

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission) as the declared consent authority under section 2.7 of State Environmental Planning Policy (Planning Systems) 2021 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, grants 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
- protect the amenity of the locality
- ensure amenity for future residents

Member of the Commission	Member of the Commission	Member of the Commission
Sydney	[DATE]	File: SSD 47105958

SCHEDULE 1

Application Number:	SSD 47105958
Application lodged by:	Uniting (NSW.ACT)
Consent Authority:	Independent Planning Commission
Site:	24A Kingscliff Street and 27, 29, 31, and 33 Lorien Way, Kingscliff [Lot 1 DP 833926 and Lots 5, 6, 7 and 8 DP 1016883]
Development:	Seniors housing development comprising: • site preparation works, bulk earthworks, demolition of existing buildings and structures, removal of trees and vegetation; • construction of seven buildings, including two single level basements, providing for: ○ 199 independent living units (ILU) within Buildings A to F; ○ a 120-bed residential aged care facility (RCF) building; ○ ancillary communal seniors housing facilities and amenities; • two vehicle entrances, internal circulation roads and pedestrian paths; • 322 surface and basement car parking spaces, 23 bicycle spaces and service vehicle, mini-bus and ambulance bays; • communal and private open spaces, hard and soft landscaping, retention of one tree and provision of replacement trees; and • stormwater and flooding infrastructure works and two electrical sub-stations.

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act.

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.

Above ground works	Above ground works means any works to a proposed building within the development above the ground floor slab
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
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 International Limited and means the standard which applies at the time the relevant work or action is undertaken
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Consultation	When capitalised, 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
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	Where capitalised, means the Development approved pursuant to this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EIS	The Environmental Impact Statement titled ' <i>Environmental Impact Statement Seniors Housing, Uniting Kingscliff Revision C</i> ', prepared by Planit Consulting and dated 16 May 2024 submitted with the application for consent for the Development, including the Applicant's response to submissions and any additional information provided by the Applicant in support of the application.
Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i>
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act
EV	Electric vehicle
Feasible	Means what is possible and practical in the circumstances
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>
ILU	Independent Living Unit

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
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
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
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
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
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the property from time to time.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate)
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RCF	Residential Care Facility
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a suitably qualified 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 expert specified
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
Site	The land identified in Schedule 1
SSD	State Significant Development

SCHEDULE 2

PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The Development must be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with the EIS, including the Applicant's response to submissions, and the Applicant's responses to requests for further information; and
- (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by Plus Architecture			
Drawing Number	Issue	Name of Plan	Date
PLA-DRW- DA-0001	C	OVERALL SITE DRAWING SCHEDULE	30.05.2025
PLA-DRW- DA-0040	C	OVERALL SITE EXTERNAL FINISHES SCHEDULE	30.05.2025
PLA-DRW- DA-0102	C	OVERALL SITE SITE – PROPOSED MASTERPLAN	30.05.2025
PLA-DRW- DA-0104	C	OVERALL SITE SITE MASTER PLAN - BASEMENT	30.05.2025
PLA-DRW- DA-0105	C	OVERALL SITE SITE MASTER PLAN - GROUND LEVEL	30.05.2025
PLA-DRW- DA-0106	C	OVERALL SITE SITE MASTER PLAN - LEVEL 01	30.05.2025
PLA-DRW- DA-0107	C	OVERALL SITE SITE MASTER PLAN - LEVEL 02	30.05.2025
PLA-DRW- DA-0108	C	OVERALL SITE SITE MASTER PLAN - LEVEL 03	30.05.2025
PLA-DRW- DA-0109	C	OVERALL SITE SITE MASTER PLAN - ROOF PLAN	30.05.2025
PLA-DRW- DA-0110	C	OVERALL SITE SITE PLAN - STAGE 1	30.05.2025
PLA-DRW- DA-0113	C	OVERALL SITE SITE PLAN - STAGE 2	30.05.2025
PLA-DRW- DA-0200	C	OVERALL SITE SITE ELEVATION - NORTH	30.05.2025
PLA-DRW- DA-0201	C	OVERALL SITE SITE ELEVATION - EAST	30.05.2025
PLA-DRW- DA-0202	C	OVERALL SITE SITE ELEVATION - SOUTH	30.05.2025
PLA-DRW- DA-0203	C	OVERALL SITE SITE ELEVATION - WEST	30.05.2025
PLA-DRW- DA-0300	C	OVERALL SITE SITE SECTION AA	30.05.2025
PLA-DRW- DA-0301	C	OVERALL SITE SITE SECTION BB & CC	30.05.2025
PLA-DRW- DA-0302	C	OVERALL SITE SITE SECTION DD & EE & FF	30.05.2025
PLA-DRW- DA-0303	A	OVERALL SITE SITE SECTION – GG & HH GLAZING SEPARATION	30.05.2025
PLA-DRW- DA-0431	C	OVERALL SITE DEEP SOIL ZONES	30.05.2025
PLA-DRW- DA-0440	A	OVERALL SITE COMMUNAL OPEN SPACE – STAGE 1	30.05.2025
PLA-DRW- DA-0441	C	OVERALL SITE COMMUNAL OPEN SPACE	30.05.2025
PLA-DRW- DA-0451	C	OVERALL SITE FLOOR SPACE RATIO	30.05.2025
PLA-DRW- DA-0500	C	OVERALL SITE DEVELOPMENT SUMMARY	30.05.2025
PLA-DRW- DA-A100	C	BUILDING A FLOOR PLAN - GROUND LEVEL	30.05.2025
PLA-DRW- DA-A101	C	BUILDING A FLOOR PLAN - LEVEL 01	30.05.2025
PLA-DRW- DA-A102	C	BUILDING A FLOOR PLAN - ROOF PLAN	30.05.2025
PLA-DRW- DA-A200	C	BUILDING A BUILDING ELEVATION - NORTH	30.05.2025
PLA-DRW- DA-A201	C	BUILDING A BUILDING ELEVATION - SOUTH	30.05.2025
PLA-DRW- DA-A202	C	BUILDING A BUILDING ELEVATION - EAST	30.05.2025
PLA-DRW- DA-A203	C	BUILDING A BUILDING ELEVATION - WEST	30.05.2025
PLA-DRW- DA-A300	C	BUILDING A BUILDING SECTION A1	30.05.2025

