

**ASSESSMENT UNDER DEVELOPMENT CONTROL PLAN SECTION B2 and A1
DA24/0196 - construction of shop-top housing comprising three levels of basement
carparking, ground floor retail premises and 72 units, pool and associated
vegetation removal (NRPP) at Lot 1 DP 807977; No. 3 River Terrace TWEED HEADS;
Lot 2 DP 807977; No. 5 River Terrace TWEED HEADS; Lot 5 DP 9056; No. 7 River
Terrace TWEED HEADS**

State Environmental Planning Policy (Housing) 2021

149 Apartment Design Guide prevails over development control plans

(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

(2) This section applies regardless of when the development control plan was made.

Section 3.0 BUILDING FORM	ASSESSMENT
Section 3.1 Building Alignment and Setbacks	
a) Street building alignment and setbacks requirements are to comply with Figures 3-1 and 3-2.  Legend: - DCP Area 0 metres 4 metres - Predominant building line 6 metres - Predominant building line - Maintain existing building line	0.0m setback proposed.
b) The external façade of buildings are to be aligned with the streets that they front.	Complies.
c) Balconies may project up to 1.2m into the front building setback in the Medium Density Residential Zone and up to 600mm in all other zones, provided that the cumulative width of all balconies at that particular level	Not applicable. A 0.0m setback on all frontages is proposed.

has a total of no more than 50% of the horizontal width of the building façade, measured at that level.	
d) Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible (see also Building Design and Materials at Section 3.5 of this Plan).	Not applicable. As above.
(e) Notwithstanding the setback controls, where development must be built to the street alignment (see Figures 3.1 and 3.2), it must also be built to the site boundaries (0m setback) where fronting the street. The minimum height of development built to the site boundary must comply with the minimum street frontage height requirement.	Minimum street frontage height is addressed elsewhere in this assessment.

Section 3.2 Street Frontage Heights

a) Buildings are to comply with Figure 3-4 street frontage heights and as illustrated in Figures 3-5 to 3-10.



	Street Frontage Height A applies (See Figure 3.5)
	Street Frontage Height B applies (See Figure 3.6)
	Street Frontage Height C applies (See Figure 3.7)
	Street Frontage Height D applies (See Figure 3.8)
	Street Frontage Height E applies (See Figure 3.9)
	Street Frontage Height F applies (See Figure 3.10)
	Minimum Street Frontage Height of 12m applies
	Minimum Street Frontage Height of 12m and maximum of 16m applies
	DCP Area

Non-compliances include:

- a street frontage height to Wharf Street to rooftop (48m) for sections of the development frontage.

The proposed Wharf Street frontage extends to the 0.0m frontage by bladed fins and parts of the 01 and 03 apartments until Level 04 at 16m height. Screens for accessways and points of the irregularly shaped 01 apartments then extend to the Wharf Street boundary for the remainder of the tower. Noting the purpose of this building is to provide for a landmark building and that the proposed street frontage is significantly articulated and well-designed, the proposed street frontage is supported.



Above: Level 04 Floor plan excerpt.

	A 16m street frontage height to River Terrace is proposed in compliance with the control.
Section 3.3 Building Depth and Bulk	
a) The maximum floor plate size and depth of buildings are specified in Table 3-1 and illustrated in Figure 3-11. Note Section 8.1.4 site specific control: Built form d) It is envisaged that the redevelopment of this area will allow for up to two tall buildings of high architectural quality that can mark this important city gateway site. The taller buildings are envisaged to be slim-line with a maximum gross floor area (per floor) of 700-900 square metres, depending on land use, and located at the northern and southern tip of the River Terrace. Vehicular access to the development should be off Wharf Street, or from an internal laneway system. Maximum depth permitted under Table 3.1: 18m for residential apartments (excluding balconies).	The maximum building depth is 16.5m across the Wharf Street tower. No concerns arise with maximum depth. 805m² GFA is the largest gross floor area proposed in the development which complies with the maximum permitted. The bulk and separation of the development forms that comprise the retail and residential aspects of the proposal have been considered extensively and praised for high architectural design in Design Review Panel meetings. This includes the varied designs of the separate building forms as well as the particular presentation of the slender sculpted tower towards the northern aspect of Wharf Street.  Above: GFA plan.
b) Notwithstanding control (a) above, no building above 24 metres in height in the Commercial Core and 22 metres in height in all other zones, is to have a building length in excess of 45 metres.	Complies. The proposal is comprised of 3 development forms including a tower proper across Wharf Street and recessed internally, urban form apartments to Monastery Lane and an apartment block fronting River Terrace.
c) Where no street frontage is specified in Figure 3-4 and the building height exceeds 22 metres, the maximum GFA per floor must comply with Table 3-1.	Not applicable noting compliance Section 8.1.4.
d) All points on an office floor should be no more than 10 metres from a source of daylight (eg windows, atria or light wells in buildings less than 24 metres in height, and no more than 12.5 metres from a window in buildings over 24 metres in height.	Not applicable.
e) Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack ventilation.	Ventilation and amenity generally is addressed in the ADG and is considered successfully compliant.

Section 3.2.1 Side and rear building setbacks and separation	
a) The minimum building setbacks from the front, side and rear property boundaries are specified in Table 3-2, and the associated explanatory notes, and illustrated generically in Figure 3-12. Note: The explanatory notes outline development that may depart from the minimum setback distances outlined in Table 3-2.	Non-compliances include: • setback of residential rooms above 12m from 9 River Terrace (noting that boundary setback variations are assessed as acceptable based on ADG objectives); • setback of residential rooms above maximum SFH of 16m set out in Section 3.2 fronting Wharf Street and River Terrace; and • an SFH of 17m for a small portion of the Monastery Lane apartments (SFH applied under Note 1 of Table 3-2) 9 River Terrace setback – variation The maximum permitted setback to 9 River Terrace (as a ‘rear boundary’) would be 6m (to 12m high), 9m (12-25m high), 12m (25-40m high) and 15m (40m+). The same controls apply if treated as a ‘side boundary’ except for a required 0.0m to 12m high. Notwithstanding the above, building separation has been assessed extensively in the ADG assessment and considered acceptable. The primary concerns of visual privacy, acoustic privacy and solar access are considered satisfied noting in particular that this development is the first redevelopment of its kind in the existing predominantly single-dwelling precinct. River Terrace and Wharf Street – variation The Wharf Street 0.0m setback is limited to the tower ‘tip’ apartments above the compliant SFH (16m high). The reasons set out in Section 3.2 in relation to SFH are repeated here. Monastery Lane – variation Footnote 1 requires that the development must be built to boundary with the minimum SFH requirement. In this regard, an SFH of 16m drawn from Section 3.2 would apply. With a sloping lane, the proposed maximum SFH of 17m for a small portion of the frontage before receding with the hill is acceptable.
b) In mixed use buildings, setbacks for the residential component are to be the distances specified in the table below for residential development in the specified zone.	As above.

TABLE 3-2: MINIMUM SETBACK DISTANCE FROM PROPERTY BOUNDARY

LAND USE ZONE	BUILDING USE	CONDITION	UPPER FRONT SETBACK	SIDE SETBACK	REAR SETBACK
Commercial core and mixed use	Commercial	Up to SFH	n/a	0m ¹	0m
		Above SFH up to 40m	6m ¹	6m	6m
		Over 40m	6m ¹	12m ¹	12m ¹
	Residential	Up to 12m in height	n/a	0m ¹	6m
		Uses between 12-25m in height:			
		- non-habitable rooms	6m ¹	4.5m ¹	6m
		- habitable rooms/balconies	6m ¹	9m ¹	9m
		Uses between 25-40m in height:			
		- non-habitable rooms	6m ¹	6m	6m
		- habitable rooms/balconies	6m ¹	12m ¹	12m ¹
		Uses over 40m in height:			
		- non-habitable rooms	6m	8m	8m
		- habitable rooms/balconies	6m	15m ¹	15m ¹

¹ Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3-1), it must also be built to the side boundaries (0m) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement.

c) If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means. These will be assessed on merit by the consent authority.	Not applicable – see below.
d) In exceptional circumstances where the required setback distances are not possible, proposals for tall buildings (over 40 metres in height) may be considered on merit by the consent authority so long as the minimum separation distance between these buildings, or potential future tall buildings are adhered to.	Setback variations are addressed further in the ADG assessment and are considered merited for this tall building.
Section 3.4 Mixed Use Buildings	
a) Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor.	Use of the first residential level for future conversion has been addressed as not provided and not considered required for the design in the ADG assessment. It is not considered this is necessary for this development noting the high architectural design utilised for the residential apartments, the lack of existing population to support commercial use of the second floor and the location of the site being some distance away from the city centre itself where this control may be enforced more strictly.
b) Minimum floor to ceiling heights are 3.3 metres for commercial offices, 3.6 metres for active public uses, such as retail and restaurants, and 2.7 metres for residential.	Not applicable (Section 149(1)(e) SEPP (Housing) 2021).
c) Separate commercial service requirements, such as loading docks so as	The service dock is set off Monastery Lane separate from the residential access.

Variation**Conditioned**

not to interfere with residential access, servicing needs and primary outlooks.	
d) Locate clearly demarcated residential entries directly from the public street.	Common circulation space sand sizes are addressed in the ADG (Section 149(1)(c) SEPP (Housing) 2021). No concerns arise regarding the residential entries.
e) Clearly separate commercial and residential entries and vertical circulation.	Commercial entries and residential entries mix for the active retail frontage. However, the residential lobby is separated successfully within the internal site area.
f) Provide security access controls to all entrances into private areas, including car parks and internal courtyards.	Secure access is proposed as addressed in the ADG and will be conditioned as recommended in the ADG assessment.
g) Provide safe pedestrian routes through the site, where required.	Common circulation space sand sizes are addressed in the ADG (Section 149(1)(c) SEPP (Housing) 2021). No concerns arise with the pedestrian connections subject to conditions relating to detailed lighting design and maintenance of landscaping as recommended in the ADG assessment.
h) Front buildings onto major streets with active uses.	Complies.
i) Avoid the use of blank building walls at the ground level.	Complies.
Section 3.5 Building Design and Materials	
a) Adjoining buildings are to be considered in the design of new buildings in terms of: • Appropriate alignment and street frontage heights, • Setbacks above street frontage heights, • Appropriate materials and finishes selection, • Façade proportions including horizontal or vertical emphasis, and • The provision of enclosed corners at street intersections.	The ADG assessment considers these matters in detail. Further consideration is set out within the extensive Design Review Panel meeting advice letters. The design is considered acceptable with regards to alignment, setbacks, materials and finishes, façade treatments and corner presentations.
b) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.	Complies.
c) Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base, middle and top in design.	Complies.
d) External walls should be constructed of high quality and durable materials and finishes with 'self cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.	Complies.

e) Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or urban environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.	Complies.
f) To assist articulation and visual interest, avoid expanses of any single material.	Complies.
g) Limit opaque or blank walls for ground floor uses to 30% of the street frontage.	Complies. The retail frontage is successfully activated. Blank walls for the ground floor is limited to the area of the fire booster off Wharf Street (11m). No concerns arise with the proposed materials and finishes for this area.
h) Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.	Complies.
i) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (see Section 6-4 of this Plan).	Complies.
j) A material sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.	Complies.
k) Minor projections up to 450 millimetres from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as: • Expressed cornice lines that assist in enhancing the streetscape, and • Projections such as entry canopies that add visual interest and amenity.	Awnings are proposed and are conditioned to require air licenses. It is noted that the wrap around awning in question is desired highly by the Design Review Panel.
l) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	Complies.
m) Communication towers, such as mobile phone towers (but not satellite dishes), are not to be located on residential buildings or mixed use buildings within residential zones.	No concerns arise.
Section 3.6 Landscape Design	
a) Provide shade to all outdoor spaces through the use of shade trees, pergolas, shade cloth and other shading measures.	The primary outdoor spaces for communal use are the communal terrace which includes shading and the courtyard gully which includes some natural overshadowing due to being inset into the site. The proposed retail areas and integrated seating utilise landscaping shading and natural overshadowing.
b) Remnant vegetation must be maintained throughout the site wherever practicable, particularly significant trees.	Not practicable. No concerns have been raised given the city centre location and zoning of the site.

Variation

Conditioned

c) Landscaped areas are to be irrigated with recycled water.	The irrigation notes in the Landscape Package Revision B includes a note stating: <i>"The final irrigation design and installed system shall take into account... Using the on-site irrigation storage tanks for irrigation reticulation, ...or... Connection to the existing potable water supply throughout the site."</i> It is noted that a 10m³ rainwater tank is proposed for roof drainage for reuse on the landscaping areas. A condition is recommended requiring landscaped areas be irrigated with recycled water where available.
d) To enhance the subtropical character of landscaping, the planting of native tree and palm species and subtropical understorey is encouraged.	Planting is to be subject to recommended conditions.
e) A long-term landscape concept and management plan must be provided for all private landscaped areas in residential flats and multi-housing developments. This plan must outline how landscaped areas are to be maintained for the life of the development.	Complies. A Landscape Package has been provided with details maintenance procedures including drip irrigation. Additional conditions requiring replanting and reestablishment of failed plants within 2 years of the development have also been recommended. Additional Further conditions have been imposed requesting further details of the drip irrigation for the courtyard gully and landscaped awnings in the ADG assessment.
f) All developments, including commercial and retail developments, are to incorporate landscape planting into accessible outdoor spaces.	Complies.
g) Relevant Council landscape guideline documents must be considered for site planning and landscape design.	Complies. Compliance with the Tweed Native Species Guide has also been conditioned.
h) Council's Tree Preservation Order outlines requirements for the protection of trees.	Not applicable.
i) For residential flat building developments, the minimum area of communal open space should be 30% of the site area.	Noting that shop-top housing is a separate land use and definition to residential flat buildings under the applicable TCCLEP 2012, the below assessment is provided as if this control (i) applies. Communal open space is assessed in the ADG assessment with the 21% of the site proposed for communal open space considered acceptable. Additional area (to a total area of 25%) is proposed which is usable by public visitors for the retail areas. No concerns arise in relation to the provided value and quality of life for residents (Objective 1), the integration of landscaping into the design (Objective 3) or the microclimate and solar performance of the development (Objective 6), noting in particular the substantial area of the site that is landscaped to address urban heat.

