

**ASSESSMENT UNDER DEVELOPMENT CONTROL PLAN SECTION A1
DA22/0408.02 - amendment to Development Consent DA22/0408 for a residential flat
building (78 units) in 3 x 4 storey blocks and 1 x 2 storey block (NRPP) at Lot 46 DP
1264557; No. 6 Grand Parade CASUARINA**

BUILDING TYPES		ASSESSMENT
RESIDENTIAL FLAT BUILDINGS		
Block Edge Residential Flat building Controls - <u>Acceptable</u>		
- Maximum building and elevation length along the street is 35m Building length is as follows: Grand Parade – Building A - 52m Habitat Drive – Building A – 25m; Building B - 47m; Building C – 15m Casuarina Way – Building A – 26m; Building D - 48m; Building C – 41m These lengths are similar to the original approval. - Minimum lot size 2000m². Lot is 7354m². - The buildings street elevation is to be articulated to have a base, middle and top. Building is articulated in a similar manner as to what was approved. - Front doors, windows and entry areas are to face the street. Building entry is clearly visible from the street. - Ground level dwellings with a street frontage are to have a pedestrian access from the street. Ground level units are mostly provided with direct street access in Buildings A, B and D. Direct street access is also provided to 1 unit in Building C, as most units front a drainage reserve or are located near the electrical substation. - Front fencing and landscaping is to be provided within the front setback and is to enhance the character of the street and the building. Landscaping and open style front fencing provided to all street frontages. - Car parking areas are located to the rear or the centre of lots away from the street front or underground. Carpark is located underground and the entry is from Habitat Drive. - Block Edge Residential Flat Buildings must comply with the Controls found in this Part. Noted		
SITE AND BUILDING DESIGN CONTROLS		
PUBLIC DOMAIN AMENITY		
Streetscape Controls – <u>Acceptable</u>		
- 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. This is a new area. The modification is similar to the original approval in terms of the setting of the development on the site, size of buildings and general façade appearance. - The design of the front deep soil zone and boundary interface to the public 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,		

BUILDING TYPES	ASSESSMENT
	○ 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, Deep soil zones are provided to all street frontages, with the complaint sized per ADG deep soil zones provided along Casuarina Way frontage. Front landscaping will enhance the boundary interface for the development. Open fencing is proposed which will allow the landscaping to be visible from the public domain. The concept landscaping plans also note that street trees are to be removed and replaced with another species. This has been reviewed by PAC who does not support removal of all street trees, nor does PAC support the species proposed. RFI issued. <u>RFI Response:</u> Condition 33 requires submission of a Streetscape Landscaping Plan which will identify any street trees for replacement. This condition will remain and the applicant has been alerted that Council does not support the mass removal of healthy street trees. This will therefore be dealt with at a later date. ● 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. The garage door is visible from Habitat Dr however this is setback behind the building line and is consistent with original approval. ● 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. One driveway ingress/egress point provided for the site. Basement consumes a significant portion of the site and deep soil zones have been provided between the boundaries and basement. Hardstand areas within the deep soil zones has been minimised. ● 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. The building entry is clearly identifiable from the street. Access to building entry, secondary entry points and unit entries are defined through the use of path sizes and materials which are also clearly visible from the street frontages. Building services are integrated into the building façade. The building's façade provides visual interest and addresses all street frontages, with the exception of Building D. This is achieved through articulation, use of different materials, landscaping and arches. Building D provides limited interest to the façade and faces inward to the site. RFI issued <u>RFI Response:</u> A small front porch and increased window size next to the entry door have been added along the Casuarina Way frontage of Building D units which will assist to activate this frontage and improve passive surveillance over the street. Further discussions between Council and the applicant were held in relation to the upper level screening where it was advised that Council would prefer moveable screens, however would not recommend refusal of the modification application on this basis.
Public Views and vistas	Controls - Acceptable