PLA-DRW- DA-A301	C	BUILDING A BUILDING SECTION A2	30.05.2025
PLA-DRW- DA-A600	C	BUILDING A GFA DIAGRAMS	30.05.2025
PLA-DRW- DA-B100	C	BUILDING B FLOOR PLAN - GROUND LEVEL	30.05.2025
PLA-DRW- DA-B101	C	BUILDING B FLOOR PLAN - TYPICAL LEVELS 01 - 02	30.05.2025
PLA-DRW- DA-B103	C	BUILDING B FLOOR PLAN - LEVEL 03	30.05.2025
PLA-DRW- DA-B104	C	BUILDING B FLOOR PLAN - ROOF PLAN	30.05.2025
PLA-DRW- DA-B200	C	BUILDING B BUILDING ELEVATION - NORTH	30.05.2025
PLA-DRW- DA-B201	C	BUILDING B BUILDING ELEVATION - SOUTH	30.05.2025
PLA-DRW- DA-B202	C	BUILDING B BUILDING ELEVATION - EAST	30.05.2025
PLA-DRW- DA-B203	C	BUILDING B BUILDING ELEVATION - WEST	30.05.2025
PLA-DRW- DA-B300	C	BUILDING B BUILDING SECTION B1	30.05.2025
PLA-DRW- DA-B301	C	BUILDING B BUILDING SECTION B2	30.05.2025
PLA-DRW- DA-B600	C	BUILDING B GFA DIAGRAMS	30.05.2025
PLA-DRW- DA-C100	C	BUILDING C FLOOR PLAN - GROUND LEVEL	30.05.2025
PLA-DRW- DA-C101	C	BUILDING C FLOOR PLAN - TYPICAL LEVELS 01 - 02	30.05.2025
PLA-DRW- DA-C103	C	BUILDING C FLOOR PLAN - LEVEL 03	30.05.2025
PLA-DRW- DA-C104	C	BUILDING C FLOOR PLAN - ROOF PLAN	30.05.2025
PLA-DRW- DA-C200	C	BUILDING C BUILDING ELEVATION - NORTH	30.05.2025
PLA-DRW- DA-C201	C	BUILDING C BUILDING ELEVATION - SOUTH	30.05.2025
PLA-DRW- DA-C202	C	BUILDING C BUILDING ELEVATION - EAST	30.05.2025
PLA-DRW- DA-C203	C	BUILDING C BUILDING ELEVATION - WEST	30.05.2025
PLA-DRW- DA-C300	C	BUILDING C BUILDING SECTION C1	30.05.2025
PLA-DRW- DA-C301	C	BUILDING C BUILDING SECTION C2	30.05.2025
PLA-DRW- DA-C600	C	BUILDING C GFA DIAGRAMS	30.05.2025
PLA-DRW- DA-D100	C	BUILDING D FLOOR PLAN - GROUND LEVEL	30.05.2025
PLA-DRW- DA-D101	C	BUILDING D FLOOR PLAN - TYPICAL LEVELS 01 - 02	30.05.2025
PLA-DRW- DA-D103	C	BUILDING D FLOOR PLAN - LEVEL 03	30.05.2025
PLA-DRW- DA-D104	C	BUILDING D FLOOR PLAN - ROOF PLAN	30.05.2025
PLA-DRW- DA-D200	C	BUILDING D BUILDING ELEVATION - NORTH	30.05.2025
PLA-DRW- DA-D201	C	BUILDING D BUILDING ELEVATION - SOUTH	30.05.2025
PLA-DRW- DA-D202	C	BUILDING D BUILDING ELEVATION - EAST	30.05.2025
PLA-DRW- DA-D203	C	BUILDING D BUILDING ELEVATION - WEST	30.05.2025
PLA-DRW- DA-D300	C	BUILDING D BUILDING SECTION D1	30.05.2025
PLA-DRW- DA-D301	C	BUILDING D BUILDING SECTION D2	30.05.2025
PLA-DRW- DA-D600	C	BUILDING D GFA DIAGRAMS	30.05.2025
PLA-DRW- DA-E100	C	BUILDING E FLOOR PLAN - GROUND LEVEL	30.05.2025
PLA-DRW- DA-E101	C	BUILDING E FLOOR PLAN - TYPICAL LEVELS 01 - 02	30.05.2025
PLA-DRW- DA-E103	C	BUILDING E FLOOR PLAN - LEVEL 03	30.05.2025
PLA-DRW- DA-E104	C	BUILDING E FLOOR PLAN - ROOF PLAN	30.05.2025
PLA-DRW- DA-E200	C	BUILDING E BUILDING ELEVATION - NORTH	30.05.2025
PLA-DRW- DA-E201	C	BUILDING E BUILDING ELEVATION - SOUTH	30.05.2025
PLA-DRW- DA-E202	C	BUILDING E BUILDING ELEVATION - EAST	30.05.2025
PLA-DRW- DA-E203	C	BUILDING E BUILDING ELEVATION - WEST	30.05.2025
PLA-DRW- DA-E300	C	BUILDING E BUILDING SECTION E1	30.05.2025

PLA-DRW- DA-E301	C	BUILDING E BUILDING SECTION E2	30.05.2025
PLA-DRW- DA-E600	C	BUILDING E GFA DIAGRAMS	30.05.2025
PLA-DRW- DA-F100	C	BUILDING F FLOOR PLAN - GROUND LEVEL	30.05.2025
PLA-DRW- DA-F101	C	BUILDING F FLOOR PLAN - TYPICAL LEVELS 01 - 02	30.05.2025
PLA-DRW- DA-F103	C	BUILDING F FLOOR PLAN - LEVEL 03	30.05.2025
PLA-DRW- DA-F104	C	BUILDING F FLOOR PLAN - ROOF PLAN	30.05.2025
PLA-DRW- DA-F200	C	BUILDING F BUILDING ELEVATION - NORTH	30.05.2025
PLA-DRW- DA-F201	C	BUILDING F BUILDING ELEVATION - SOUTH	30.05.2025
PLA-DRW- DA-F202	C	BUILDING F BUILDING ELEVATION - EAST	30.05.2025
PLA-DRW- DA-F203	C	BUILDING F BUILDING ELEVATION - WEST	30.05.2025
PLA-DRW- DA-F300	C	BUILDING F BUILDING SECTION F1	30.05.2025
PLA-DRW- DA-F301	C	BUILDING F BUILDING SECTION F2	30.05.2025
PLA-DRW- DA-F600	C	BUILDING F GFA DIAGRAMS	30.05.2025
PLA-DRW- DA-R100	C	RAC FLOOR PLAN - GROUND LEVEL	30.05.2025
PLA-DRW- DA-R101	C	RAC FLOOR PLAN - LEVEL 01	30.05.2025
PLA-DRW- DA-R102	C	RAC FLOOR PLAN - LEVEL 02	30.05.2025
PLA-DRW- DA-R103	C	RAC FLOOR PLAN - LEVEL 03	30.05.2025
PLA-DRW- DA-R104	C	RAC FLOOR PLAN - ROOF PLAN	30.05.2025
PLA-DRW- DA-R200	C	RAC BUILDING ELEVATION - NORTH	30.05.2025
PLA-DRW- DA-R201	C	RAC BUILDING ELEVATION - SOUTH	30.05.2025
PLA-DRW- DA-R202	C	RAC BUILDING ELEVATION - EAST	30.05.2025
PLA-DRW- DA-R203	C	RAC BUILDING ELEVATION - WEST	30.05.2025
PLA-DRW- DA-R300	C	RAC BUILDING SECTION R1	30.05.2025
PLA-DRW- DA-R301	C	RAC BUILDING SECTION R2	30.05.2025
PLA-DRW- DA-R600	C	RAC GFA DIAGRAMS	30.05.2025
PLA-DRW- DA-R610	C	RAC SMOKE COMPARTMENTS	30.05.2025
PLA-DRW- DA-R701	C	RAC FLOOR PLAN - LEVEL 02 FERP	30.05.2025
PLA-DRW- DA-R702	C	RAC FLOOR PLAN - LEVEL 03 FERP	30.05.2025
Landscape drawings prepared by Urbis			
Drawing Number	Rev	Name of Plan	Date
051-T1	A	TREE INVENTORY PLAN	16.04.25
052-T1	A	TREE INVENTORY SCHEDULE	16.04.25
URB-LA-000-CSB	B	COVER SHEET	11.10.24
URB-LA-031-PSB	B	PLANT SCHEDULE	11.10.24
URB-LA-301-PLB	B	PLANTING PLAN	11.10.24
URB-LA-302-PLB	B	PLANTING PLAN	11.10.24
URB-LA-303-PLB	B	PLANTING PLAN	11.10.24
URB-LA-304-PLB	B	PLANTING PLAN	11.10.24
URB-LA-305-PLB	B	PLANTING PLAN	11.10.24
URB-LA-306-PLB	B	PLANTING PLAN	11.10.24
URB-LA-307-PLB	B	PLANTING PLAN	11.10.24
URB-LA-308-PLB	B	PLANTING PLAN	11.10.24
URB-LA-309-PLB	B	PLANTING PLAN	11.10.24