	<table><caption>Development Soil Profiles</caption><tr><td>SOIL ON STRUCTURE</td><td>APPROX. 75m²</td><td>5%</td></tr><tr><td>PLANTERS ABOVE STRUCTURE</td><td>APPROX. 435m²</td><td>23%</td></tr><tr><td>ROOFTOP / CASCADING SOFT LANDSCAPE</td><td>APPROX. 1,022m²</td><td>55%</td></tr></table> Above: Soil Profiles plan.	SOIL ON STRUCTURE	APPROX. 75m ²	5%	PLANTERS ABOVE STRUCTURE	APPROX. 435m ²	23%	ROOFTOP / CASCADING SOFT LANDSCAPE	APPROX. 1,022m ²	55%
SOIL ON STRUCTURE	APPROX. 75m ²	5%								
PLANTERS ABOVE STRUCTURE	APPROX. 435m ²	23%								
ROOFTOP / CASCADING SOFT LANDSCAPE	APPROX. 1,022m ²	55%								
j) For residential flat building developments, a minimum 25% of the open space area of a site shall be a deep soil zone.	Noting that shop-top housing is a separate land use and definition to residential flat buildings under the applicable TCCLEP 2012, the below assessment is provided as if this control (j) applies. Compliance with the minimum 25% deep soil is not practicable noting the desired development of the site in section 8.1.4 is the provision of active street frontages including provision of a café with outdoor dining areas (8.1.4(e)). The proposed development provides for retail areas to Wharf Street and River Terrace, outdoor dining and communal/public open space on the ground floor. Soil on structure spaces are proposed. One (1) of these spaces is capable of providing the same benefits of deep soil and amounts to 3.95% of the site as addressed in the ADG assessment. Noting the significant landscaped areas proposed across the tower forms and inset into various elements of the buildings, the required variation is supported. Further detail is set out in the ADG assessment.									
Section 3.7 Planting on Structures										
a) Design for optimum conditions for plant growth by: • providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, • providing appropriate soil conditions and irrigation methods, and • providing appropriate drainage.	Complies subject to the assessment and conditions requiring further detail set out in the ADG assessment.									
b) Design planters to support the appropriate soil depth and plant selection by: • ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and • providing square or rectangular planting areas rather than narrow linear areas.	As above.									

c) Increase minimum soil depths in accordance with:

- the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass,
- the level of landscape management, particularly the frequency of irrigation,
- anchorage requirements of large and medium trees, and
- soil type and quality.

As above.

d) Provide sufficient soil depth and area to allow for plant establishment and growth. The minimum standards in Table 3-3 are recommended:

TABLE 3-3: MINIMUM SOIL DEPTHS AND VOLUMES FOR DEEP SOIL ZONES

PLANT TYPE	MINIMUM SOIL DEPTH	MINIMUM SOIL VOLUME
Large trees (over 8 metres high)	1.3 metres	150 cubic metres
Medium trees (2 to 8 metres high)	1.0 metres	35 cubic metres
Small trees (up to 2m high)	800 millimetres	9 cubic metres
Shrubs and ground cover	500 millimetres	N/A

As above, excluding the soil depth for the feature tree fronting 9 River Terrace which is the subject of a condition recommended in the ADG assessment to address lacking soil depths for the area.

Section 4.0 Pedestrian amenity

ASSESSMENT

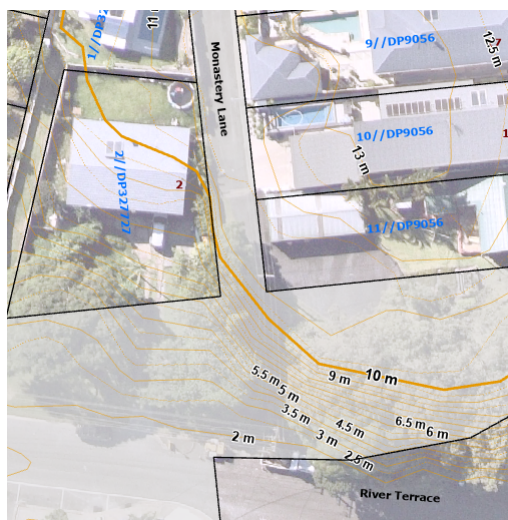
Section 4.1 Permeability

a) Through site links, arcades, shared ways and laneways are to be provided as shown in Figures 4-1 and 4-2.

Not applicable.

b) Where possible, existing dead end lanes are to be extended through to the next street as redevelopment occurs.

Not applicable. It is noted that Section 8.1.4 includes a map suggesting connection of Monastery Lane to River Terrace. This is not feasible noting the steep drop from the dead end of Monastery Lane to River Terrace/Terranora Terrace.



Above: Monastery Lane topography to River Terrace.

Variation

Conditioned

c) New through site links should be connected with existing and proposed through block lanes, shared zones, arcades and pedestrian ways, and opposite other through site links.	A pedestrian link is provided from Wharf Street to River Terrace. Pedestrian connections and circulation are addressed in the ADG assessment.
d) Existing publicly and privately owned lanes are to be retained.	No concerns arise.
Pedestrian links e) Through site links for pedestrians are to be provided as shown in Figures 4-1 and 4-2, and: • are to be open to the air and publicly accessible (refer to Figure 4-3), • have active frontages or a street address, • be clear and direct thoroughfares for pedestrians, • have a minimum width of 4m clear of all obstructions (including columns, stairs, etc), and • have signage at street entries indicating public accessibility and the street to which the through site link connects.	Not applicable. Notwithstanding the above, a pedestrian link is provided from Wharf Street to River Street and is substantially open to the air past the lobby and passes the active retail frontages on River Terrace. The minimum width of 4m is not provided for some areas noting the planter boxes and ramps utilised to cross landscaped areas. It is not considered the provided widths will be problematic for public accessibility when the population increases in the precinct and the southern end of Wharf Street.
f) Arcades are to: • have active frontages for their length, • be clear and direct thoroughfares for pedestrians, • provide public access at all business trading times, • have a minimum width of 4m clear of all obstructions (including columns, stairs and escalators), • where practical, have access to natural light for at least 30% of their length, • where air conditioned, have clear glazed entry doors comprising at least 50% of the entrance, and • have signage at street entries indicating public accessibility and the street to which the through site links.	Not applicable.
g) Internal arcades will not be approved in preference to the activation of an existing or required pedestrian link or lane.	Not applicable.
h) New through site laneways for pedestrians and vehicles are to be provided as indicated in Figures 4-1 and 4-2.	Not applicable.
i) Lanes are to: • have active frontages • be clear and direct thoroughfares for pedestrians • provide public access at all times or as otherwise stipulated by Council's conditions of consent, • have a minimum width of 6m clear of all obstructions, and • have signage indicating public accessibility and the street to which the lane connects.	The existing Monastery Lane provides for the main service access for the development and the existing residential access for the houses on Monastery Hill. Section 8.1.4 and Figure 4-5 identify the active frontages are to be provided with priority to River Terrace with other outdoor eating area options to Wharf Street. While outdoor eating area options to Wharf Street are not provided (see Section 8.1.4 assessment below), Wharf Street is nevertheless made active and could be suitable for transition into such an area on the provision of further car parking or public transport options. Retail areas (including outdoor eating) are proposed to River Terrace. No concerns arise.

j) Where lanes are primarily used for building access and servicing, Crime Prevention Through Environmental Design principles must be demonstrated (refer to Section 4-3 of this Plan).	Refer to Section 4-3.
Section 4.2 Active Street Frontages	
a) Active frontage uses are defined as one of a combination of the following at street level: • entrance to retail and shopfront (with clear glazing), • glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12 metres frontage, • café or restaurant if accompanied by an entry from the street, • active office uses, such as reception, if visible from the street, and • public building if accompanied by an entry.	Complies. See Retail 1 and Retail 2 clear glazing on the ground floor fronting Wharf Street and River Terrace.
b) Active street frontages are required on the ground level of all areas identified in Figures 4-5 and 4-6, including adjacent through site links.	Complies in accordance with Figure 4-5.
c) In the Commercial Core and Mixed Use zones and within the Minjungbal Drive Enterprise Corridor Precinct, active street frontages are required in the form of nonresidential uses on the ground level. In addition to the ground level, non-residential active uses are also required at the first floor level in the Commercial Core and along Wharf Street.	Complies with respect to the ground level. The reasons set out in Section 3.4a) are repeated here with respect to the first floor level.
d) Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.	Complies subject to raised areas for Retail 1 required to address potential flooding of River Terrace. It is also noted that the site falls from Wharf Street/Monastery Lane to River Terrace resulting in some leeway required to accommodate this constraint.
e) Restaurants, cafés and the like are to consider providing permeable shopfronts.	Complies.
f) Only open grille or transparent security shutters (at least 50% visually transparent) are permitted on retail frontages	To be conditioned.
g) Street address is defined as entries, lobbies, and habitable rooms with clear glazing to the street not more than 1.2m above street level where habitable rooms do not have to be raised due to flooding concerns. Where habitable rooms are raised about ground level due to flooding concerns, opportunities for casual surveillance from the building to the street must be maintained, and the visual impact at street level of the raised ground level minimised.	Habitable rooms are not provided at street level. The street address is defined by retail areas and a shared open space 'plaza'. Raised areas are only provided where flooding is of concern to the lower area of the site on River Terrace. Noting the significant apartment balconies facing River Terrace, no lack of casual surveillance concerns arise.

h) Street address is required on the ground level of buildings as identified in Figures 4-5 and 4-6.	Complies.
i) Residential developments are to provide a clear street address and direct pedestrian access off the primary street frontage, and allow for residents to overlook all surrounding streets.	Complies. Additional way-finding signs have been conditioned in the ADG assessment.
j) Provide multiple entrances for large developments including an entrance on each street frontage.	Complies.
k) Provide direct 'front door' access from ground floor residential units.	Not applicable or appropriate.
l) Residential buildings are to provide not less than 65% of the lot width as street address.	Complies.
Section 4.3 Safety and Security	
a) Address 'Safer-by-Design' principles to the design of public and private domain, and in all development (in accordance with the NSW Police 'Safer by Design': Crime Prevention Through Environmental Design (CPTED) guidelines.	4.3 Safety and Security The building envelopes and site structure plan have been designed to support a high level of permeability throughout the site and an enhanced level of activation throughout the site. This activation, combined with considered detailed design, will ensure that safe and secure environment is capable of being achieved in the future. <i>Above: SEE response to Section 4.3, page 69.</i> PROPOSAL The proposal promotes safety, passive surveillance and CPTED principles. The residential lobby is visible and legible within the Wharf Street frontage and allows simple, accessible connection from the street and through the site. The retail and residential lobbies are separated and have separate lift access. The residential lobby has high visibility into the main central courtyard, including an external mail collection point, integrated seating areas and other spaces to encourage resident interaction. Vehicle access is secure and there are separate areas for retail & residential parking. <i>Above: Architect's Design Report response to Design Quality Principle 7 Safety.</i> Territorial Reinforcement The proposal provides for strong community ownership of the public space along River Terrace. This is important noting River Terrace is off the main Wharf Street road. The integrated retail areas will also assist to provide activation and connection to the space and to encourage natural deterrence for inappropriate activities in the activated space. While Wharf Street is less active, Wharf Street is a main road with vehicle traffic at all hours. While Monastery Lane is not activated, the lane is only proposed to service vehicle access and does not propose to be used by or require additional measures from the development to protect pedestrians subject to access control (addressed below). Surveillance Natural surveillance is strong along River Terrace due to the substantial number of close apartments

	(the River Terrace apartments and tower 'tip' providing for multiple storey surveillance) and the substantial number of balconies facing River Terrace further inset into the site. Technical surveillance has not been addressed and is conditioned to be supplied for noting the inset areas of the site will not be visible from the street due to landscaping and the building forms. A detailed lighting design has been conditioned in the ADG assessment. Access Control Secure access is proposed and is further conditioned for the courtyard gully, the residential lobbies and the vehicle access areas. Secure access is also conditioned for the residential entries to the River Terrace apartments off River Terrace (shown below). Audio/visual intercom for access has also been conditioned in the ADG assessment.  <i>Above: Elevations excerpt showing residential entry to River Terrace apartments (left of image).</i> Space/Activity Management Maintenance of landscaping is provided for in the Landscape Package Revision B and will be conditioned for maintenance in perpetuity. Additional maintenance of the retail areas will be the responsibility of the proprietors to ensure continued activation.
b) Ensure that the building design allows for passive surveillance of public and communal space, accessways, entries and driveways.	Complies, noting that technical surveillance is recommended for condition as above.
c) Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks.	A detailed lighting design has been conditioned for compliance and is to include each of the relevant areas. It is not considered that the common circulation areas on the Levels provide for concealment opportunities subject to good lighting (conditioned), access control (proposed and conditioned).