BUILDING TYPES	ASSESSMENT
- 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. The height of the development is consistent with the Casuarina Town Centre Concept Approval. Views to the ocean are blocked by mature coastal vegetation. Further, height is consistent with original approval.	
SITE CONFIGURATION	
Deep Soil zones – ADG PREVAILS	
Impermeable site area Controls – Generally Acceptable - 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. Stormwater to be discharged to below basement infiltration pit. No concerns raised by the Flooding & Stormwater Engineer. The basement also indicates a rainwater tank which could be used for watering the gardens. - 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. As per above comment. - Rain water shall be collected in tanks and reused. The basement plan indicates a rainwater tank which may be used for landscape irrigation. - 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. N/A - 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. As per above comment. - A schedule of the breakdown/calculation of impermeable site area must be submitted with the development application. Noted. - The maximum areas for impervious surfaces are: 60% (4412.4m²) of the allotment - On lot sizes between greater than 750m². Considering Table 1, the basement consumes the majority of the site. Landscaping is provided above in planters. Therefore, the only permeable area provided on site is outside the basement which has been calculated to approx. 6230.39m² or 84.72%. NON-COMPLIANT – Whilst this is a significant variation, the modified proposal provides the deep soil zones which are complaint with the ADG requirements for minimum landscaping area and deep soil zones.	
External Living area – ADG PREVAILS	

BUILDING TYPES	ASSESSMENT
Above Ground External Living Spaces, Balconies and Terraces – ADG PREVAILS	
Communal Open Space – ADG PREVAILS	
Landscaping – ADG PREVAILS	
Planting on structures – ADG PREVAILS	
Topography, Cut and fill Controls – <u>Acceptable – variations supported</u> - Building siting is to relate to the original form of the land. The site is relatively flat and provides levels of RL 8.68m AHD (north-eastern corner) – RL 6.29m AHD (south-western corner). Excavation will occur for the basement carparking to provide levels of RL 4.0m AHD and RL 4.55m AHD. The Ground FFL of Buildings A, B & D is located at RL 8.3m AHD whilst Building C provides a Ground FFL of RL 7.4m AHD. The design has adequately considered the existing 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. There are no apparent site characterises which would require alternative building methods. - 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. N/A - 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. N/A - Site excavation / land reforming is to be kept to a minimum required for an appropriately designed site responsive development. Excavation is limited to the basement carparking. - The maximum level of cut is 1m and fill is 1m except for areas under control j. Excavation to a maximum depth of 4.5m is proposed for basement carpark – refer to control j. - Retaining walls maximum 1.2m. Basement walls will act as retaining (max 1.2m) however fill will be placed on the other side so that the basement is not visible from the public domain. - 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. Basement carparking is predominantly setback a minimum of 1.5m from boundaries, however the north-eastern corner is setback 0.6m and the north-western corner is setback 1.2m. <u>Variation assessment:</u> The portion of basement which falls within the 0.9m setback area equates to approx. 0.12m². This will not be perceptible from the public domain. Such a variation is considered to still meet the objectives of this control. Fill is to be placed on the western and southern side of the site to ensure the basement level which protrudes above the ground level is not visible. - Fill to a maximum of 0.8m is to be placed along the Casuarina Way frontage of Building A. this is to be battered and landscaped with the toe of fill approx. 4.4m from the boundary. - Fill to a maximum of 0.6m is to be placed along the drainage frontage of Building C. This is to be battered and landscaped to the boundary.	

BUILDING TYPES	ASSESSMENT
	• Fill to a maximum of 1.2m to be placed along the Casuarina Way frontage of Building D. This will be battered and landscaped to the property boundary. This fill is additional to what was originally approved. Variation assessment: This is considered to be an improved visual outcome for the public domain, as it will hide the basement protrusion along the western and southern sides. These batters are to be densely landscaped which will minimise erosion potential. The placement of this fill is not considered to significantly alter the existing landform of the site. Given these boundaries adjoin public roads or Council owned drainage reserve, the fill will not impact on neighbouring developable sites. The development design is considered appropriate for the topographical conditions of the site. Such a variation is considered to still meet the objectives of this control. • 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. Given the additional fill and batters proposed, an additional condition is recommended. • 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. Basement carparking is proposed however this extends beyond the confines of the buildings along Habitat Drive, but is below external living areas of ground floor units. This is consistent with original approval. • Filled areas are to be located where they will not impact on the privacy of neighbours. Complies. • 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 submitted Stormwater Management Plan which proposes a below basement infiltration pit has been reviewed by Council's Flooding and Stormwater Engineer and no concerns were raised. This site does not adjoin any privately owned allotments. • 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. Refer to comments above. <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. N/A. • 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. N/A. • Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement. Council's Water & Wastewater Unit reviewed the proposed development and no concerns were raised.
SETBACKS	
Front setbacks (building line) ADG & B5 PREVAIL	
Side setbacks - Building Separation (ADG) and setback (B5) PREVAIL.	
Rear setbacks - Building Separation (ADG) and setback (B5) PREVAIL.	
CARPARKING AND ACCESS	