URB-LA-310-PLB	B	PLANTING PLAN	11.10.24
URB-LA-311-PLB	B	PLANTING PLAN	11.10.24
03.11		LANDSCAPE DESIGN STRUCTURE DIAGRAM – PLANTING	
Civil drawings prepared by Enscape Studio			
Drawing Number	Rev	Name of Plan	Date
C-01	C	COVER SHEET AND DRAWING LIST	13.03.24
C-02	C	SEDIMENT & EROSION CONTROL PLAN – STAGE 1	12.03.24
C-03	B	SEDIMENT & EROSION CONTROL DETAILS	25.10.23
C-04	A	SEDIMENT & EROSION CONTROL PLAN – STAGE 2	13.03.24
C-10	E	BULK EARTHWORKS PLAN	13.03.24
C-11	D	BULK EARTHWORKS SECTIONS	13.03.24
C-20	D	STORMWATER MANAGEMENT PLANS – SHEET 1	13.03.24
C-21	D	STORMWATER MANAGEMENT PLANS – SHEET 2	13.03.24
C-22	D	STORMWATER MANAGEMENT PLANS – SHEET 3	13.03.24
C-23	D	STORMWATER MANAGEMENT PLANS – SHEET 4	13.03.24
C-24	C	STORMWATER MANAGEMENT PLANS – SHEET 5	11.12.23
C-25	C	STORMWATER LONG SECTIONS – SHEET 1	11.12.23
C-26	B	STORMWATER LONG SECTIONS – SHEET 2	25.10.23
C-27	B	STORMWATER ONSITE DETENTION DETAILS	25.10.23
C-28	B	STORMWATER MANAGEMENT DETAILS	25.10.23
C-30	D	ROAD CONTROL STRING PLAN	13.03.24
C-31	B	ROAD LONG SECTION – SHEET 1	25.10.23
C-32	C	ROAD LONG SECTION – SHEET 2	11.12.23
C-100	A	OVERALL LAYOUT STAGE 1	01.05.25
SKC-10	A	SERVICE CORRIDOR SECTIONS	11.03.25
Fire Protection Services drawings prepared by ADP Consulting			
Drawing Number	Rev	Name of Plan	Date
WFP-UK-101	A	LEGEND OF SYMBOLS & GENERAL NOTES	
WFP-UK-RAC-201	[A]	RAC BUILDING GROUND FLOOR WET FIRE SERVICES	21/03/25
WFP-UK-RAC-202	[A]	RAC BUILDING LEVEL 1 WET FIRE SERVICES	21/03/25
WFP-UK-RAC-203	[A]	RAC BUILDING LEVEL 2 WET FIRE SERVICES	21/03/25
WFP-UK-RAC-204	[A]	RAC BUILDING LEVEL 3 WET FIRE SERVICES	21/03/25
WFP-UK-RAC-200	[A]	RAC BUILDING BASEMENT FLOOR WET FIRE SERVICES	21/03/25
DFP-UK-RAC-201	[A]	RAC BUILDING GROUND FLOOR DRY FIRE SERVICES	21/03/25
DFP-UK-RAC-202	[A]	RAC BUILDING LEVEL 1 DRY FIRE SERVICES	21/03/25
DFP-UK-RAC-203	[A]	RAC BUILDING LEVEL 2 DRY FIRE SERVICES	21/03/25
DFP-UK-RAC-204	[A]	RAC BUILDING LEVEL 3 DRY FIRE SERVICES	21/03/25

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.

A2. To the extent of any inconsistency:

- (a) the more recent document in Condition A1(a) prevails over an earlier document in that section; and
- (b) the conditions of consent prevail over a document listed in Condition A1(c).

- A3. 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

- A4. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A5. This consent does not approve the following:
- (a) building and business identification signage;
 - (b) subdivision or lot consolidation; and
 - (c) tree removal outside the site boundaries, including within the Council Sewer Pump Station.
- A6. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).

INFRASTRUCTURE CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

- A7. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Tweed Shire Council's Development Contribution Plan(s) Nos. 4, 7, 11, 12, 13, 15, 18, 22 and 26 has been paid to Council. Council must be contacted for calculation of required contributions.

AGENCY CONDITIONS

BIODIVERSITY OFFSETS

- A8. Prior to the issue of the first Construction Certificate, the Applicant must retire biodiversity credits of a number and class specified in **Table 1** and **Table 2** below, unless the Planning Secretary agrees otherwise. The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:
- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
 - (b) making payments into an offset fund that has been developed by the NSW Government; or
 - (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Ecosystem Credits Required
Far North Paperbark Fern Swamp Forest	PCT 3989	6
TOTAL		6

Table 2: Species Credit Requirements

Credit Species	Species Credits Required
Wallum Froglet (<i>Crinia tinnula</i>)	4
Bush Stone-curlew (<i>Burhinus grallarius</i>)	9
TOTAL	13

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

DESIGN AMENDMENTS

- B1. Prior to the issue of the Construction Certificate for the relevant façade and basement works, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary:
- (a) measures to prevent overlooking between Building G (the RCF) and Building F (such as, but not limited to, window treatment, screening, conversion to highlight windows or deletion of windows). The measures must be applied to in the following locations of Building G (the RCF):
 - (i) east facing windows at Levels 02 and 03 to the sitting rooms labelled HHF02;
 - (ii) east facing windows at Levels 02 and 03 to the balconies labelled HHF08; and
 - (b) demonstrate the construction of all basements will be of a 'tanked' / fully sealed design and include written confirmation from an engineer.

MATERIALS AND FINISHES

- B2. Prior to the issue of the first Construction Certificate for the relevant external façade works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
 - (b) specifications for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B3. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report from an 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 to 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 throughout building work; and
 - (f) details of written approvals that have been 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).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B4. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the '*Environmentally Sustainable Design SEARS Response Report (Revision 7)*', prepared by ADP Consulting and dated 8 March 2024.

STRUCTURAL DETAILS

- B5. Prior to the issue of the first Construction Certificate for basement and above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.

LANDSCAPING

- B6. Prior to the issue of the Construction Certificate for relevant landscape works, the Applicant must submit to the Certifier a final detailed Landscape Plan which:
- (a) is generally consistent with the landscape plans and reports prepared by Urbis as approved under **condition A1**, as amended by any requirement of these conditions;
 - (b) includes details of tree planting, comprising:
 - (i) no less than 332 trees;
 - (ii) a minimum of 80% locally occurring native tree species to the Tweed Shire
 - (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;
 - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period;
 - (g) demonstrates that no declared weed species listed under the NSW Biosecurity Act 2015 (or as amended) is included within the planting schedule.