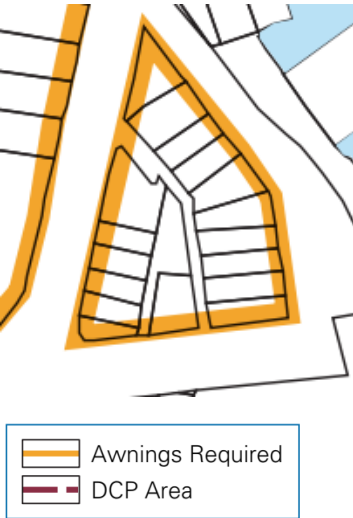
	 <i>Above: Level 02 Floor plan excerpt showing circulation and visibility through the levels.</i>
d) Maximise the number of residential 'front door' entries at ground level.	Not applicable.
e) Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	Complies. Clear numbering is conditioned in the ADG assessment.
f) Clearly define the development boundary to strengthen the transition between public, semi-private and private space. This can be actual or symbolic and can include landscaping, fences, changes in paving material, etc.	The public open space, communal open space and pedestrian linkages are designed to facilitate a shared public/private plaza on the ground floor. No concerns arise regarding the transition of public/private areas.
g) Provide adequate lighting of all pedestrian accessways, parking areas and building entries.	To be conditioned.
h) Provide clear lines of sight and well-lit routes throughout the development.	As previously addressed in this assessment and the ADG assessment.
i) Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.	Casual surveillance of the pathways from River Terrace are available subject to the entrance to the lobby itself. Technical surveillance has been conditioned.
j) For large scale retail and commercial development with a gross floor area of over 5,000 square metres, provide a 'safer by design' assessment in accordance with the CPTED guidelines from a suitably qualified consultant.	Not applicable.
Section 4.4 Front Fences and Boundary Treatments	
a) Front fences include fences to the primary and secondary street frontages, and side boundary fences forward of the building alignment.	Not applicable. The site has a 0.0m setback for ground floor retail noting low retaining walls along the River Terrace frontage.
b) Front fences and boundary treatments are not to have a greater height to public domain than one metre in height (Figures 4.7 and 4.8).	As above.
c) The use of varied materials is preferred. The use of sheet metal is not permitted as a front fence material.	As above.

d) Front fences should: • Be integrated with the building and landscape design through the use of materials and detailing; • Highlight building entrances and allow for outlook and street surveillance; and • Conform with the predominant line of fences in the street.

As above.

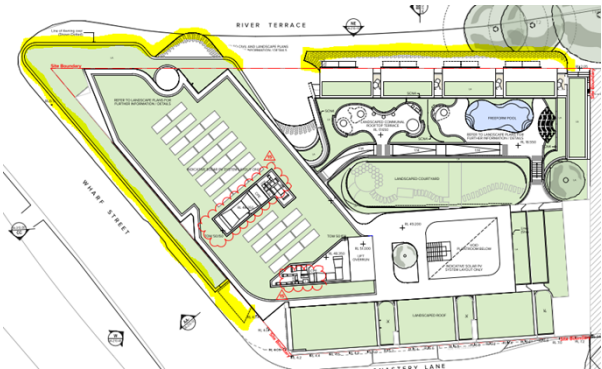
Section 4.5 Awnings

a) Continuous street frontage awnings are to be provided for all new developments as indicated in Figures 4-10 and 4-11. Outside these areas weather protection is to be provided at the main entrance to each building.



A wrap-around awning is provided from Wharf Street to River Terrace. A break in the awning is provided for the landscaping and entrance area to the internal area of the site. A further awning is provided for the Retail 1 area following the break. The awning includes cascade landscaping (greened areas) with the remainder using the materials below.

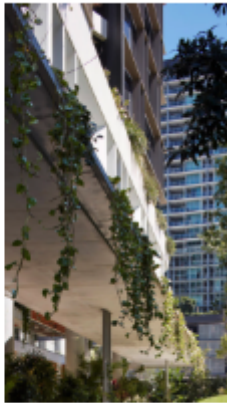
Awnings are required to be 600mm from the road. A condition is recommended in this respect. Revised Plans demonstrating 600mm clearance will be conditioned to be submitted prior to issue of a construction certificate.



Above: Site Plan excerpt showing awnings.



AWN1



AWN2

AWN1 Street level continuous steel awning with decorative motif laser cut into leading edge. Paint finish equal to PF2. Secondary reflective mirror finish soffit lining, natural stainless steel, mirror finish.

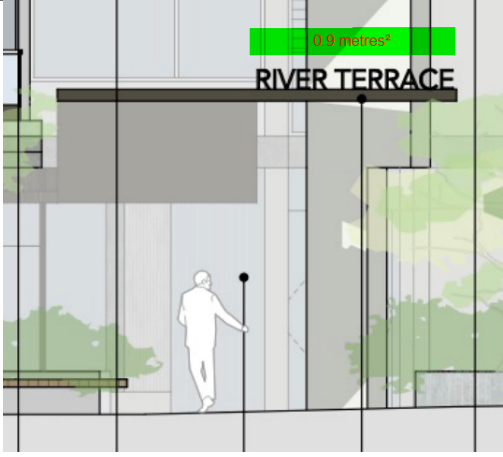
AWN2 Concrete off form awning with stepped profile leading edge, COF1 finish. Integrated GRC planters, colour and finish equal to CPC4.

Above: Materials and finishes of awnings.

Variation**Conditioned**

b) Awning design must match building façades and be in design and height to those of adjoining buildings.	No concerns arise with the proposed designs of the awnings.
c) Wrap awnings around corners for a minimum of 6m from where a building is sited on a street corner.	Complies.
d) Awning dimensions should generally be: • Minimum soffit height of 3.3 metres, • Low profile, with slim vertical fascias or eaves (generally not to exceed 300 millimetres in height), • Setback a minimum of 1.2 metres from the kerb, and • Generally a minimum of 2.4 metres deep.	Wharf Street/River Terrace corner awning is 4m high. River Terrace awning height is approximately 5m high due to change of ground level. The awning design has been strongly supported by the Design Review Panel. No concerns arise with respect to the design. The proposed setback from the road intrudes into the minimum 600mm required in accordance Council's Traffic Engineer's requirements. To be conditioned as set out in (a) above.
e) To control solar access, vertical blinds may be permitted along the outer edge of awnings.	Not applicable.
f) Signage on blinds is not permitted.	Not applicable.
g) Provide under awning lighting to facilitate night use and to improve public safety. Lighting is to be recessed into the soffit of the awning or wall mounted.	A detailed lighting design is conditioned and is to include under awning lighting.
Section 4.6 Vehicle Footpath Crossings	
a) One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	A separate service dock and vehicle access point is proposed adjacent to the entry to the basement parking. No concerns have been raised in relation to the number of access points.
b) Vehicular access is to be limited from major streets including Wharf Street and Bay Street. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street frontages or streets with major pedestrian activity.	Complies.
c) Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	Not applicable.
d) Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7 metres over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 5.4 metres	Non-compliance. A double lane crossing is proposed off Monastery Lane of 6.0m plus splay is proposed off Monastery Lane. No concerns have been raised from a traffic management perspective noting also that a pedestrian footpath is only proposed on the south

may be permitted for safety reasons (refer to Figure 4-12).	side of Monastery Lane (not the development side).
e) Ensure vehicle entry points are integrated into building design.	Complies.
f) Vehicle access ramps parallel to the street frontage will not be permitted.	Complies.
g) Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade.	Complies.
h) Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Complies. Façade finishes and integration of services is addressed in the ADG assessment.
i) Porte cochères disrupt pedestrian movement and do not contribute to active street frontage. They may only be permitted in exceptional circumstances for hotels and major tourist venues subject to urban design, streetscape, heritage and pedestrian amenity considerations.	None proposed.
j) If justified, porte cochères should preferably be internal to the building with one combined vehicle entry and exit point, or one entry and exit point on two different street frontages of the development.	As above.
k) In exceptional circumstances for buildings with one street frontage only, an indented porte cochère with separate entry and exit points across the footpath may be permitted, as long as: • it is constructed entirely at the footpath level, • provides active street frontage uses in addition to any hotel entry or lobby at its perimeter, • is of high quality design and finish, and • provides for safe and clear pedestrian movement along the street.	As above.
Section 4.7 Pedestrian Overpasses and Underpasses	
a) New overpasses over streets, and underpasses, will generally not be approved. In exceptional circumstances, new overpasses over service lanes may be considered by the consent authority subject to an assessment of impacts on safety and crime prevention, streetscape amenity, and the activation of the public domain. In such circumstances, overpasses are to be fully glazed, not greater than 6m wide or more than one level high.	None proposed.
Section 4.8 Advertising and Signage	
a) Signs are to be designed and located to: • relate to the use of the building • be visually interesting and exhibit a high level of design	Proposed signage is below.

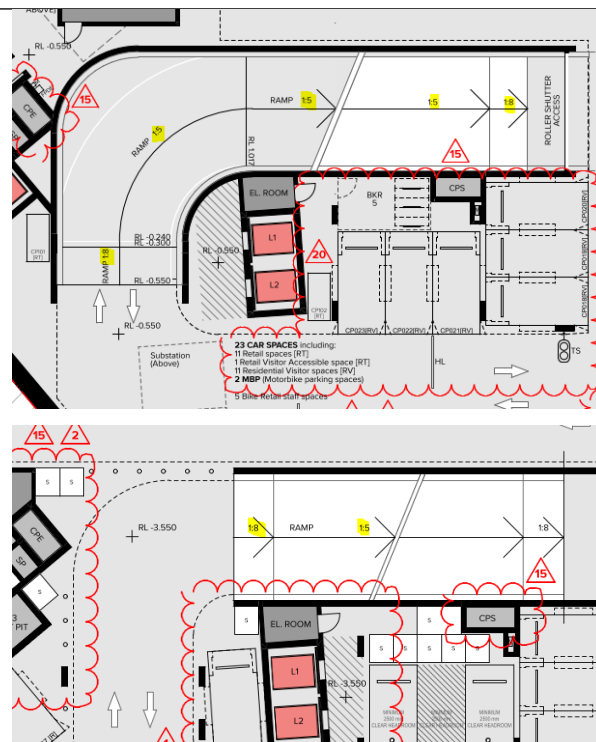
quality, • be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes, and colours, and ensure that architectural features of the building are not obscured (refer to Figures 4-13 and 4-14), • have regard to the view of the sign and any supporting structure, cabling and conduits from all angles, including visibility from the street level and nearby higher buildings, and against the skyline, and • have only a minimal projection from the building.	 <i>Above: Elevations excerpt showing “River Terrace” signage.</i> No concerns arise with respect to design, compatibility with the building, or visibility.
b) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products eg soft drinks, brewers, photographic film, etc) are not permitted.	Not applicable.
c) Signs painted on or applied on the roof are prohibited.	Not applicable.
d) Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.	Not applicable.
e) In considering applications for new signs the consent authority must have regard to the number of existing signs on the site and in its vicinity and whether that signage is consistent with the provisions of this section and whether the cumulative impact gives rise to visual clutter.	No existing signs exist on site. Any additional signage for the Retail areas will be subject to a separate development application. An advisory condition is recommended.
f) Illuminated signs are not to detract from the architecture of the supporting building during daylight.	None proposed.
g) Illumination (including cabling) of signs is to be: • concealed, or • integral with the sign, or • provided by means of carefully designed and located remote or spot lighting.	As above.
h) The ability to adjust the light intensity of illuminated signs is to be installed where the consent authority considers necessary.	As above.
i) Limitation on hours of operation may be imposed for illuminated signs where continuous illumination may impact adversely on the amenity of residential buildings, serviced apartments or other visitor	As above.

accommodation, or have other adverse environmental effects.	
j) Uplighting of signs is prohibited. Any external lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.	As above.
k) Signs are regarded as prejudicial to the safety of the travelling public if they: • obscure or interfere with road traffic signs and signals or with the view of a road hazard, oncoming vehicles, or any other vehicle or person, or an obstruction which should be visible to drivers or other road users, • give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs, • are of such a design or arrangement that any variable messages or intensity of lighting impair drivers' vision or distract drivers' attention, and • are situated at locations where the demands on drivers' concentration due to road conditions are high such as at major intersections or merging and diverging lanes.	No concerns arise.
l) The total allowable area of all signs should not exceed one square metre of advertising per three metres of street frontage.	No advertising is proposed.
m) Controls for specific sign types are identified in Table 4-1. Multiple identification signs and pole signs are generally only permissible in the Enterprise Corridor Zone and Business Development Zone.	A maximum 2m ² is permitted for flush wall signs. While the proposed sign is not a flush wall sign it provides a similar impact and is compliant with the required area for same (1m ² proposed).
Section 5.0 Access, parking and servicing	ASSESSMENT
Section 5.1 Pedestrian Access and Mobility	
a) Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies.
b) The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, AS 2890 Pt 1, or as amended) and the Disability Discrimination Act 1992.	No concerns are raised with respect to parking space widths. General compliance with AS2890 is recommended for condition.
c) Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.	Not applicable. All residential apartments are located above the ground floor.
d) The development must provide at least one main pedestrian entrance with	Complies subject to secure access to the lift lobby.

Variation**Conditioned**

convenient barrier free access in all developments to at least the ground floor.	
e) The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.	As above.
f) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	To be conditioned.
Section 5.2 Vehicular Driveways and Manoeuvring Areas	
a) Driveways should be: • provided from the lanes and secondary streets rather than the primary street, wherever practical, • located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, • located a minimum of 6 metres from the perpendicular of any intersection of any two roads, and • located to minimise noise and amenity impacts on adjacent residential development.	Complies. Access is provided off Monastery Lane. Noise and amenity impacts are considered in the Noise Impact Assessment and conditioned.
b) Vehicle access is to be integrated into the building design so as to be visually recessive.	Complies.
c) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Swept path diagrams were reviewed as part of the assessment and no concerns were raised with imposing a condition requiring forward entry and egress.
d) Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs. Works within the footpath and road reserve will be subject to an approval under section 138 of the Roads Act 1993.	To be conditioned.
e) Driveway widths must comply with the relevant Australian Standards.	Final driveway widths will be assessed in the Section 138 Roads Act application noting that no concerns have been raised by Council's Roads section with respect to the existing widths.
f) Car space dimensions must comply with the Australian Standards 2890.1.	No concerns were raised with respect to parking widths following submission of revised car parking dimensions. General compliance with AS2890 is recommended for condition.
g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard (AS 2890.1).	No concerns were raised with respect to driveway grades (see also below), the ramp or the proposed use of holding bays and traffic lights in the basement for the ramp.
h) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp	Complies.

widths must be in accordance with AS 2890.1.



