a summary of the Incident;
 - (f) outcomes of an Incident investigation, including identification of the cause of the Incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the Incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.

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