Note: Locally occurring native species to the Tweed Shire are taken to mean species listed under the Tweed Shire Native Species Planting Guide available online at: www.tweed.nsw.gov.au/environment/native-plants-wildlife/native-plants

PARKING

- B7. Prior to the issue of the Construction Certificate for basement and vehicle access 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 subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on 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 (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS, AS2890.1-2004 and AS2890.2: 2018;
 - (g) compliance with the following parking requirements:
 - (i) compliance with Australian Standards for the layout, design and security of bicycle facilities;
 - (ii) provision of electric vehicle charging infrastructure in accordance with the NCC;
 - (iii) provision of 322 car parking spaces in alignment with the Transport Impact Assessment by ptc., dated 13 April 2024, comprising:
 - 236 ILU spaces;
 - 40 RCF spaces;
 - 23 general spaces; and
 - 23 church spaces incorporating two accessible spaces.
 - (iv) provision of 24 bicycle parking spaces (6 visitor spaces at ground floor level and 18 resident / staff spaces at basement level);
 - (v) provision of one ambulance bay for the residential care facility; and
 - (vi) provision of two loading and unloading bays (one for the RCF and one for ILUs).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B8. Prior to the issue of the first Construction Certificate for above ground 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 (CPTED) assessment management and mitigation measures included at Section 6.6.2 within the '*Environmental Impact Statement Revision C*', prepared by Planit Consulting and dated 16 May 2024.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B9. Prior to the issue of the Construction Certificate for 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 '*SEARs Construction and Operational Noise and Vibration Assessment Revision 06*' prepared by ADP Consulting and dated 06 June 2025.
- B10. If windows are fixed or are required to remain closed in order to satisfy the requirements of Condition B9, then a system of mechanical ventilation complying with the relevant provisions of the NCC 2019 Volume 1 (Amendment 1) shall be installed to service all habitable areas of the dwelling.

BASIX CERTIFICATION

- B11. Prior to the issue of the Construction Certificate for above ground works, BASIX Certificate No. 1733956M Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

REFLECTIVITY

- B12. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit a report to the Certifying Authority demonstrating that the visible light reflectivity from the building materials used on the facades of any building or structures shall not exceed 20% and shall be designed to minimise glare.

FIRE SPRINKLER SYSTEM

- B13. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit plans and a report to the Certifier from a suitably qualified consultant and/or engineer demonstrating that the residential aged care facility will be fitted with a comprehensive fire sprinkler system that complies with the applicable Australian Standards and guidelines.
- B14. Prior to issue of a Construction Certificate for above ground works, the Applicant must submit plans / evidence to the Certifier confirming that an internal stairway is widened to 1.2m within the residential care facility, as detailed in the amended Flood Emergency Response Plan prepared by Water Technology, dated 10 June 2025.

HOUSING SEPP SCHEDULE 4

- B15. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit plans and a report to the Certifier from a suitably qualified consultant confirming that development relating to the ILUs complies with the relevant building and layout design standards of Schedule 4 of the Housing SEPP.

FOOD PREPARATION / PREMISES

- B16. Prior to the issue of the first Construction Certificate for the 'fit-out' of on-site communal amenities in which food is to be prepared and served, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the proposed design and construction satisfies the relevant requirements of the *Food Act 2003*, the Australian and New Zealand Food Standards Code and AS 4674-(2004) - Design, construction and fit-out of food premises (or its latest version).

STORMWATER MANAGEMENT SYSTEM

- B17. Prior to the issue of the first Construction Certificate, 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). The management system must:
- (a) demonstrate that it has incorporated all requirements, infrastructure, performance parameters, engineering assumptions and the recommendations (including finished floor levels) contained within:
 - (i) the '*Flood Impact Assessment Report (Version 5)*', prepared by Venant Solutions and dated 27 September 2024;
 - (ii) the '*Stormwater Management Plan*', prepared by Enscape Studio and dated 13 March 2024 (as amended by conditions of this consent);
 - (b) be in accordance with Council's stormwater requirements and specifications as set out in the Tweed Urban Stormwater Quality Management Plan and Council's Development Design Specification D7 - Stormwater Quality;

- (c) be in accordance with applicable Australian Standards;
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
- (e) ensure any treatment basins provided include a facility to bypass major stormwater flow events (greater than the Q3 month storm event), or otherwise cater for major storm flows without disturbing captured pollutants or damaging the structure; and
- (f) include an Operational Manual for all Stormwater Quality Control Devices. This manual must be updated as required during the Defects Liability ("On-Maintenance") Period for the device and the final version of the manual must be handed over to Council at the formal commissioning of the device, at the completion of the Defects Liability Period ("Off Maintenance").

Note: Variations to standards at sub-condition (b) shall only be accepted where they are supported by best practice water sensitive urban design principles entailed in the "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership)

COUNCIL'S WATER ASSETS

- B18. Prior to the issue of the Construction Certificate for bulk excavation works, the plans approved under this consent must be submitted to Council, to determine whether the Development will affect Council's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of Council.

GROUNDWATER MANAGEMENT

- B19. Prior to the issue of the Construction Certificate for bulk excavation works, the Applicant must submit evidence to the Certifier that a Dewatering Management Plan has been submitted to and endorsed by the NSW Department of Climate Change, Energy, the Environment and Water – Water Group. The DMP must:
- (a) be prepared in accordance with the guideline 'Minimum requirements for building site groundwater investigations and reporting (DPE 2022)';
 - (b) include 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;
 - (c) include contingencies should the predicted dewatering timeframe need to be extended;
 - (d) include a statement of commitment for the submissions of a dewatering completion report; and
 - (e) be submitted to Council for its information.

COUNCIL'S CONDITIONS

WATER AND SEWER INFRASTRUCTURE

- B20. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier an updated water and sewer services plan (WSSP) that has been prepared in consultation with Council. The WSSP must
- (a) demonstrate that the proposed design is compliant with all relevant governing specifications; and
 - (b) consider directing the development's entire sewer load directly to the Sewer Pump Station.
- B21. Prior to the issue of the first Construction Certificate, the Applicant must submit evidence to the Certifier demonstrating compliance with the following requirements:
- (a) no portion of any habitable structure may be erected within any easement or within one metre where no easement exists for public infrastructure over the subject site, unless reviewed and approved by Council. 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) retaining walls are only permitted over the public sewer at the site boundaries and as detailed on the approved plans in **Condition A1**. The structure must be designed to provide structural bridging over the pipe, as specified by Council, so as not to impose load on the pipe and to facilitate maintenance of the pipe without adverse effects on the wall's structural integrity and stability;
 - (c) surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, asphalt, road pavement, concrete slab with construction joints along the alignment of the sewer easement (or one meter from the sewer if no easement exists) or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. 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;

- (d) 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;
- (e) trees and other landscaping that will grow to over one metre in height at maturity are not permitted to be planted within the sewer easement or within one metre of the sewer if no easement exists 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; and
- (f) deep soil planting zones are not permitted within the sewer easement or within one metre of the sewer if no easement exists to ensure adequate protection of council's public sewer infrastructure.

SECTION 68 APPLICATION

B22. Prior to the issue of the first Construction Certificate, the Applicant must submit evidence to the Certifier demonstrating that a Section 68 application has been submitted to and approved by Council, together with any prescribed fees (including inspection fees) for works that involve any of the following:

- (a) any water, sewerage, on site sewerage management system, or stormwater drainage works;
- (b) installation of stormwater treatment and quality control devices;
- (c) erosion and sediment control works; and
- (d) any works that is likely to disturb or impact upon water, sewer or drainage infrastructure (e.g., extending, relocating or lowering of pipeline).

B23. Any Section 68 application submitted in accordance with **Condition B23** must:

- (a) include engineering detail of the 'non return value' to prevent backflow effects from the proposed piped stormwater drainage system through the development;
- (b) include operational and maintenance detail;
- (c) include detailed survey by a Registered Surveyor relating to all property boundaries surrounding the development. The additional survey is to clarify if additional stormwater drainage is required along any property boundary to ensure no drainage impacts occur to neighbouring properties from the development;
- (d) include engineering details of minor and major stormwater drainage as detailed in the '*Stormwater Management Plan*', prepared by Enscape Studios and dated 13 March 2024. An updated Stormwater Management Plan with updated Survey detail for all property boundaries is to accompany the Engineering details / drawings;
- (e) demonstrate that:
 - (i) the peak stormwater flow rate that is discharged from the site to the public realm, in events of intensity up to the 1% AEP design storm, shall not exceed 200 l/s/ha. This can be achieved by on-site stormwater detention (OSD) utilising above and or below ground storage;
 - (ii) OSD devices including discharge control pits comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge and site storage requirements in the handbook do not apply to Tweed Shire; and
 - (iii) all stormwater must initially be directed to the discharge control pits.