Above: Basement Floor plans (01 and indicative 02 and 03) showing driveway grades.

j) For development in Medium and Low Density Residential zones, use semipervious materials for all uncovered parts of driveways and parking areas to assist with stormwater infiltration.

Not applicable.

Section 5.3 On-site Parking

a) Car parking rates for land uses are to be provided for in accordance with the Table 5-1.

Car parking is assessed in the ADG assessment and is compliant.

b) Car parking and associated internal manoeuvring areas provided over and above that required by this DCP and the Tweed Local Environment Plan is to be calculated towards gross floor area.

None proposed.

c) On-site parking must meet the relevant Australian Standard (AS 2890.1 2004 – Parking facilities, or as amended).

To be conditioned.

d) A minimum of 2% of the required parking spaces, or minimum of 1 space per development, (whichever is the greater) is to be appropriately designated and signposted for use by persons with a disability.

To be conditioned.

e) Bicycle parking is to be provided in accordance with Table 5.1, in secure and accessible locations, with weather protection. Where no rates are specified, bicycle parking is to be provided at a rate of 1 space per 200m² of GFA.

Bicycle parking is assessed in the ADG assessment. Use of Austroad rates has been considered appropriate under this assessment. Locations for residential bicycle storage is to be in the basement at the end of the parking spaces. Weather protected visitor spaces are provided in

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	the basement and off Wharf Street with EoT facilities.
f) Motorcycle parking is to be provided in accordance with Table 5.1.	Motorcycle parking is assessed in the ADG assessment and is compliant.
g) Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council.	Geotechnical matters are assessed in the report accompanying this assessment.
h) Natural ventilation should be provided to underground parking areas where possible, with ventilation grilles and structures: • Integrated into the overall façade and landscape design of the development, • Not located on the primary street façade, and • Oriented away from windows of non-habitable rooms and private open space areas	Mechanical ventilation is provided. No concerns arise with respect to design treatments of the service.
i) All car parking is to be below ground level, except where site physical constraints prevent all of the required parking to be provided below ground level. Where parking is demonstrated to be required to be provided above ground level due to site physical constraints, above ground car parking may be excluded from gross floor area calculations, where development complies with the built form controls in section 3.0 of this Plan.	Complies.
j) Above ground parking is not to address the primary street frontage where active street frontages are required under this Plan.	None proposed.
k) Above ground parking structures are to comply with rear setbacks where relevant as shown in Figures 5-3 and 5-4.	As above.
l) Above ground parking structures are to be artistically and imaginatively screened from view from the public domain (refer to Figures 5-5, 5-6 and 5-7 for examples).	As above.
m) Car parking above ground level is to have a minimum floor to ceiling height of 2.7m so it can be adapted to another use in the future.	As above.
n) Within the Commercial and Mixed Use Zones, exposed, but screened natural parking ventilation may be permitted fronting onto service lanes if agreed to by Council.	Not applicable.
o) The impact of any at-grade parking is to be minimised by: • locating parking on the side or rear of the lot away from the street frontage, • provision of fencing or landscape to screen the view of cars from adjacent streets and buildings, • allowing for safe and	None proposed.

direct access to building entry points, and • incorporating car parking into the landscape design of the site (such as plantings between parking bays to improve views, selection of paving material and screening from communal and open space areas).	
p) For non-residential development providing employment for 40 persons or more, adequate change and shower facilities are to be provided for cyclists. Facilities should be conveniently located close to bike storage areas.	EoT facilities are provided as assessed in the ADG assessment.
Section 5.4 Developments in Other Zones	
No controls specified. The impact of any on-grade car parking is to be minimised.	None proposed.
Section 5.5 Site Facilities and Services	
a) Provide mailboxes for residential buildings and/or commercial tenancies in one accessible location adjacent to the main entrance to the development.	Complies.
b) Mailboxes should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.	Complies with integration into planter box area.
c) Mailboxes are to be secure and large enough to accommodate articles such as newspapers.	To be conditioned.
d) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures: • away from the street frontage, • integrated into the roof scape design and in a position where such facilities will not become a skyline feature at the top of any building, and • adequately setback from the perimeter wall or roof edge of buildings.	No concerns are raised with respect to the integration and screening of services on the ground level. The roof scape includes utilities set towards the middle of the roof and is not in a position where such matters could become skyline features.
e) A master antenna must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.	To be conditioned.
f) All development is to adequately accommodate waste handling and storage on-site. The size, location and handling procedures for all waste, including recyclables, is to be determined in accordance with Council waste policies and advice from relevant waste handling contractors.	No concerns were raised with proposed waste management including collection (following revision to kerb-side pickup for residential waste). Conditions have been recommended requiring compliance with the submitted Waste Management Plan (as revised) and Council's DCP.
g) Access for waste collection and storage is preferred from rear lanes, side streets or rights of ways.	Waste collection was initially proposed off Monastery Lane via a turntable and the service dock. Objections were raised to this arrangement

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Conditioned

	as the proposed arrangement is not appropriate having regard to the limitations of the existing residential waste contractor's agreement and equipment. Additionally, Monastery Lane is currently utilised for the collection of the bins for the dwellings on Monastery Hill. However, this was identified as an undesirable arrangement as the current route requires the waste truck to reverse down the hill and around the corner. It was not considered that worsening this arrangement was to be encouraged. Accordingly, residential waste kerbside pickup from another street was required. Collection from Wharf Street was not desirable noting Wharf Street is a main road, leaving River Terrace as the only kerbside pickup location remaining. Following revision of the application to demonstrate a kerbside pickup location on River Terrace, no further concerns were raised.
h) Waste storage areas are to be designed to: • ensure adequate driveway access and manoeuvrability for any required service vehicles, • located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments, and • screened from the public way and adjacent development that may overlook the area.	Waste storage areas are assessed in the ADG assessment.
i) The storage facility must be well lit, easily accessible on grade for movement of bins, free of obstructions that may restrict movement and servicing of bins or containers, and designed to minimise noise impacts.	As above.
j) Waste storage areas are to be designed to: • Ensure adequate driveway access and manoeuvrability for any required service vehicles, • Located so as not to create any adverse noise impacts on existing development or sensitive noise receptors such as habitable rooms of residential developments, and • Screened from the public way and adjacent development that may overlook the area.	As above. Note, duplicate control.
k) Where waste volumes require a common storage and handling area, this is to be located: • for residential flat buildings, enclosed within a basement or enclosed car park, • for multi-unit housing, at ground behind the main building setback and façade, or within a basement or enclosed car park, and • for commercial, retail and other development, on-site in basements or at	Complies and as addressed in the ADG assessment.

Variation

Conditioned

ground within discrete service areas not visible from main street frontages.	
l) An above ground collection storage area is to be provided within the property boundary situated to provide easy access for the collection vehicles designed in accordance with the requirements of this Plan.	The residential bins are proposed to be stored within site and then relocated to the kerb for pickup. A condition has been recommended by Council's Development Engineering unit to limit exposure of the bins to the streetscape.
m) Where a mobile compaction vehicle is required to enter the site, the access and circulation area shall be designed to accommodate a vehicle with the dimensions in Table 5-2.	Not applicable.
n) Provide adequate space within any new development for the loading and unloading of service/delivery vehicles.	Complies.
o) Screen all service doors and loading docks from street frontages and from active overlooking from existing developments.	Complies.
p) Design circulation and access in accordance with AS 2890.1.	No concerns were raised with respect to the circulation and access following an increased width of Monastery Lane (as part of the Section 138 application) revised sightlines and conditions relating to traffic calming measures.
q) For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements.	Not applicable. The fire booster is located off Wharf Street.
r) Generally, provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction where: • NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants, or • The site has an access driveway longer than 15m.	The fire booster is located directly adjacent to road reserve parking on Wharf Street.
s) The provision of utility services and access for regular servicing and maintenance must be considered at the concept stage of site development.	Utility services and access to same is provided directly off Monastery Lane.
t) Development must ensure that adequate provision has been made for all essential services including water, sewerage, electricity and telecommunications and stormwater drainage to the satisfaction of all relevant authorities.	Complies. Essential Energy matters are addressed in detail in the report in relation to relocation and undergrounding of power poles and powerlines respectively.
u) The applicant must liaise with the relevant power authority with regard to the need for a conduit to be installed within the footway area for the future provision of an underground	As above.

power supply and extension of the conduit up to the wall of the existing or proposed building.	
v) The development must ensure that ready connection of the building(s) can be made in future when underground power is installed and the overhead line connection is replaced with a connection to the underground line.	As above.
w) The applicant must liaise with the power authority with regard to the retention, relocation, or removal of any existing power pole	As above.
Section 6.0 Environmental Management	ASSESSMENT
Section 6.1 Energy Efficiency and Conservation	
a) New dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	The application has provided a BASIX certificate for the development.
b) All non-residential development Classes 5-9 must comply with the Building Code of Australia energy efficiency provisions.	To be conditioned. A Section J assessment has accompanied the application and has been conditioned for compliance.
c) Improve the control of mechanical space cooling by designing cooling systems to target only those spaces which require cooling, not the whole building.	To be conditioned.
d) Improve the efficiency of hot water systems by: i) insulating hot water systems, and ii) installing water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators.	To be conditioned.
e) Reduce reliance on artificial lighting by designing lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.	To be conditioned. Further sustainability initiatives include: natural light and ventilation to open circulation corridors and lift lobbies, energy efficient lighting, communal recycling facilities, efficient building services, bicycle parking, and end-of-trip facilities for retail staff and tenancies. <i>Above: Architect's Design Report response to Design Quality Principle 4 Sustainability.</i>
f) All commercial development over \$5 million is to provide an Energy Efficiency Report from a suitably qualified consultant that demonstrates a commitment to achieve no less than a 4 stars under the Australian Building Greenhouse Rating Scheme.	Energy efficiency is managed in accordance with the ESD Report, BASIX Certificate and Section J assessment that accompanied the development.
Section 6.2 Water Conservation	
a) New dwellings, including a residential component within a mixed use building and	Complies.

Variation**Conditioned**

serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy - Building Sustainability Index (BASIX).	
b) The following water saving measures are to be incorporated into non-residential building:	Water saving is addressed in the ESD Report, BASIX Certificate and Section J assessment.
c) Use an alternative to mains water source for the irrigation of public or private open space.	Complies. A rainwater tank is provided and is to be the primary source of irrigation water.
d) Provide all irrigation of public and private open space by sub-surface, drip irrigation systems controlled by timers and soil moisture or rainfall sensors.	To be conditioned.
e) All water fixtures in non-residential buildings including public facilities should be rated to deliver maximum water flows of: • 6 litres per minute for hand basins, and • 9 litres per minute for showers	Conditioned in accordance with this control subject to flexibility noting that Section B2 controls may no longer be best practice.
f) Provide other water efficiency measures in non-residential buildings and public facilities including: • all toilets to be provided with dual flush systems of no more than 6 litres per full flush and 3 litres per half flush. • manual or sensor operated, low volume flush systems fitted to all urinals (excluding waterless, or ultra waterefficient urinals), • trigger nozzles on all hoses and kitchen dishwashing facilities, and • automatic shut off for all public hand basin taps.	Conditioned in accordance with this control subject to flexibility noting that Section B2 controls may no longer be best practice.
g) Locate all non-residential hot water systems as close as practical to the hot water enduse (for example, shower facilities)	To be conditioned.
h) Appliances (dishwashers, clothes washers etc) are to be 3 stars or better rated with respect to water use efficiency. Demonstrate, if necessary, how these requirements will be achieved for replacement appliances, appliances not installed at construction, or bought in by occupants following construction.	Complies (ESD report, page 12).
i) Stormwater runoff control, capture and reuse, including water quality management in accordance with Council's guidelines.	Following submission of additional details regarding stormwater capture and treatment, no concerns are raised subject to conditions.
j) Select water efficient plants and/or, indigenous vegetation for landscape in accordance with Council's recommendations.	Planting and landscaping is addressed in the ADG assessment.