BUILDING TYPES		ASSESSMENT
Carparking Generally Controls - <u>Acceptable</u> - Carparking is to be in accordance with Section A2 of the Tweed Shire Development Control Plan. Refer to A2 assessment. - Carparking number concessions may be given to small sites to allow carparking to be fully under the buildings footprint N/A - Carparking can be either in an enclosed structure (a garage or basement) or an open roofed structure (a carport). Basement proposed. - Carparking cannot be located within the front setback. Complies - Car park entries are to be located off secondary streets and laneways where these occur. Site has frontage to 3 streets, with access proposed off Habitat Drive which is a secondary street frontage. - The driveway width from the street to the property boundary is to be minimised. A single double width crossover is proposed for the development. - 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. A single double width crossover is proposed which limits impact on landscaping and deep soil zones. - On grade carparking cannot occur within 12m of the primary street boundary for flat buildings and 6m for Shop-top. Not applicable		
Basement carparking Controls – <u>Acceptable – variation supported</u> - 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. Basement carpark exceeds allowable 1m protrusion below Building D – 1.2m facing Casuarina Way. <u>Variation assessment</u> - Fill is to be placed in front of this and landscaped so that the basement protrusion is not visible from the public domain. This will minimise the physical and visual dominance of the basement parking level. Such a variation is considered consistent with control objectives. - A ramp entering off a public street must start behind the boundary. Ramps cannot be located on public land. Ramp is contained within the site boundaries. - Ramps are to be minimised in width. A ramp (6.7m width) is provided which will allow two way traffic to utilise. - The walls of basement carparks are best located in line with the buildings footprint. Basement carparking is not to extend outside the external line of terraces, balconies and porches. Basement carparking extends beyond the confines of the buildings along Habitat Drive, but is in line with ground floor units external living areas. This is consistent with original approval.		
Garages and Carports – not applicable		
BUILDING FOOTPRINT AND ATTICS, ORIENTATION AND SEPARATION		
Building footprint and attics - ADG PREVAILS		
Building orientation – ADG PREVAILS		

BUILDING TYPES		ASSESSMENT
Building separation – ADG PREVAILS		
HEIGHT		
Building Height – Major Projects concept approval prevails.		
Ceiling height – ADG PREVAILS		
BUILDING AMENITY		
Sunlight Access – ADG PREVAILS		
Visual privacy – ADG PREVAILS		
Acoustic privacy Controls – <u>Acceptable</u> 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. Standard noise conditions retained.		
View sharing Controls – <u>Acceptable</u> a. Building siting is, as far as it is practical, to be designed to minimise the impact on view sharing between properties. The proposed development is not considered to impact on view sharing to the ocean from neighbouring properties.		
Natural Ventilation – ADG PREVAILS		
INTERNAL BUILDING CONFIGURATION		
Use Controls – <u>Acceptable</u> Permanent and temporary accommodation uses are interchangeable throughout all building types covered in this Part. The building is proposed for permanent use, however as per the SEPP Housing, it also could be used for short term holiday letting.		
Dwelling layout and design – ADG PREVAILS		
Storage – ADG PREVAILS		
Internal circulation – ADG PREVAILS		
EXTERNAL BUILDING ELEMENTS		
Fences and Walls; Front, Side and Rear Controls Controls – <u>Acceptable</u> - Front and return fences are to reflect the design of the dwelling. Fencing has been integrated with the design of the development and landscaping. - 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. Materials consist of rendered block walls/columns, picket fencing and pool fencing, which are common residential materials. These are also consistent with the colours and materials proposed for the development. - Return fences are to be the same height and design as front fences. N/A - 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 fencing is proposed along the 3 street frontages:		