B24. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Note: Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

FLOOD DESIGN AND PROTECTION

B25. Prior to the issue of a Construction Certificate for above ground works, building flood protection details must be submitted to the Certifier to address the flood compatibility of the proposed structure including the following specific matters:

- (a) the Planning Flood Level for the buildings are RL 4.1m AHD;
- (b) all building materials used below the Planning Flood Level must not be susceptible to water damage;

- (c) subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the Design Flood Level. All electrical wiring installed below the Design Flood Level shall be suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices; and
 - (d) define adequate provision for the flood free storage for goods and equipment susceptible to water damage.
- B26. Prior to the issue of the Construction Certificate for the basement level works, basement flood protection details must be submitted to the Certifier demonstrating:
- (a) the basement car parking is protected against the inflow of water to a level of 500mm above the Flood Design Level of RL 3.6m AHD in accordance with Tweed Shire Council Development Control Plan Part A3 - Development of Flood Liable Land;
 - (b) a pump system must be designed:
 - (i) for a storm event with a 10 year average return interval (ARI 10) and shall have failsafe measures in place such that property (onsite and adjacent) is protected against pump failure. Consequences of the 1% AEP storm event must also be addressed; and
 - (ii) and installed in accordance with Section 9 of AS/NZS3500.3.2 1998 'National Plumbing and Drainage - Part 3.2: Stormwater Drainage - Acceptable Solutions'.
- B27. Prior to the issue of a Construction Certificate for above ground works, a certificate signed by a practising structural engineer with regard to the stability as a result of flooding (Probable Maximum Flood) is to be submitted to the Certifier to certify the structural adequacy of all residential buildings

MECHANICAL VENTILATION

- B28. Prior to the issue of a Construction Certificate for above ground works, detailed plans of the mechanical exhaust ventilation system must be submitted to the Certifier. The plans must:
- (a) be prepared by a suitably qualified person
 - (b) be in accordance with *Australian Standard 1668*: - The use of ventilation and air conditioning in buildings; and
 - (c) ensure all generate heated air, smoke, fumes, steam or grease vapours do not cause a nuisance to persons within or nearby to the premises, or cause air pollution as defined under the *NSW Protection of the Environment Operations Act 1997*.

EVIDENCE OF PAYMENT OF BIODIVERSITY CREDITS

- B29. Prior to the issue of the first Construction Certificate, or commencement of works (including any vegetation clearing), whichever occurs first, the Applicant shall submit evidence to the Certifier demonstrating that the ecosystem and species credits have been retired in accordance with **Condition A8**. A copy of the evidence shall also be sent to Council for its information.

PART C PRIOR TO COMMENCEMENT OF WORKS

TEMPORARY NOISE BARRIER(S)

- C1. Prior to the commencement of any work, a temporary 2.4m plywood barrier (or 9mm fibre cement sheet or masonry wall) must be installed around the perimeter of the earthworks, demolition and construction site to reduce the noise emission of equipment and works on the site. The temporary barrier(s) must be:
- (a) installed prior to works commencing on Stage 1 and Stage 2 and maintained throughout the works;
 - (b) installed in the locations indicated in Section 4.2.2 of the SEARs Construction and Operational Noise and Vibration Assessment (Revision 06), prepared by ADP Consulting and dated 06 June 2025; and
 - (c) removed and replaced with permanent fencing of an appropriate height and design following completion of the works.

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) construction program and construction methodology, including construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) prevention and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards; and
 - (xii) site security, including fencing or hoarding.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with **condition C3**;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with **condition C4**;
 - (d) Air Quality Management Sub-Plan in accordance with condition C5;
 - (e) Construction Waste Management Sub-Plan in accordance with **condition C6**;
 - (f) Construction Soil and Water Management Sub-Plan in accordance with **condition C7**;
 - (g) Construction flood management in accordance with **condition C8**;
 - (h) an unexpected finds protocol for remediation in accordance with **condition C21**;
 - (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with **condition D27**;
 - (j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (CTPMP) 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 proposed work zone(s);
- (b) light and heavy construction vehicle access arrangements, parking and haulage routes;
- (c) details of any required tree protection measures;
- (d) predicted number and timing of light and heavy construction vehicle movements and vehicle types; and
- (e) 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.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) hours of construction (in accordance with conditions **D3** to **D7**);
 - (c) quantification of the rating background noise level (RBL) for Sensitive Receivers;
 - (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the Interim Construction Noise Guideline (DECC, 2009) (ICNG), and how the Applicant will ensure that construction is carried out in compliance with the construction noise management levels detailed in the ICNG and so as not to exceed approved noise limits for the site;
 - (e) 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;
 - (f) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures;
 - (ii) alternative excavation methods; and
 - (iii) providing advance notice to neighbours of high-noise activities.
 - (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
 - (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods; and
 - (j) include a complaints management system that would be implemented for the duration of the development.

AIR QUALITY MANAGEMENT SUB-PLAN

- C5. Prior to the commencement of any work, 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

- C6. Prior to the commencement of any work, 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 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) requirements 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;
 - (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

- C7. Prior to the commencement of any work, 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) 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);
 - (c) detail all off-site flows from the site during construction; and
 - (d) 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.

CONSTRUCTION FLOOD MANAGEMENT

- C8. Prior to the commencement of any earthwork, demolition or construction, the Applicant must prepare and implement:
- (a) for the duration of the works, flood warning and notification procedures for construction works on the site and evacuation and refuge protocols; and
 - (b) awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

CONSTRUCTION PARKING

- C9. Prior to the commencement of any earthwork, demolition or construction, the Applicant must submit to the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.
- C10. Prior to the commencement of any earthwork, demolition or construction, the Applicant must submit to the Certifier a Construction Worker Transportation Strategy. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

GROUNDWATER MANAGEMENT

- C11. Prior to the commencement of any demolition, earthworks or construction works or the take of water, the Applicant must obtain a Water Access Licence (WAL), unless an exemption under the Water Management (General) Regulation 2018 applies.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C12. 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.
- C13. 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 DILAPIDATION REPORTS, PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C14. Prior to the commencement of works, the Applicant must:
- (a) submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an 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';
 - (b) 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;
 - (c) submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (d) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.
- C15. 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.
- C16. 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.
- C17. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C18. 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.
- C19. 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 final Occupation Certificate is issued for the development, whichever is the sooner.

TREE REMOVAL AND PROTECTION

- C20. Trees approved for removal must be lopped to minimise the risk of injury or mortality to fauna, such as top-down lopping, with lopped sections gently lowered to the ground, and/or by lowering whole trees to the ground with the "grab" attachment of a machine. During tree removal and vegetation clearing (including the removal of exotic weeds), an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site or an appropriate nearby location when re-habilitated.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

- C21. 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 unexpected finds of contaminated material are encountered during works.