Variation**Conditioned**

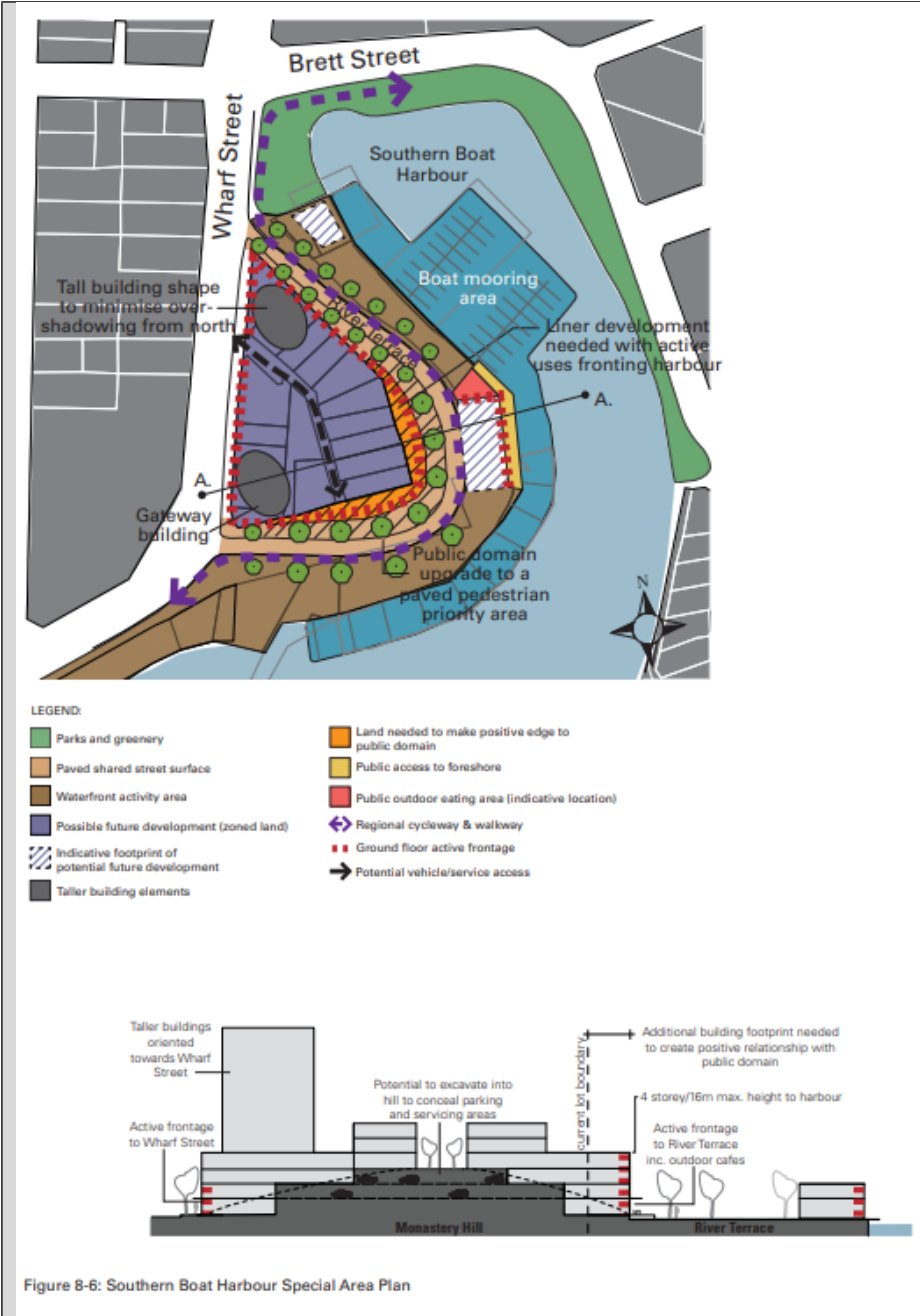
k) Use non- potable water for watering gardens and landscape features.	Irrigation is addressed in the ADG assessment and is to be primarily from rainwater tank collection.
l) Specifying operating details for swimming pools and water features including filling, draining and maintenance activities. Covers are to be included in the design and operational aspects of swimming pool installations.	To be conditioned.
m) Alternatives to the above water savings methods can be presented to Council and will be assessed on merit.	Conditioned to be constructed in accordance with this flexibility noting that Section B2 controls may no longer be best practice.
n) Potable water must not be drawn on for the following uses in non-residential development, unless as a backup supply: • toilet and urinal flushing, • fire service testing, • clothes laundering, • hosing-down, and • car washing.	To be conditioned.
o) As long as 'fit for purpose' treatment measures, appropriate to the water source and the water end uses, are applied, alternative water sources for non-potable uses may include: • rainwater harvested from roofs, or • treated waste water, stormwater or greywater (such as collected from showers, hose-down, car wash or laundry facilities).	No concerns arise.
p) Cooling towers, or other forms of evaporative coolers for the provision off cooled air to, or the rejection of heat from, heating, ventilation, air conditioning, chilling or refrigeration systems, must (except in the case of emergency, such as failure of the particular water supply), draw 100% of their water use from an alternative water supply. Suitable alternative water supplies include harvested rainwater or appropriately treated waste water, stormwater or greywater (such as collected from showers, hose-down, carwash or laundry facilities).	To be conditioned.
Section 6.3 Climate Change and Floodplain Management	
a) Design flood levels for the city centre shall be consistent with the requirements of Section A3 – Development of Flood Liable Land in Tweed Shire Council's Development Control Plan.	No concerns have been raised with respect to flooding. Further detail in relation to flooding is set out in the report.
Section 6.4 Reflectivity	
a) New buildings and façades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	No concerns arise with respect to the façade. The awning proposes a secondary reflective mirror finish to the soffit lining and natural stainless steel, mirror finish. The applicant has not addressed any reflective impact subject to welcoming a condition ensuring building materials do not result in

Variation**Conditioned**

	excessive glare from reflection. This condition, along with a condition requiring a reflectivity report prior to issue of a construction certificate and imposition of any recommendations has also been recommended.
b) Visible light reflectivity from building materials used on the façades of new buildings should not exceed 20%.	As above.
c) Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.	As above.
Section 6.5 Wind Mitigation	
a) To ensure public safety and comfort the following maximum wind criteria are to be met by new buildings: • 10 metres/second in retail streets, • 13 metres/second along major pedestrian streets, parks and public places, and • 16 metres/second in all other streets	To be conditioned. It is noted that the Pedestrian Wind Statement does not address these criteria but nevertheless provides for wind mitigation measures.
b) Site design for tall buildings (towers) should: • Set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, • Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, • Consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and • Ensure useability of open terraces and balconies.	The tower building is set back from the River Terrace apartments at the street frontage. A Pedestrian Wind Statement has been submitted which includes recommendations relating to wind attenuation measures including in relation to open terraces and balconies. Compliance with the Pedestrian Wind Statement is to be conditioned.
c) A Wind Effects Report is to be submitted with the development application for all buildings greater than 35m in height.	As above.
d) For buildings over 50m in height, results of a wind tunnel test are to be included in the report.	A wind tunnel test was not included in the assessment. Given only the lift overrun and rooftop plant extends above the 50m threshold, a wind tunnel test is not considered essential.
Section 6.6 Waste and Recycling	
a) All development must comply with Council's building site waste management policy.	No concerns have been raised subject to conditions.
b) Development applications for all non-residential development must be accompanied by a waste management plan that addresses: • best practice recycling and reuse of construction and demolition materials. • use of sustainable building materials that can be reused or recycled at the end of their life. • handling methods and location of waste storage areas in	As above, noting that recycling and organic waste is facilitated.

accordance with the provisions of Section 5.4 of this Plan, such that handling and storage has no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians, and • procedures for the on-going sustainable management of green and putrescible waste, garbage, glass, containers and paper, including estimated volumes, required bin capacity and on-site storage requirements	
c) The waste management plan is to be prepared by a specialist waste consultant and is subject to approval by Council.	As above.
d) Provision must be made for the following waste generation: • In developments not exceeding six dwellings, individual waste storage facilities may be permitted. • In development of more than six units or dwellings, or where the topography or distance to the street collection point makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is: – not visible from the street, – easily accessible to dwelling occupants, – accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point), – has water and drainage facilities for cleaning and maintenance, and – does not immediately adjoin private open space, windows or clothes drying areas.	As above. Street collection off River Terrace has been provided for residential waste. Commercial waste collection is to remain from the service dock. Internal storage areas are not visible from the relevant street (Monastery Lane). Residential bins are to be transported from the storage area to the River Terrace collection point by the body corporate/building manager.
e) Subject to Council collection policy, common garbage storage areas must be sized to either accommodate the number of individual bins required or to accommodate sufficient larger bins with the minimum dimensions in Table 6-1.	As above noting that revised information has been assessed and confirmed satisfactory with respect to larger bulk bin sizes required by Council.
f) The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.	As above.
Section 7.0 Residential development controls	ASSESSMENT
Section 7.1 SEPP 65 and Residential Flat Design Code	
No controls provided. Compliance with SEPP 65 is imposed as required.	Addressed in the ADG assessment.

Section 7.2 Housing Choice and Mix	
Not applicable (Section 149(1)(d) SEPP (Housing) 2021).	
Section 7.3 Residential Design for a Subtropical Climate	
The controls of Section 7.3 relate to natural ventilation, shading and balcony design. These controls are not applicable (Section 149(1)(b), (d) and (f) SEPP (Housing) 2021).	
Section 7.4 Dwelling Houses	
No controls provided. Compliance with the Tweed DCP 2008 is required for dwelling house developments.	Not applicable.
Section 7.5 Multi Dwelling Housing	
No controls provided. Compliance with Section A1 of the Tweed DCP 2008 is required for shop-top housing development of 3 storeys or less.	Not applicable.
Section 7.6 Residential Flat Building	
No controls provided. Compliance with SEPP 65 is required for residential flat buildings.	Addressed in the ADG assessment.
Section 7.7 Dual Occupancy	
No controls provided. Compliance with the Tweed DCP 2008 is required for dual occupancy developments.	Not applicable.
Section 8.0 Controls for special areas	ASSESSMENT
Section 8.1.4 Southern Boat Harbour	
1) To create a revitalised southern gateway to Tweed City Centre. This highly attractive location has good exposure to the main street and boat harbour. There is an opportunity to rejuvenate this intimate boat harbour and tourist area into a mixed-use destination containing residential uses, tourist activities and accommodation, a function centre, and restaurants and cafés addressing the boat harbour frontage (as indicated in Figure 8-6). 2) To promote the maritime theme of the boat harbour, and to encourage and facilitate tourism and boating on the Tweed River.	



Above: Figure 6 Southern Boat Harbour Special Area Plan excerpt from Section B2 of the DCP.

Land ownership

a) Rationalise existing opportunities to consolidate and rationalise land ownership on Monastery Hill so that more desirable development outcomes are achieved (see Figure 8-7).

Land Ownership

The DCP refers to a land consolidation plan (Figure 8-7), which has not been included in the DCP. The site consolidates three allotments to achieve a more desirable outcome. The FSR control in the LEP encourages sites to be around 2,000 square metres in area. The site is only 151 square metres less than 2,000 square metres in area and an appropriate built form outcome has been achieved.

Above: SEE response to 8.1.14(a).

Rationalisation of land ownership has occurred with single ownership and proposed consolidation of 3, 5 and 7 River Terrace. Further consolidation will be required for the remainder of Monastery Hill for future developments. Acquisition for a more serviceable lane to address future access issues

	will likely also be required prior to further development of River Terrace/Monastery Lane.
Links and connections b) Provide new walking and cycle links around the harbour that connect to regional walking and cycle links to the north and south.	Links and Connections The concept landscape plan for the public domain includes new pathways around the site. The design of the development provides a through site links to each adjoining street/lane. <i>Above: SEE response to 8.1.14(b).</i> The proposed connection to walking and cycle links will be subject to redevelopment of the public realm not the subject of this development. The proposed pedestrian links through the site connecting Wharf Street to River Terrace are supported.
Public space c) Provide a new paved shared plaza along River Terrace where tourist uses can spill out onto, and connect directly with, the harbour activities. The shared space allows vehicular access to the harbour and to adjacent buildings, but within a pedestrian priority environment.	Public Space The concept landscape plan for the public domain includes a new paved shared plaza along River Terrace where visitors and residents can connect directly with harbour activities. <i>Above: SEE response to 8.1.14(c).</i> The paved shared plaza was initially put forward as an option for public works but was not supported in the assessment. The primary concern related to the additional maintenance required for upkeep outweighing the need for the shared space in the immediate locality at this time.
Built form d) It is envisaged that the redevelopment of this area will allow for up to two tall buildings of high architectural quality that can mark this important city gateway site. The taller buildings are envisaged to be slimline with a maximum gross floor area (per floor) of 700-900 square metres, depending on land use, and located at the northern and southern tip of the River Terrace. Vehicular access to the development should be off Wharf Street, or from an internal laneway system.	Built Form The development includes a slim-line, tall building that is of a high architectural quality. The design quality of the building has been refined through an extensive Design Review Panel process. <i>Above: SEE response to 8.1.14(d).</i> The proposed building forms one of the taller slimline tower buildings on the northern tip of River Terrace. The sites present a landmark opportunity to provide a well designed architectural tower as a presentation heading to and out of the Tweed. Vehicular access is off Monastery Lane. The proposed gross floor area per floor is compliant (see relevant plan identified as DA-770-001) for the highest GFA level proposed at 860m2 (residential).
Public domain interface e) Active street frontages are to be provided along the length of the River Terrace and along the corners with Wharf Street. Lively active uses are encouraged fronting the harbour including restaurants and cafés with outdoor dining areas.	Public domain interface Active frontages are proposed along the River Terrace and Wharf Street whilst also providing opportunities for outdoor dining, landscaped spaces, and pedestrian pathways through the site. The principles identified for the site are found in Section 8.1.4 of the DCP. <i>Above: SEE response to 8.1.14(e) and (f).</i> Active street frontages are provided to River Terrace and the corner of Wharf Street. The application initially sought for food and drink premises to occupy both commercial premises at ground floor before later amending the corner of Wharf Street and River Terrace premises to

Variation**Conditioned**

	“Showroom” to comply with car parking requirements. While it is noted that Figure 6 of Section 8.1.4 and (e) here encourages restaurants and cafés, it is considered that the development is already at almost maximum capacity for car parking without adding a 4th cost prohibitive basement level. As it stands, the proposal seeks approval for 1 “Showroom” and 1 “Food and drinks premises”. The proposal is acceptable noting no concerns relating to future conversion of the “Showroom” are raised other than in relation to parking.
f) Car parking is to be entirely accommodated within the block with active frontages at ground level and the first floor level.	Complies. Active frontages are not proposed on the first floor level.