CONTAMINATION AND REMEDIATION

- C22. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the Contaminated Land Management Act 1997, has been appointed to independently review the implementation and validation of the remediation works.
- C23. Prior to the commencement of any earthworks, remediation works (but excluding demolition works), the Applicant must conduct additional site investigation works to confirm the full nature and extent of the potential contamination on the site and comply with the following requirements:
- (a) additional site investigations relating to sub-surface material beneath existing slab-on ground development and also considering historic pesticide treatment;
 - (b) the site investigations must be undertaken and the subsequent report(s) must be prepared (including a Remedial Action Plan, if necessary) in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997; and
 - (c) the recommendations of the 'Stage 1 Preliminary Site Investigation for Due Diligence', prepared by ADG and dated 27 March 2025 and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.
- C24. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the additional site investigations **Condition C23** and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).
- C25. Upon completion of the remediation works and prior to the commencement of construction of the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

- C26. Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with any approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C27. 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.
- C28. 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 the development to be carried out in that stage.

UTILITIES AND SERVICES

- C29. 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

- C30. 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.

DEMOLITION

- C31. Prior to the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (or the latest version in force) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

COUNCIL'S CONDITIONS

BUSH-STONE CURLEW MANAGEMENT

- C32. Prior to the commencement of any works all preconstruction measures detailed in the '*Bush Stone-curlew Management Plan*' prepared by Biodiversity Assessments & Solutions Pty Ltd and dated 5 May 2025 (BSMP) must be implemented and:
- (a) all works shall be carried out in accordance with the BSMP for the duration of the works;
 - (b) a copy of the approved BSMP shall be kept on site during all demolition and construction works;
 - (c) a pre-clearing survey shall be conducted no more than 48 hours prior to commencement of works on site and shall be undertaken by the Project Ecologist;
 - (d) the Project Ecologist shall hold a Bachelors Degree in Ecology (or equivalent) and shall have a minimum of 3 years' experience in ecological assessment and/or management;
 - (e) all site personnel shall complete an induction that includes:
 - (i) identification of Bush Stone-curlew;
 - (ii) information on exclusion zones;
 - (iii) management protocols for reporting of Bush Stone-curlew sightings;
 - (f) at least one (1) sign shall be installed on site displaying relevant information on the identification and management of Bush Stone-curlew. Signage shall be installed at site establishment and remain on site until the completion of all construction works. Signage shall be displayed in an area visible to site staff;
 - (g) sightings of Bush Stone-curlew shall be reported to Council within 24 hours in accordance with the approved Bush stone curlew management plan;
 - (h) the handling of Bush Stone curlew is not permitted under this consent;;
 - (i) temporary construction lighting shall be kept to the minimum necessary to satisfy workplace health and safety requirements; and
 - (j) temporary fencing during the construction phase shall include opaque screening to ground level or below to discourage access by Bush-stone curlew.

HAZARDOUS MATERIAL SURVEY

- C33. At least one week prior to the commencement of demolition works for each Stage, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to the Certifier. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:
- (a) the location of all hazardous material throughout the site;
 - (b) a description of the hazardous material;
 - (c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust;
 - (d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight;
 - (e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials; and
 - (f) identification of the disposal sites to which the hazardous materials will be taken.

DEWATERING CONTROLS

- C34. Prior to the commencement of dewatering operations, the Applicant shall arrange for a site inspection to be carried out with Council's key representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved under **Condition B19**.

- C35. Prior to the commencement of dewatering operations, the Applicant or their nominated representative shall consult with Council's Roads and Stormwater Unit in respect to the method of connection of the dewatering system to Council's stormwater drainage system. The applicant or their nominated representative shall comply with any and all directions as may be provided by Council's Roads and Stormwater Unit.
- C36. Prior to the commencement of dewatering operations, an examination of the quantity of pre-existing sediment within the stormwater drainage network that is intended to receive the dewatering discharge shall be undertaken by methods considered acceptable to Council's Roads and Stormwater Unit. CCTV footage and a report of the findings of the examination shall be provided to Council's Roads and Stormwater Unit prior to the commencement of de-watering operations.
- C37. No offsite dewatering shall commence until the Certifier is satisfied that the quality of water to be discharged will comply with any agreed water quality criteria.

SEWER INFRASTRUCTURE

- C38. The Applicant shall submit and obtain approval for a sewer junction for proposed Lots within this application, from the existing sewer pump station inside of the existing site. The connection may be undertaken by Tweed Shire Council or Private Civil Contractor, with all the applicable costs and application fees paid by the Applicant.
- C39. The existing sewer junction shall be located and shown on construction plans prior to construction works. Should the sewer junction be located where the driveway is proposed, the Applicant shall raise the riser to surface level and ensure that the lid and surround is trafficable, as shown on TSC S.D.252
- C40. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- C41. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
- C42. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

PART D DURING CONSTRUCTION

SITE NOTICE

- D1. 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 development's builder, Certifier and structural Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) stating the approved hours of work; and
 - (d) stating that unauthorised entry to the work site is prohibited.
- D2. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
 - (b) have dimensions of at least A1 size with large writing
 - (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm Monday to Friday inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours 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..
- D6. 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.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D8. 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

- D9. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP (**condition C4**).
- D10. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D11. 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.
- D12. 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 3 hours, with at least a 1 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 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

- D13. 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 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
 - (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, 2006) (as may be updated or replaced from time to time).
- D14. 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

- D15. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D16. 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 this condition not applying.
- D17. 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

- D18. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of 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 tree protection zones.

EROSION AND SEDIMENT CONTROL

- D19. 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 publication Managing Urban Stormwater: *Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

CUT AND FILL

- D20. While building work is being carried out, the Certifier must be satisfied 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 it is disposed of at an approved waste management facility; and
 - (b) the classification and the volume of material removed must be reported to the Certifier.
- D21. 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* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

- D22. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

- D24. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

- D25. 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 guidelines, including:
- (a) Work Health and Safety Regulation 2017;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
 - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'.

CONTACT TELEPHONE NUMBER

- D26. 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.

UNCOVERING RELICS OR ABORIGINAL OBJECTS, AND ABORIGINAL PROTECTION

- D27. Prior to the commencement of excavation, demolition and construction works, the Applicant must ensure Aboriginal heritage management procedures are prepared for the development and included within the CEMP (**condition C2**). The management procedures must::
- (a) be generally consistent with the recommendations of the '*Aboriginal Cultural Heritage Assessment Report (Revision 5)*', prepared by APEX Archaeology and dated 8 March 2024;
 - (b) be prepared by a suitably qualified and experienced professional;
 - (c) be prepared in consultation with Registered Aboriginal Parties and be reviewed by Heritage NSW;
 - (d) include a description of the measures that would be implemented for
 - (i) ongoing consultation with Registered Aboriginal Parties including consultation regarding changes to the management of Aboriginal cultural heritage;
 - (ii) a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW 2010. The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of the works; and
 - (iii) ensuring workers on site receive suitable heritage induction(s) prior to carrying out any development on site and that records are kept of these inductions.
- D28. All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- D29. The Registered Aboriginal Parties must be kept informed about the SSD and must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
- D30. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) 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.
- D31. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D32. 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 address details of the Incident 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 what immediate steps were taken in relation to the Incident; and
- (d) identifying a contact person for further communication regarding the Incident.

D33. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

D34. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. 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 non-compliance.

COUNCIL'S CONDITIONS

RED IMPORTED FIRE ANTS

D35. The importation of any of the following fire ant carrier material from invasive ant biosecurity zones must be in accordance with the current NSW Biosecurity orders available at www.dpi.nsw.gov.au and meet the requirements of NSW Department of Primary Industries:

- (a) organic mulch, compost, growing media, manure, soil and anything with soil
- (b) on it, hay, chaff, or silage;
- (c) potted plants;
- (d) turf or grass;
- (e) agricultural equipment or earth-moving equipment;
- (f) mining and quarrying materials;
- (g) vegetation and clippings; or
- (h) other fire ant carrier material identified within the order.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifier with the relevant form and/or certificate as identified within the order. All material shall meet the requirements of the relevant form/certificate.