Section A1 – Residential and Tourist Development Code Part C

BUILDING TYPES	ASSESSMENT
RESIDENTIAL FLAT BUILDINGS	
Shop-top housing Controls a. Shop-top development is to have a street elevation consistent with other buildings in the street in terms of height and vertical and horizontal proportions. The buildings street elevation is to be designed to give emphasis to enclosing the street space along the street boundary. b. Colonnades are generally not acceptable along main streets unless there is a historic precedent of colonnades along the street. c. Uses on ground level are to be commercial (generally retail). Circulation spaces used to access upper level dwellings may occupy up to 15% of the lot frontage. d. Uses on the first floor can be either residential or commercial. e. The internal space of the ground floor of the development is to be at the ground level of the street. f. Basement car parking is to be fully underground. g. Footpath trading must comply with the procedures and guidelines contained in the Tweed Footpath Trading Policy. h. The design and layout of commercial spaces is to demonstrate: - the intended type of commercial uses proposed and the suitability of the building design to accommodate these uses, - the immediate and long term economic feasibility of proposed commercial space, - the way in which the proposed commercial space complements and extends the quality and attractiveness of the existing centre.	Section B2 overrides the maximum elevation controls. Uses on the ground level are commercial (retail). Circulation space controls do not apply (Section 149 SEPP (Housing) 2021). Retail 1 internal areas are on the ground level of Wharf Street. Retail 2 (the food and drinks premises) is not at ground level to compensate for the potential of flooding on River Terrace. No concerns arise with approving a variation noting the significant pedestrian amenity afforded by linkages and the use of the terrace as a place for casual interaction. Basement car parking is fully underground. Footpath trading will be subject to a footpath dining licence that will be subject to the footpath trading policy. A relevant condition is recommended. No concerns arise with the long-term economic feasibility of the commercial space, noting the available floor areas, nearby facilities, significant glazing to facilitate impermeability and retail uses promoting an active frontage.
SITE AND BUILDING DESIGN CONTROLS	
PUBLIC DOMAIN AMENITY	
Streetscape Controls • Site design, building setbacks and the location and height of level changes are to consider the existing topographic setting of other buildings and sites along the street, particularly those that are older and more established. • The design of the front deep soil zone and boundary interface to the public	Setbacks, deep soil, driveways, open space and design of the street frontages and facades are assessed in the Section B2 assessment above and the ADG assessment. No further assessment is considered required.

BUILDING TYPES	ASSESSMENT
domain is to complement or enhance streetscape character by: ○ providing for landscaping; lawn, trees or shrubs characteristic with existing properties or of such design as to enhance the quality and appearance of the dwelling and surrounding area, ○ reflecting the character and height of fences and walls along the street, or of such design as to enhance the quality and appearance of the dwelling and surrounding area, ○ reflecting the character and layout of established front gardens of other allotments in the street, particularly older and well established garden landscapes, ○ retaining, protecting or replacing existing vegetation and mature trees, • Carports and garages visible from the public street are to; ○ be compatible with the building design, including roofs, ○ be setback behind the dwellings front elevation. • Minimise driveways and hardstand areas to increase the area for deep soil zones and landscaping and to reduce the visual impact of driveways and hard surfaces from the street. • Facades visible from the public domain are to be well designed by: ○ having important elements such as front doors and building entry areas prominent in the building facade and clearly identifiable from the street, ○ coordinating and integrating building services, such as drainage pipes, with overall facade design, ○ integrating the design of architectural features, including stairs and ramps, and garage/carport entries with the overall facade design, and by locating car parking structures on secondary streets where possible, ○ ensuring corner buildings have attractive facades which address both streets frontages, including the careful placement and sizing of windows, ○ ensuring entrance porticos are single storey.	

BUILDING TYPES	ASSESSMENT
Public Views and vistas Controls • The location and height of new developments is not to significantly diminish the public views to heritage items, dominant landmarks or public buildings from public places. • The location and height of new development is to be designed so that it does not unnecessarily or unreasonably obscure public district views of major natural features such as the water, ridgelines or bushland. • The location and height of new development is to be designed so that it does not unnecessarily or unreasonably obscure public view corridors, for example, down a street. • The location and height of new development is to be designed to minimise the impact on public views or view corridors between buildings.	A robust viewsharing assessment accompanied the application in addition to photomontages of the development from respective viewpoints. The development has a significant visual impact on a large scale bounded by the Razorback Lookout (west), Minjungbal Drive (south of Boyds Bay Bridge and the development), Fingal Head (south-east), Jack Evans Boat Harbour and local parks (north). While the noted areas are clearly domains of more relevance to <i>Rose Bay Marina Pty Limited v Woollahra Municipal Council</i> [2013] NSWLEC 1046, the impact area on private developments is relevant within this area with the more intense impacts occurring closer to the development (e.g. the shop-top housing development approved on 151 Wharf Street under DA23/0314). It is noted that the future context would likely consider the development a lower scale impact than at this time while the precinct is in transition. As it is the first of its kind in the area, the impact is significant and permanent and includes sky views, landscape views and water views. The assessment provides analysis for 30 viewpoints. It is not proposed to replicate the full assessment here. The assessments generally conclude that the views range from low (e.g. housing) to high value (coastline and hills), the development results in minor to moderate impacts* on those views (based on the below scale) and that those impacts are nevertheless acceptable within the context of the desired future character of the area and therefore achieves the objectives of the relevant instruments. *In this regard, it is noted that Step 2 of the principles in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140 (what part of the property the views are obtained) is of little additional assistance to a development of this scale. See scale below for further detail of impact categorisation. The conclusion is generally accepted. The final step of private view impact assessment and the goal of quantitative and qualitative public domain view assessment is to determine whether the impact is of such adversity or unreasonableness that it ought not be approved (see <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140 [29-31] and <i>Rose Bay Marina Pty Limited v Woollahra Municipal Council</i> [2013] NSWLEC 1046 [59]). In this case, the development site has been marked for a landmark building that would potentially be entitled to an additional 10% height

BUILDING TYPES	ASSESSMENT
	above the 49.5m already permitted via a design excellence competition. While this development does not seek the 10%, the development nevertheless achieves design excellence as demonstrated by the Design Review Panel advice letter recommendations and Council's Strategic Planning and Urban Design unit's comments. It is of relevance that the change to this view of the Tweed has been anticipated since adoption of Section B2 of the DCP in 2013. While the impacts are extensive including introduction of a new skyline and strong visibility from public domains, it cannot be considered unreasonable for such an impacts to proceed subject to high architectural design to turn the impact into a positive (which is achieved – see also <i>Rose Bay Marina Pty Limited v Woollahra Municipal Council</i> [2013] NSWLEC 1046 [58]) and any additional mitigation measures which could be utilised. In relation to further mitigation measures, the proposed design could further mitigate views by allowing a view corridor between tower elements from certain perspectives. While this may theoretically be an option, the practical result would be a loss of apartments to air space and building services. It is acknowledged that the proposed design has been supported from a design excellence perspective and is acceptably compliant with the LEP and ADG notwithstanding the height and residential FSR variations. It is not considered for example, that removal of the LEP variations would result in a better outcome. Removing 1.5m to comply with the height limit would have little impact, noting also the additional 10% above 49.5m that would normally be available for design excellence. Removing significant residential floor area to comply with the maximum FSR may reduce the impact by way of a reduction in scale, but such reduction would compromise the intention of achieving an activated retail and residential centre. It is important also to note that this is a 'key site' in the TCC LEP identified for a slim tower design in Section B2 of the DCP which lends itself to a larger residential component of the maximum FSR. The proposed view impacts are acknowledged and considered reasonable in accordance with the principles of <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140 and the planning principle for public domain views in <i>Rose Bay Marina Pty Limited v Woollahra Municipal Council</i> [2013] NSWLEC 1046.

BUILDING TYPES		ASSESSMENT		
Scale	Value	Visual Quality	Visual Impact	Tenacity Value
0	Negligible	N/A	No negative impact on the pre-existing visual quality of the view.	Nil
1		Predominant presence of low quality manmade features. Minimal views of natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc). Uniformity of land form.	A minor negative impact on the pre-existing visual quality of the view. Examples: - Minor impacts on natural landscapes. - No impact on iconic views - Impacts on a small number of receivers. - Significant distance between the development and receiver.	Negligible
2				
3				
4				
5				
6	Low	Presence of some natural features mixed with manmade features. Some views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc).	A medium negative impact on the pre-existing visual quality of the view. Examples: - Moderate impacts on iconic views or natural landscapes. - Impacts on a moderate number of receivers. - Located nearby the receiver.	Minor
7				
8				
9				
10				
11	Medium	Predominantly natural features. Minimal manmade features, however if present of a high architectural standard. Significant views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc). Presence of iconic regional views or landmark features.	A high negative impact on the pre-existing visual quality of a view. Examples: - Loss of iconic views. - Impacts on a significant number of receivers. - Overshadowing effect. - Directly adjacent the receiver.	Moderate
12				
13				
14				
15				
	High			Severe
	High			Devastating

Figure 11 – Urbaine Design Group Visual Assessment Scale

Above: Submitted Visual Assessment Scale.

SITE CONFIGURATION	
Deep Soil zones Controls - Deep Soil Zones must be provided for all new developments and existing development, except on non urban land with site areas greater than 5000m² and development with ground level commercial floor space. - All sites are to provide two Deep Soil Zones, one to the rear and one to the front of the property. - Rear Deep Soil Zones are to have minimum width of 8m or 30% of the average width of the site whichever is the greater and a minimum depth of 18% of the length of the site up to 8m but not less than 4m. Greater than 8m may be provided if desirable. - Rear Deep Soil Zones are to have soft landscaping; refer to Landscaping Section.	Deep soil is assessed in the Section B2 assessment above and the ADG assessment. No further assessment is required.

BUILDING TYPES	ASSESSMENT												
• Front Deep Soil Zones are to be the width of the site boundary minus the driveway width and the pathway width by the front setback depth. • Front Deep Soil Zone areas are to have soft landscaping, vegetation and at least one tree. • Deep Soil Zones cannot be covered by impervious surfaces such as concrete, terraces, outbuildings or other structures. • Deep Soil Zones cannot be located on structures such as car parks or in planter boxes. • The Deep Soil Zone is to be included in the total permeable area for the allotment.													
Impermeable site area Controls • An allotment’s runoff shall be dispersed onto grassed, landscaped or infiltration areas, of the allotment, unless this is inconsistent with the geotechnical stability of the site or adjacent/downstream land. • The concentration, collection and piping of runoff to the street gutter or underground stormwater system shall be minimised unless this is inconsistent with the geotechnical stability of the site or adjacent/downstream land. • Rain water shall be collected in tanks and reused. • Site surface depressions in landscaping are to be utilised for on-site detention and infiltration unless this is inconsistent with the geotechnical stability of the site or adjacent/downstream land. • Runoff is to be minimised, delayed in its passage and where possible accommodated within the landscape of the development site unless this is inconsistent with the geotechnical stability of the site or adjacent/downstream land. • A schedule of the breakdown/calculation of impermeable site area must be submitted with the development application. • The maximum areas for impervious surfaces are: ○ 70% of the allotment - On lot sizes less than 500m2.	Stormwater has been assessed and following receipt of further information no concerns are raised subject to conditions. In relation to impervious areas, the site presents landscaping of 83% through the use of rooftop/awning soft landscaping, planters above structure and soil on structure.  <table><tr><th colspan="3">Development Soil Profiles</th></tr><tr><td>SOIL ON STRUCTURE</td><td>APPROX. 75m2</td><td>5%</td></tr><tr><td>PLANTERS ABOVE STRUCTURE</td><td>APPROX. 435m2</td><td>23%</td></tr><tr><td>ROOFTOP / CASCADING SOFT LANDSCAPE</td><td>APPROX. 1,022m2</td><td>55%</td></tr></table> Above: Soil Profiles plan.	Development Soil Profiles			SOIL ON STRUCTURE	APPROX. 75m2	5%	PLANTERS ABOVE STRUCTURE	APPROX. 435m2	23%	ROOFTOP / CASCADING SOFT LANDSCAPE	APPROX. 1,022m2	55%
Development Soil Profiles													
SOIL ON STRUCTURE	APPROX. 75m2	5%											
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ROOFTOP / CASCADING SOFT LANDSCAPE	APPROX. 1,022m2	55%											

BUILDING TYPES	ASSESSMENT
○ 65% of the allotment - On lot sizes between 500m² and 750m² inclusive. ○ 60% of the allotment - On lot sizes greater than 750m².	
External Living area Controls • External living areas are best located adjacent to the internal living (dining rooms, living room, or lounge room) areas so as to extend the overall living space. • External living areas should be suitably screened to achieve visual privacy if located less than 4m from a side boundary. • External living areas are to be no closer to the side boundaries than 900mm. • External living areas are to be designed to ensure water does not enter the dwelling. • External living areas should be oriented to north where possible.	Not applicable (Section 149(1)(d) and (f) of the SEPP (Housing) 2021). No additional screening is considered required.
Above Ground External Living Spaces, Balconies and Terraces Controls • Above ground external living areas are to have a minimum depth of 2.5m and a minimum area of 10sq.m. • Balconies and terraces off minor rooms have no minimum depth or width. • Above ground external living areas are to be; ○ located adjacent to the main living areas, such as living room, dining room, kitchen to extend the dwelling living space, ○ sufficiently large and well proportioned to be functional and promote indoor/outdoor living to fit a dining table and our chairs.	Not applicable (Section 149(1)(d) and (f) of the SEPP (Housing) 2021).
Communal Open Space Controls • Communal open space must be provided for with any developments of more than 10 dwellings to provide recreational or relaxation uses for residents. • Communal open space is not to be located such that solar access, privacy and outlook to dwellings are reduced. • The design of communal open space must demonstrate how it achieves specific functions that enhance the livability and residential amenity of the	Communal open space is assessed in the ADG assessment. No further assessment is considered required.

BUILDING TYPES	ASSESSMENT
development and how it will serve the needs and number of people within the development. • The location and design of communal open space must not compromise achieving the minimum separation distances and minimum areas for external living areas. • Communal open space is to be designed such that its size and dimensions allow for particular uses.	
Landscaping Controls • Retain existing landscape elements on sites such as natural rock outcrops, watercourses, dune vegetation, indigenous vegetation and mature trees. • On lots adjoining bushland, protect and retain indigenous native vegetation and use native indigenous plant species for a distance of 10m from any lot boundaries adjoining bushland. • Locate and design the building footprint to enable the retention of existing trees. • Buildings are not to be sited under the drip line of an existing tree. • Provide useful outdoor spaces for liveability by coordinating the design of external living areas, driveways, parking areas, communal drying areas, swimming pools, utility areas, deep soil areas and other landscaped areas with the design of the dwelling. • Where the ground floor level of a dwelling is above the finished external ground level reached through a door or doorways, there is to be a physical connection made between these levels. Examples of a physical connection include stairs, terraces, and the like. • Provide a landscaped front garden. • A pathway with a minimum width of 900mm is to be provided along one side of the dwelling so as to provide pedestrian access from the front garden to the rear yard. This access is not to be blocked by such things as landscaping features, rainwater tanks, hot water heaters and retaining walls. The pathway does not need to be provided on allotments which have rear lane access. • Landscape elements in front gardens such as plantings are to be compatible with the scale of development.	Landscaping is assessed in the ADG assessment. No further assessment is considered required. It is noted that while the development does not have a front yard or rear yard being a city centre site with active frontages required to the street (under Section B2 of the DCP), a feature tree is proposed in the soil on structure fronting River Terrace with sufficient depth to support a large tree.

BUILDING TYPES	ASSESSMENT
- The front garden is to have at least 1 canopy tree with a minimum mature height of 10 metres. - Where the backyard does not have a mature tree at least 15m high, plant a minimum of one large canopy tree in the back yard. The tree is to be capable of a mature height of at least 15m and is to have a spreading canopy. - Locate and design landscaping to increase privacy between neighbouring dwellings.	
Planting on structures Controls - Planting on structures is not to occur in areas that cannot be easily accessed either from dwelling external living areas or communal areas. - Optimise plant growth by: - providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, - providing appropriate soil conditions and irrigation methods, - providing appropriate drainage.	As above.
Topography, Cut and fill Controls - Building siting is to relate to the original form of the land. - Alternatives to slab on ground construction are to be encouraged where it is obvious that due to the gradient and characteristics of the site, major excavation or filling as a result of raft slab, construction would be inappropriate. Example of alternative construction includes: Bearer and joist construction; Deepened edge beam; Split level design; Suspended slab design. - On sloping sites step buildings or utilise site excavation and suspended floors to accommodate changes in level rather than leveling the site via cut and fill. - Dwellings must not be designed to be on a contiguous slab on ground type if the building site has a slope of greater than 10%. Development on such land is to be of pole or pier construction or multiple slabs or the like that minimise the extent of cut and fill. - Site excavation / land reforming is to be kept to a minimum required for an appropriately designed site responsive development.	The Preliminary Geotechnical Investigation submitted with the application advises that bulk excavations of approximately 12-15m (plus slab and lift pits) are expected, boundary to boundary. The Preliminary Geotechnical Investigation recommends a groundwater study is undertaken to assess the effect of groundwater on foundation construction works. No assessment has been undertaken. The application was referred to Water NSW in relation to dewatering who recommended conditions. Council's assessment initially raised further queries in relation to the groundwater and dewatering assessments that were not yet provided but following the issue of GTAs it is considered appropriate to recommend conditions in this respect. The Preliminary Geotechnical Investigation notes that access for machinery was restricted due to the existing dwellings, that extreme care is required to ensure that excessive subgrade disturbance is not caused during removal of existing structures and trees, that detailed dilapidation surveys are required, that ground movement can be expected due to excavation and that there is a high chance of construction vibration impacting neighbouring properties.

BUILDING TYPES	ASSESSMENT
• The maximum level of cut is 1m and fill is 1m except for areas under control j. • Retaining walls maximum 1.2m. • Cut areas are to be set back from the boundaries at least 900mm; fill areas are to be setback from the boundary a minimum of 1.5m. • Cut and fill batters shall not exceed a slope of 1:2 (v:h) unless geotechnical reports result in Council being satisfied with the site stability. All batters are to be provided with both short term and long term stabilisation to prevent soil erosion. • Excavations in excess of one metre within the confines of the building and on driveways may be permitted, to allow for basement garages providing the excavations are adequately retained and drained, in accordance with engineering details. • Filled areas are to be located where they will not impact on the privacy of neighbours. • Stormwater or surface water runoff shall not be redirected or concentrated onto adjoining properties so as to cause a nuisance and adequate drainage is to be provided to divert water away from batters. • The top of any battered cut (or retaining wall) and the toe of any battered fill (or retaining wall) is not to be closer than 900mm to any property boundary, where the overall height at any point exceeds 500mm. <u>Variations to Cut and Fill Design</u> • Variations to the requirements above will be permitted to create a flat yard space not exceeding 15% of the area of the lot for the purposes of outdoor living, recreation, clothes drying, swimming pool and the like. • Proposed variations to the controls must demonstrate that the excavation or filling of the site is in harmony with the natural landform/environment and will not adversely affect the adjoining properties. • Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.	It is noted that these impacts were a substantial part of the cumulative objections against the development. The proposed excavation works will require retention in the form of contiguous/secant piles or similar with anchors/internal strutting or propping as required. Conditions requiring pre and post development dilapidation reports, consent for any ground anchors required to support the excavation, design of the building elements by a Structural Engineer after consideration of a geotechnical engineering report and certification of support methods including basement excavation and shoring design from a suitably qualified engineer have been imposed. An additional condition requiring protection of the adjoining property from damage is also recommended, including if necessary underpinning and support. Noting in particular, the protection of the adjoining property (9 River Terrace) and certification of adequacy of support, the proposed excavations may be supported. No stormwater concerns are raised subject to conditions of consent.
SETBACKS	

BUILDING TYPES	ASSESSMENT
Front setbacks (building line) Controls • In new areas Shop-top Housing and Shop-top Residential Flat Buildings are to be built to the street boundary. • In new areas Residential Flat Buildings are to have a street setback of 6m. • On corner sites in new and existing areas the setback along the secondary street (the street to which the dwelling has its secondary frontage) is 3m. • Where a site has dwellings with frontages to two or more streets, the street setbacks for these frontages are to be considered as front setbacks and there be 6m. • In established areas Shop-top Housing and Shop-top Residential Flat Buildings are to be built to the street boundary. • In established areas Residential Flat Buildings are to be setback from the street boundary by 6m with a variance of up to plus or minus 1m (ie. between 5m to 7m). • Basement garages cannot be located forward of the building footprint. • On grade parking must be located a minimum of 6m setback from the buildings front elevation or to the rear of the site.	Setbacks and building separation are assessed under Section B2 above and in the ADG assessment. No further assessment is considered required.
Side setbacks Controls • Shop-top Housing and Shop-top Residential Flat Buildings must have zero side setbacks for at least 5m back from the street boundary. • Residential Flat Buildings can have minimum of 1.5m setbacks. <u>Primary windows of living rooms facing the side boundaries</u> • Shop-Top Housing with walls containing the primary windows of living rooms facing the side boundaries are to be setback a minimum of 4m from the boundary and be screened. • Shop top Residential Flat Buildings and Residential Flat buildings with the primary windows of living rooms facing the side boundaries are to be setback a minimum of 6m and meet the distances as set out in the Separation Controls. <u>Garages and basement parking</u>	As above. Noting also Section 149(1)(a) of the SEPP (Housing) 2021. The location of the basement and access to the basement are considered in the ADG assessment. Revised sight line assessments have been reviewed and no concerns have been raised subject to new traffic calming devices.

BUILDING TYPES	ASSESSMENT
- Garages may be located within 450mm of a side boundary. - Carports may be located adjacent to a side boundary. - Basement garages are to be set back a minimum of 1.5m from the side boundaries but preferably in line with the building above. - Driveways may be located adjacent to the side boundaries only where front fences have 60% openness ratio for the first 2m along the boundary adjacent to the driveway to achieve sight lines as set out in AS2890.	
Rear setbacks Controls - The minimum rear boundary setback is 8m or the deep soil zone whichever is the greater. The minimum building separation distances must be met. - For Shop-top Housing and Shop-top Residential Flat Buildings the rear setback can be a minimum of zero. - For Residential Flat Buildings existing mature trees within 6m of the rear boundary are to be retained. - Garages and carparking may be located adjacent to the rear setback. <u>Canal Frontages</u> - The setback from a canal frontage is: 5.5m where the boundary is on the canal side of a revetment wall, or 3.4m from the revetment wall where the wall is on the boundary, except: - For those allotments with canal frontages and facing Gollan Drive and Jacaranda Avenue, Tweed Heads West where the setback line to the canal frontage shall be 2.5m, - Lots 1, 2 3 and 4 Crystal Waters Drive, Tweed Heads West where normal building setbacks shall apply along the canal frontage. - No structures are to be built in the setback area other than fences to 1.2 metres high, swimming pools, retaining walls, suspended decks that do not exceed the level of the allotment at the top of the batter and boat ramps except: - For those allotments with canal frontages and facing Gollan Drive and Jacaranda Avenue, Tweed	As above in relation to setbacks.

BUILDING TYPES	ASSESSMENT
Heads West where the setback line to the canal frontage shall be 2.5m ii. Lots 1, 2 3 and 4 Crystal Waters Drive, Tweed Heads West where normal building setbacks shall apply along the canal frontage. The underside of any suspended deck fronting a canal is to be suitably screened, except in cases where giving effect to this control would result in adverse impact to flood waters.	
CARPARKING AND ACCESS	
Carparking Generally Controls - Carparking is to be in accordance with Section A2 of the Tweed Shire Development Control Plan. - Carparking number concessions may be given to small sites to allow carparking to be fully under the buildings footprint. - Carparking can be either in an enclosed structure (a garage or basement) or an open roofed structure (a carport). - Carparking cannot be located within the front setback. - Car park entries are to be located off secondary streets and laneways where these occur. - The driveway width from the street to the property boundary is to be minimised. - Vehicular movement and parking areas are to be designed to minimum dimensions; - to reduce hard surfaces on the lot, and - to increase the area available for landscaping. - On grade carparking cannot occur within 12m of the primary street boundary for flat buildings and 6m for Shoptop.	Car parking is assessed in the ADG assessment. No further assessment is considered required.
Basement carparking Controls - Basement carparking cannot extend more than 1m above ground where it faces a public street or public space, 1.5m above ground level can be achieved to the side and the rear of the lot where it does not face a public street or public space. - A ramp entering off a public street must start behind the boundary. Ramps cannot be located on public land. - Ramps are to be minimised in width.	The proposed basements and car parking are assessed in the ADG assessment. No further assessment is considered required.

BUILDING TYPES	ASSESSMENT
The walls of basement carpark are best located in line with the buildings footprint. Basement carparking is not to extend outside the external line of terraces, balconies and porches.	
Garages and Carports Controls - The design and materials used for garages must be in keeping with the main dwelling. - Shop-top on-grade carparking cannot be located closer than 6m from the street boundary. On-grade carparking can be located on a laneway boundary. - For Residential Flat buildings garage doors and entries to basement carpark along the street cannot be more than 7m wide or 50% of the lot width whichever is the lesser. - Laneways may have up to 75% of their frontage as garage doors. - For Shop-top housing and Shop-top Residential Flat buildings garage doors along the street are to be located either in line with the buildings street elevation or at least 1m behind the buildings street elevation. - Where a development has a carport refer to the Carport Controls in Part B – Dual Occupancy Houses, Granny Flats, Town Houses and Row Houses. - A pedestrian access way from the laneway is encouraged.	As above. No on-grade car parking is proposed. It is noted that there is little space available for a further pedestrian link from Monastery Lane. As the pedestrian link off Wharf Street is not far from the intersection no concerns arise.
BUILDING FOOTPRINT AND ATTICS, ORIENTATION AND SEPARATION	
Building footprint and attics Controls - For buildings that only have daylight access to two and opposite sides of the building the back wall of a room cannot be greater than 10 metres from a window. - Attic spaces cannot be more than 50% of the building footprint. - The majority of the volume of an attic is to be contained within the roof space.	Not applicable.
Building orientation Controls - All dwellings with a street frontage(s) are to be oriented to and address the street(s). - Ensure that the pedestrian entry to the development is clearly visible and accessible from the street.	Not applicable (Section 149(1)(d) of the SEPP (Housing) 2021). It is noted that the building orientation takes good advantage of available sunlight.