Note: It is an offence under the Biosecurity Act 2015 if this material comes from within 5 kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the order

PERMANENT STORMWATER QUALITY CONTROL DEVICE INSPECTION

D36. During construction, a Satisfactory Inspection Report is required to be issued by Council for all Section 68 permanent Stormwater Quality Control Devices, prior to backfilling. The Applicant shall liaise with Councils Engineering Division to arrange a suitable inspection.

EARTHWORKS TO LEVEL 1 INSPECTION

D37. All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1. The earthworks and filling shall also be in accordance with the following:

- (a) be undertaken in accordance with the recommendations provided in the 'Geotechnical Report: Proposed Aged Care Redevelopment Version 4' prepared by Pacific Geotech and dated 15 March 2024 and monitored by a Registered Geotechnical Testing Consultant;
- (b) where the soft to firm natural clays are present on-site, they must be removed as part of the bulk earthwork's operation;
- (c) the ground surface at the existing retaining walls should slope away from the structure and fall to a stormwater system. Water should not be allowed to pond adjacent to the existing retaining walls; and

- (d) notwithstanding earthworks and filling, the frequency of field density tests for trenches, including all trenches for services, shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

DEWATERING CONTROLS

- D38. Pump(s) proposed to be used during the dewatering process, must be operated in accordance with the following requirements:
- (a) should any pumps proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations;
 - (b) all pumps are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to prevent the emission of offensive noise as a result of their operation; and
 - (c) all pumps are to be electrically operated. Diesel pumps are not permitted unless otherwise approved by the Certifier.
- D39. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of the Principal Certifier to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or delegate prior to installation and shall include a water sampling outlet.

BDAR MITIGATION MEASURES

- D40. All construction phase mitigation measures detailed in Table 24 titled Summary of proposed mitigation measures for residual impacts (direct, indirect and prescribed) in the *'Biodiversity Development Assessment Report – 24A Kingscliff Street Kingscliff'*, prepared by Biodiversity Assessments & Solutions and dated 21 May 2025 must be implemented during the works.

ACID SULFATE SOIL MANAGEMENT PLAN

- D41. All works shall be carried out in accordance with the *'Acid Sulfate Soil Investigation and Management Plan Uniting Redevelopment at 24A Kingscliff Street, Kingscliff Revision 2Final'*, prepared by SMEC Australia and dated 17 December 2024.

SEWER PUMP STATION POWER

- D42. Electrical power must be maintained to the Sewer Pump Station at all times during the construction and it's connection to the new on-site padmount electrical sub-station.

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

- E1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

NOTIFICATION OF OCCUPATION

- E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- E3. 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.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E4. Before the issue of any Occupation Certificate, the Applicant is to provide a Report (Post-Construction Dilapidation Report) to the Certifier:
- (a) stating 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 that is the result of the carrying out of Development;
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E5. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

- E6. 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

- E7. 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 because 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;
- E8. Prior to the occupation or commencement of the use of the Development, any damage identified in condition E4 as being caused by the carrying out of the Development not subject to condition E7 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E9. Prior to the issue of an Occupation Certificate, 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 all stormwater drainage systems and storage systems.
- E10. Prior to the issue of an Occupation Certificate, the Applicant must submit to the 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

- E11. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate No. 1733956M approved under this consent, or any updated certificate issued if amendments are made have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- E12. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area and building height.

ACOUSTIC COMPLIANCE

- E13. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under **Condition B9**.

STRUCTURAL INSPECTION CERTIFICATE

- E14. 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 that has been prepared by an engineer.
- E15. 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 checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

- E16. Prior to the issue of any Occupation Certificate, 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 B6 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

- E17. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.
- E18. 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

- E19. 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) is generally in accordance with the recommendations of the '*Lighting Impact Statement (Revision R02)*', prepared by ADP Consulting and dated 11 October 2024;
 - (b) achieves the objective of minimising light spillage:
 - (i) beyond the property boundary; and
 - (ii) to any adjoining or adjacent Sensitive Receivers;
 - (c) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
 - (d) complies with AS 1158: Lighting for Roads and Public Spaces;

- (e) includes lighting at all entrances to, and exits from the premises and provides coverage of the premises and surrounding areas for visibility and to reduce hidden areas
- (f) ensures that lighting does not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance; and
- (g) 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.

UTILITY PROVIDERS

- E20. Prior to the issue of any Occupation Certificate, the Applicant must ensure 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.
- E21. Prior to the issue of any Occupation Certificate, 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.
- E22. Prior to the issue of an Occupation Certificate, the Applicant must submit evidence to the Certifier that two bulk water services at the road frontage have been provided, unless otherwise approved in writing by Council, one for the ILU component of the development and one for the RCF component of the development. Individual metering beyond this point shall be managed by occupants.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

- E23. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifying Authority evidence of compliance demonstrating that bicycle parking spaces have been provided in accordance with **Condition B7**.
- E24. Prior to the operation 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

- E25. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

SPRINKLER SYSTEM

- E26. Prior to the issue of the Occupation Certificate for the residential aged care facility a sprinkler system must be installed and completed in accordance with the requirements of **condition B13**.

HOUSING SEPP SCHEDULE 4

- E27. Prior to the issue of the an Occupation Certificate for a respective building, the Certifier shall be satisfied that the building layout and design is consistent with the relevant requirements of Schedule 4 of the Housing SEPP (**condition B15**).

FOOD PREPARATION / PREMISES

- E28. Prior to the issue of an Occupation Certificate that includes a food preparation area, the premises must be inspected by The NSW Food Authority to ascertain compliance with relevant Food Safety Standards and the written approval of NSW Food Authority (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
- E29. Prior to commencement of any food business operations, the food premises must be registered with the NSW Food Authority in accordance with the Food Safety Standards. And for any commercial food premises must be registered with Council.

PERMANENT STORMWATER QUALITY CONTROL DEVICE INSPECTION

- E30. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a copy of the 'Satisfactory Inspection Report' issued by Council for all s68 permanent Stormwater Quality Control Devices.

DEWATERING COMPLETION INSPECTION

- E31. Upon completion of the dewatering operations and prior to the issue of an Occupation Certificate, the Applicant shall arrange for an inspection of any dewatering connection point to Council's stormwater system with Council's Roads and Stormwater Unit. The Applicant shall comply with any directions issued by Council's Roads and Stormwater Unit in respect to the dewatering connection point.

FINISHED FLOOR LEVEL

- E32. Prior to the issue of an Occupation Certificate for the respective building, the Applicant must submit to the Certifier a Report from a suitably qualified professional demonstrating that the finished ground floor level of the building is not less than 225mm above the flood planning level of RL 3.6m AHD.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E33. 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, ancillary café, and open spaces (including operating hours and occupation rates), including the through-site link;
 - (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;
 - (i) provision of any transport services;
 - (j) provision of home delivered meals as required;
 - (k) details of any activities / social programs available to the residents to build relationships between new and existing residents.
- E34. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

OPERATIONAL WASTE MANAGEMENT

- E35. 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;
 - (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);
 - (g) confirm that clinical wastes shall be separated from the general waste stream and disposed via a clinical waste collection and disposal service. Suitable arrangements shall be made for the collection and disposal of clinical wastes; and
 - (h) include sharps container(s) for the storage of used disposable needles in any skin penetration process. The sharps container shall be collected/disposed of by an authorised medical waste collection.

Note: Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges

STORMWATER

- E36. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by an Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E37. Prior to the issue of any Occupation Certificate, 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.