BUILDING TYPES	ASSESSMENT
- Where possible orientate bathroom, laundry and other ancillary room windows to the side boundaries. - Where possible orient the primary windows of living rooms to the front or the rear of lots. - Orient living areas to employ passive solar design principles.	
Building separation Controls - Three storey buildings require a 10m minimum separation between the wall containing primary windows/doors of living rooms (on any level of the building) to the wall of an adjacent building containing primary window/doors of living rooms. - Two storey buildings require an 8m minimum separation between the wall containing primary windows/doors of living rooms (on any level of the building) to the wall of an adjacent building containing primary window/doors of living rooms. 6m minimum separation distance between primary windows/doors (on any level of the building) of living rooms to windows other than the primary windows of living rooms. 4m min separation between walls containing primary windows/doors of living rooms (on any level of the building) the side boundaries. 4m minimum separation between the primary windows of living rooms (on any level of the building) and walls containing no windows. 4m minimum separation between walls containing primary windows/doors of living rooms (on any level of the building) to shared driveways. 4m minimum separations between walls containing primary windows/doors of living (on any level of the building) to carports and garages. 3m minimum separation between walls containing primary windows/doors sleeping rooms (on the ground level only) to shared driveways, carports and garages. 2m min separation distance between the windows/doors of non-habitable rooms (on any level of the building). This distance can be measured diagonally.	Setbacks and building separation are assessed under Section B2 above and in the ADG assessment. No further assessment is considered required.
HEIGHT	

BUILDING TYPES	ASSESSMENT
Building Height Controls 13.6m is the maximum overall building height for Shop-top Housing and Shop-top Residential Flat Buildings. 11m is the maximum wall plate height for Shop-top Housing and Shop-top Residential Flat Buildings. 12.2m is the maximum overall height building height for Residential Flat Buildings. 9.6m is the maximum wall plate height for Residential Flat Buildings. - Detached garages are to have an eave height of no more than 2.7m and a maximum overall building height of 3.5m for a flat roof and 4.5m for a pitched roof. - Carports maximum height 3.5m for a flat roof and 4.5m for a pitched roof.	Height is managed by the LEP. A variation for 51m maximum height is required and assessed in the report accompanying this assessment.
Ceiling height Controls Provide minimum ceiling heights of 2.7m min. finished floor level to finished ceiling level for habitable rooms. For habitable rooms with a raking ceiling at least 30% of the ceiling is to be at 2.7m high.	Not applicable (Section 149(1)(e) of the SEPP (Housing) 2021).
BUILDING AMENITY	
Sunlight Access Controls - Living spaces are to be located predominantly to the north where the orientation of the allotment makes this possible. - Dwellings on allotments which have a side boundary with a northerly aspect are to be designed to maximise sunlight access to internal living areas by increasing the setback of these areas. In these cases a minimum side setback of 4 metres is required. - Private open space of the subject dwelling is to receive at least two hours sunlight between 9am and 3pm on June 21. - Windows to north-facing habitable rooms of the subject dwelling are to receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface. - For neighbouring properties ensure: - sunlight to at least 50% of the principal area of private open space of adjacent properties is not reduced	Not applicable (Section 149(1)(b) of the SEPP (Housing) 2021).

BUILDING TYPES	ASSESSMENT
to less than 2 hours between 9am and 3pm on June 21, and ○ windows to living areas must receive at least 3 hours of sunlight between 9am and 3pm on 21 June. ○ Where existing overshadowing by buildings is greater than this, sunlight is not to be further reduced by more than 20%.	
Visual privacy Controls • a. Terraces and balconies off living areas are generally not to be located above ground floor if they overlook neighbours. • Living room and kitchen windows, terraces and balconies are avoid a direct view into neighbouring dwellings or neighbouring private open space. • Side windows are to be offset by distances sufficient to avoid direct visual connection. • windows of the subject dwelling and those of the neighbouring dwelling.	Not applicable (Section 149(1)(a) of the SEPP (Housing) 2021).
Acoustic privacy Controls • The noise of an air conditioner, pump, or other mechanical equipment must not exceed the background noise level by more than 5dB(A) when measured in or on any premises in the vicinity of the item. This may require the item to have a sound proofed enclosure. • Dwellings located on designated or classified roads are to have double glazed windows where these windows face the road and provide light to living rooms or bedrooms. This is the case whether or not the dwelling has a solid masonry wall to the arterial road. • Dwellings located on arterial roads are to have an acoustic seal on the front door to reduce noise transmission.	A revised Noise Impact Assessment has been assessed. While some aspects of the report are considered deficient, conditions have nevertheless been imposed to manage acoustic privacy and external noise impact.
View sharing Controls • a. Building siting is, as far as it is practical, to be designed to minimise the impact on view sharing between properties.	Assessed previously in this report.
Natural Ventilation Controls • All dwellings are to have operable windows to habitable rooms.	Not applicable (Section 149(1)(g) of the SEPP (Housing) 2021).

BUILDING TYPES	ASSESSMENT
- Non habitable rooms including kitchen, bathroom & laundry are encouraged to have operable windows. - The plan layout, including the placement of openings, is to be designed to optimise access to prevailing breezes and to provide for cross-ventilation.	
INTERNAL BUILDING CONFIGURATION	
Use Controls Permanent and temporary accommodation uses are interchangeable throughout all building types covered in this Part.	Noted.
Dwelling layout and design Controls - Design the internal layout of dwellings to: - accommodating a variety of furniture arrangements, - providing for a range of activities and privacy levels between different spaces within the dwelling, - utilising flexible room sizes and proportions or open plans, - ensuring circulation by stairs, corridors and through rooms is planned as efficiently as possible thereby increasing the amount of floor space in rooms. - The back of the kitchen should be no more than 10m from a window.	Not applicable (Section 149(1)(d) of the SEPP (Housing) 2021).
Storage Controls - In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: - studio 3m³ - one-bedroom 3m³ - two-bedroom 4m³ - three plus bedroom 5m³ - The above minimum storage areas shall be excluded from dwelling size calculations. - Locate storage conveniently for dwellings.	Not applicable (Section 149(1)(h) of the SEPP (Housing) 2021).
Internal circulation Controls - Limit the number of units accessible from a single core/corridor to eight. - Increase amenity and safety in circulation spaces by; - providing generous corridor widths (preferred min. 2.5m) and ceiling heights (preferred min. 2.7m), particularly in	Not applicable (Section 149(1)(c) of the SEPP (Housing) 2021).

BUILDING TYPES	ASSESSMENT
lobbies, outside lifts and apartment entry doors, • providing appropriate levels of lighting, including the use of natural daylight, • minimising corridor lengths to give short clear sight lines.	
EXTERNAL BUILDING ELEMENTS	
Fences and Walls; Front, Side and Rear Controls • Front and return fences are to reflect the design of the dwelling. • Front and return fences and walls are to be constructed of materials compatible with the house and with other fences and walls within the streetscape. • Return fences are to be the same height and design as front fences. • Front and return fences can be up to maximum height of 1.5m high with a maximum solid fence height of 600mm, above the solid wall the fence is to have a min. openness ratio of 60%. • Front and return fences may be solid up to 1.5m if located on an arterial road. • No Colorbond or timber paling for front or return fences, except were integrated into a design theme that is consistent with the character of the dwelling and streetscape and incorporates appropriate articulation to allow for landscaping. • Fences and walls are not to impede the natural flow of stormwater runoff. • If located in a bushfire prone area fences and walls are to comply with AS3959 and Planning for Bush Fire Protection 2006, as amended from time to time. • A solid front wall may be higher than 0.9m where the topography means a retaining wall is necessary. The height of the retaining wall is to be minimised and is to be compatible with the positive characteristics of the existing streetscape. • Fencing is not to obstruct water meter reading.	None proposed.
Side and rear fences Controls • Side fences are measured from behind the building line to the rear boundary. Maximum fence height of 2.0 metres. • No chain wire fences are to exceed 1.2m in height.	None proposed.

BUILDING TYPES	ASSESSMENT
• May include timber paling, metal or Colorbond material. • For tennis courts or other similar areas, chain wire fences shall be black or dark green plastic coated mesh. Solid fences enclosing these facilities shall not be permitted over 3.6m and shall be a min. off the side boundaries of 600m and off any front boundary by 1m. • Fences and walls are not to impede the natural flow of stormwater runoff. • Controls for front fences and walls also apply to secondary street frontages on corner lots measured for the length of the dwelling. Fences and walls for Greenbank Island • Approval is to be obtained from Council prior to the erection of any fencing on Greenbank Island. • Fencing behind the six (6) metre building line shall not exceed 2000mm in height. • The fencing is to be constructed of brick, stone, masonry block or such other material as is approved by Council.	
Roofs, Dormers and Skylights Controls • Relate roof design to the desired built form by: ○ articulating the roof, ○ providing eaves, ○ using a compatible roof form, slope, material and colour to adjacent buildings; and ○ ensuring the roof height is in proportion to the wall height of the building. • The main roof is not to be a trafficable terrace. • Skylights are: ○ not to reduce the structural integrity of the building or involve structural alterations, ○ to be adequately weatherproofed, ○ to be installed to the manufacturer's instructions.	No concerns arise with respect to the roof design. The roof is not to be trafficable and conditions in this respect have been imposed in the ADG assessment.
Elevations visible from the public domain Controls • Design important elements such as front doors and building entry areas to have prominence in the building elevation and to be clearly identifiable from the street.	Elevations, building design, façade treatments, ground level activation and awning design have been assessed extensively by the Design Review Panel in their advice letters and have been reconsidered further in the Section B2 assessment above and the ADG assessment. No further assessment is considered necessary in relation to Section A1.

BUILDING TYPES	ASSESSMENT
• Use proportions, materials, windows and doors types that are residential in type and scale. • Design elevations to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls. • Coordinate and integrate building services, such as drainage pipes, with overall elevation and balcony design. • Coordinate grills/screens, ventilation louvres, carpark entry doors with the elevation. • Integrate the design of garage entries with the building elevation design.	
Corner building elevations Controls • Corner building (buildings with two street frontages) elevations are to reflect the architecture, hierarchy and characteristics of both streets. • Building elevations on corner sites are to be oriented to both streets by having windows and doors addressing both streets. • Landscaping, fence and wall treatments on the secondary street frontage are to be similar to the primary street frontage for the length of the building.	As above.
Awnings, Canopies, Pergolas, Storm Blinds, Sails and Signage Controls <u>Awning on commercial main streets</u> • For the commercial component of Shop-top Housing and Shop-top Residential Flat Buildings provide awnings along the commercial main street. • Awnings are to provide adequate protection from sun and rain. <u>Residential components of the building</u> • Awnings are to follow the general alignment and pattern of existing awnings in the street and complement the height, depth and form of the desired character or existing pattern of awnings. • Awnings are to enhance pedestrian safety by providing under-awning lighting. • Awnings, canopies and storm blinds are to be wholly within the lot boundaries at least 900mm from the site boundaries. • Must observe and maintain existing building line setbacks.	As above.

BUILDING TYPES	ASSESSMENT
• If erected in a bushfire prone area, they are to comply with the requirements of AS3959 and Planning for Bushfire Protection 2006. • Pergolas must not be located closer to a boundary than 900mm. • Ensure that signage provides clear and legible way-finding for residents and visitors.	
Minor elements Controls • Air Conditioning Units ○ Noise levels from air conditioning units are not to exceed 5dB(A) above ambient background noise levels measured at the property boundary. ○ Air conditioning unit installation must not reduce the structural integrity of the building. ○ Openings created by the installation of air conditioning units must be adequately weatherproofed. ○ Air conditioning units are not to be visible from streets. • Aerials, antennae, microwave antennae are to be: ○ for domestic use only, ○ a maximum of one per single dwelling house, • Ground mounted satellite dishes are to be: ○ a maximum height of 2.4 metres, ○ limit of one per dwelling house on lots less than 5,000 square metres, ○ located so as not to be visible from a public place, ○ a minimum of 900mm from a property boundary. • Roof Mounted satellite dishes are to be: ○ suitably coloured to blend in with the building, ○ structurally stable, ○ one per dwelling house on lots less than 5,000 square metres, ○ No higher than the ridge line • Barbeque areas are to be: ○ used for domestic purposes only, ○ no closer than 900mm to a property boundary, ○ located in the rear yard or no closer to the front of the property than 900mm behind the buildings front elevation,	Acoustic and lighting conditions have been recommended. Additional details in relation to air conditioning and similar equipment impacts have been required by way of condition including shielding in accordance with standard requirements.

BUILDING TYPES	ASSESSMENT
○ located with consideration to the impact upon adjoining properties. • Aviaries are to be: ○ used for domestic purposes only, ○ located no closer than 10 metres from a dwelling house on any adjoining property, ○ located in the rear yard and not closer than 900mm to an adjoining property boundary measured to any part of the building, ○ structurally sound. • Clothes hoists/lines are to be: ○ located in the rear yard or no closer to the street than the front elevation of the building, ○ if located on the side of the dwelling they are to be screened from view from all dwellings and the street. • Flagpoles are to be: ○ structurally sound, ○ wholly within the property boundary. • Letterboxes: ○ are to be a maximum height of 1.2m above the ground, ○ are to have street numbering corresponding with that allocated to the dwelling, ○ are to be structurally sound, ○ are to be designed as part of the building and its landscaping using similar materials and finishes, ○ in multi-dwelling developments letterboxes must be located on common property; be contained in one structure, contain sufficient boxes, one for each dwelling, including one for the body corporate. • Outdoor security lighting is to be located and designed: ○ so as to avoid light spill into the living and sleeping areas of the dwelling, ○ to confine light spill to the source property.	
BUILDING PERFORMANCE	
Energy Efficiency Controls • Developments are to obtain BASIX certification where required.	Complies.
Waste Management Controls • Any application for development that involves the demolition of existing structures is to provide a Demolition	Demolition and construction waste are adequately addressed and are conditioned accordingly.

BUILDING TYPES	ASSESSMENT
work plan in accordance with the provisions of AS2601 and Councils work plan requirements. Excavation that will result in waste material having to be transported off-site must be minimised through the use of site response building design. Where practical excavated material should be reused on-site.	
Water Conservation Controls All developments are to obtain BASIX certification where required and comply with the relevant requirements of the Building Code of Australia.	Complies.
FLOOR SPACE RATIO	
Floor space ratio Controls - Shop-top housing and Shop-top Residential Flat Buildings 2:1 maximum FSR. - Residential Flat Buildings is 1.2:1 maximum FSR.	FSR is managed by the Tweed City Centre LEP. A variation to the residential FSR is required to permit a residential FSR of 3.66:1 (maximum 2.6:1 permitted). The variation is assessed in the report accompanying this assessment.

Assessing Officer

Paul Weaver

Date: 6 June 2025