REGISTRATION OF EASEMENTS AND COVENANTS

- E38. Prior to the issue of any Occupation Certificate, 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.
- E39. Prior to the issue of any the final Occupation Certificate, a Positive Covenant and Restriction As To User under section 88B of the *Conveyancing Act 1919* naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Council, and which provides must be registered on the Certificate of Title including the following:
- (a) the creation of a Positive Covenant and associated Restriction on Title relevant to the proposed stormwater on site detention management system;
 - (b) Positive Covent over the subject land for the perpetual maintenance requirements associated with the stormwater on site detention management system. A detailed site-specific Maintenance Schedule is to be produced by the designer and must form part of the Positive Covenant;
 - (c) a Restriction As To User to ensure the stormwater on site detention management system is not altered or prevented from operating in a safe and efficient manner; and
 - (d) the creation of a Positive Covenant relevant to all water quality control features on the site, to ensure a perpetual maintenance regium is implemented. All such features are to have a maintenance schedule prepared by the installer/manufacture and included in the Positive Covent.

RESTRICTION ON OCCUPATION (SENIORS HOUSING)

- E40. Prior to the issue of the first Occupation Certificate, the Applicant must create a restriction as to the user under section 88E of the *Conveyancing Act 1919* restricting the occupation of each Independent Living Unit and residential care unit approved under this consent to be solely used for the accommodation of:
- (a) seniors or people who have a disability as defined by the State Environmental Planning Policy (Housing) 2021;
 - (b) people who live within the same household with seniors or people who have a disability; and
 - (c) staff employed to assist in the administration and provision of services to housing provided under this policy.

Note: The restriction must nominate the Council as the authority to release, vary or modify the restriction.

- E41. The instruments creating the restriction as to user required pursuant to **condition E40** shall be prepared by the Applicant at its own expense and proof of registration of the Instrument upon the title of the subject property must be submitted to the Certifier prior to the issue of any Occupation Certificate.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E42. Prior to the issue of the first Occupation Certificate, the Applicant must provide evidence to the Certifier demonstrating compliance with all the ESD commitments (**condition B4**).

FLOOD RISK MANAGEMENT

- E43. Prior to the issue of the first Occupation Certificate, a design certification report prepared by a suitably qualified practitioner engineer must be submitted to the Certifier demonstrating compliance with the requirements of **condition B17** has been achieved.

GREEN TRAVEL PLAN

- E44. Prior to the issue of final Occupation Certificate, the Applicant must review and update the Green Travel Plan (GTP) prepared by ptc., dated 7th November 2023, in consultation with TfNSW to refine specific management actions, including operational procedures to be implemented along with timeframes. The Plan (as updated) must be implemented by the Applicant for the life of the development and made available to the Planning Secretary upon request.

Note: information on preparing GTP can be found at www.mysydney.nsw.gov.au/travelchoices/tdm

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E45. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that the design of the Development has implemented all the CPTED measures (**condition B8**).

PART F OCCUPATION AND ONGOING USE

RESIDENTIAL AGED CARE FACILITY

- F1. A shuttle bus service must be available for residents of the development connecting the development to local shops, services, facilities and recreation areas on a daily basis as a minimum. The bus service frequency and destination(s) shall be provided in order to meet demands of residents.

USE OF COMMUNAL SPACES

- F2. The outdoor communal open spaces and the ancillary indoor amenities (excluding the café) shall only be used by residents, staff and their guests and shall not be available for use or hire by the general public.
- F3. The use of the ancillary indoor amenities at the ground floor level of the Residential Aged Care Facility building may only be carried out between 7 am and 10 pm Monday to Sunday.
- F4. No amplified music shall be played within the outdoor communal open spaces which gives rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

NOISE MANAGEMENT

- F5. All plant and equipment installed or used in or on the premises must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Note: In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment

TRAFFIC AND PARKING

- F6. All loading and unloading operations associated with the site must be carried out:
- (a) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (b) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F7. All deliveries to the premises and servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Saturday and 8am to 6pm Sunday or Public Holidays (with the exception of refrigerated truck deliveries which are limited to occur within the hours of 7am to 6pm Monday to Friday).
- F8. 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.
- F9. The car spaces within the Development are for the exclusive use of the occupants of the building and their guests. The car spaces must not be leased to any person/company that is not an occupant of the building.

AMBULANCE BAY

- F10. The ambulance bay must:
- (a) be made available for use by the development 24 hours a day, seven days a week; and
 - (b) only be used for the parking and operation of ambulance(s) visiting the site and shall not be used at any time for the parking of any other vehicles or storage of any goods.

FOOD PREPARATION / PREMISES

- F11. Food safety practices and the operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
- (a) food handling – skills, knowledge and controls;
 - (b) health and hygiene requirements;
 - (c) requirements for food handlers and businesses;
 - (d) cleaning, sanitising and maintenance; and
 - (e) design and construction of food premises, fixtures, fitting and equipment.
- F12. The sale, supply and consumption of alcohol must not take place at the premises except with or ancillary to the service of food to be consumed on the premises and the relevant liquor licence under the *Liquor Act 2007*.

HAZARDOUS AND DANGEROUS GOODS STORAGE

- F13. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be roofed, provided with a sealed floor and bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-labile and shall be provided with pump out facilities.

LANDSCAPING AND MAINTENANCE

- F14. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under **condition B6**.

FIRE SAFETY CERTIFICATION

- F15. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- F16. 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.

BASIX CERTIFICATION

- F17. The Development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No.1733956M or any updated certificate issued if amendments are made.

TOP FLOOR ILU SKYLIGHTS

- F18. All top floor ILU skylights shall be operable to allow for natural cross ventilation within those units where the skylights are required for cross ventilation purposes.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F19. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:
- (a) implement the operational stormwater management system (**condition B17**); 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

- F20. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan (**condition E35**).
- F21. 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.

FLOOD EMERGENCY RESPONSE PLAN

- F22. The '*Flood Emergency Response Plan Uniting Kingscliff Seniors Housing FERP*', prepared by Water Technology and dated 10 June 2025 must be implemented and adhered to at all times by the Applicant following the issue of the Occupation Certificate.
- F23. The facility shall maintain readiness for a minimum 72 hour period of isolation due to flooding. Appropriate measures to support residents and staff to shelter in place on the upper floors above the Probable Maximum Flood must be kept in a ready state at all times.

IMPLEMENTATION OF THE VARIOUS OTHER OPERATIONAL MANAGEMENT PLANS

- F24. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following the issue of the Occupation Certificate:
- (a) Acoustic Report (**Condition B9**);
 - (b) Operational Plan of Management (**Condition E33**); and
 - (c) Green Travel Plan (**Condition E44**).

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 required 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* 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 and any modifications to the Kingscliff Street linemarkings;
 - (d) approvals for the installation of any hoardings over Council footways or road reserves;
 - (e) approval under the Commonwealth 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* and its regulations;
 - (c) Disability Discrimination Act 1992 (Cth);
 - (d) Building and Construction Industry Long Service Payments Act 1986;
 - (e) Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021;
 - (f) Airports (Protection of Airspace) Regulations 1996.
- 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* 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*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.
- AN8. A Section 306 Letter of Requirement under Sections 305, 306 and 307 of the Water Management Act 2000, for each stage of 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
- AN9. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement.
- AN10. The premises shall be constructed in accordance with the provisions of Schedule 2 Part 2 Standards for Hairdressers Shops and Standards for Beauty Salons under the *Local Government (General) Regulation 2021*.

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 D32 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 D33), the Applicant is required to submit a subsequent Incident report that:
 - (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
- (a) a summary of the Incident;
 - (b) outcomes of an Incident investigation, including identification of the cause of the Incident;
 - (c) 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
 - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.