BUILDING TYPES	ASSESSMENT
	• Grand Parade - 1.5m high fencing (solid fence adjacent to main entry) • Habitat Drive - 1.5m high fencing • Casuarina Way – Minimal fencing along this elevation with Building D Entries provided with a gate and solid wall and solid balustrades to Building C. Picket fencing generally consistent with original approval. • Front and return fences may be solid up to 1.5m if located on an arterial road. N/A • 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. Picket fencing has been integrated into the design theme for the development. • Fences and walls are not to impede the natural flow of stormwater runoff. Fencing is not considered to impede stormwater flows. • 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. N/A • 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. No retaining walls required. Solid fence adjacent to main entry is considered acceptable as it further adds to the identification of the main building entry point. • Fencing is not to obstruct water meter reading. Complies
Side and rear fences – drainage reserve Controls – <u>Acceptable</u>	• Side fences are measured from behind the building line to the rear boundary. Maximum fence height of 2.0 metres. Solid balustrades to ground floor units provided. • No chain wire fences are to exceed 1.2m in height. N/A • May include timber paling, metal or Colorbond material. Noted. Materials include rendered blocks. • Fences and walls are not to impede the natural flow of stormwater runoff. Fences are not considered to impact on the natural flow of stormwater.
Roofs, Dormers and Skylights – ADG PREVAILS	
Elevations visible from the public domain Controls - <u>Acceptable</u>	• 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. The main building entry has been designed to have prominence in the building elevation. Secondary and private entrances are also visible from street frontages, however their hierarchy is identified through materials and path width. • Use proportions, materials, windows and doors types that are residential in type and scale. Proportions are consistent with original approval. • Design elevations to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls. The design has orientated balconies over the public domain, which is also to the north, east with some to the west. Screens for shading have been provided along the western elevation, to assist with reducing the amount of hot summer sun reaching the units. • Coordinate and integrate building services, such as drainage pipes, with overall elevation and balcony design. Acceptable • Coordinate grills/screens, ventilation louvres, carpark entry doors with the elevation. Acceptable

BUILDING TYPES	ASSESSMENT
	Integrate the design of garage entries with the building elevation design. Acceptable
Corner building elevations Controls – Acceptable	- Corner building (buildings with two street frontages) elevations are to reflect the architecture, hierarchy and characteristics of both streets. The design addresses Grand Parade, Habitat Drive and the drainage reserve. It is considered that Building D requires additional articulation to improve façade to Casuarina Way. RFI issued RFI Response: A small front porch and increased window size next to the entry door have been added along the Casuarina Way frontage of Building D units which will assist to activate this frontage and improve passive surveillance over the street. Further discussions between Council and the applicant were held in relation to the upper level screening where it was advised that Council would prefer moveable screens, however would not recommend refusal of the modification application on this basis. - Building elevations on corner sites are to be oriented to both streets by having windows and doors addressing both streets. As noted above, a number of units have their windows, balconies and front doors in Buildings A, B and C address the street/drainage reserve frontage. Building D has been designed so that the unit entry is facing Casuarina Way, but the façade is otherwise dominated by screening and with minimal windows visible. RFI issued RFI Response: A small front porch and increased window size next to the entry door have been added along the Casuarina Way frontage of Building D units which will assist to activate this frontage and improve passive surveillance over the street. Further discussions between Council and the applicant were held in relation to the upper level screening where it was advised that Council would prefer moveable screens, however would not recommend refusal of the modification application on this basis. - 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. Consistent landscaping, materials and front walls are provided to street frontages.
	Awnings, Canopies, Pergolas, Storm Blinds, Sails and Signage – N/A
Minor elements Controls	- Air Conditioning Units – Acceptable - 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. Air conditioning units are located on the roof's of Buildings A-C. It is considered that there is sufficient space on the balconies of units in Building D to accommodate units. Condition maintained in respect of noise from air conditioners. - Aerials, antennae, microwave antennae – N/A - Ground or Roof mounted satellite dishes – N/A - Barbeque areas – N/A - Aviaries – N/A - Clothes hoists/lines are to be: – Acceptable - 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. Clothes drying areas not nominated which is consistent with the original approval. - Flagpoles – N/A - Letterboxes

BUILDING TYPES	ASSESSMENT
	○ 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. Mailboxes have been relocated to the southern side of the driveway entry point. Pedestrian access is available via the path between Buildings B & C. Such requirements can be complied with. ● 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. Condition maintained in respect of external lighting.
BUILDING PERFORMANCE	
	Energy Efficiency – <u>Acceptable</u> ● Developments are to obtain BASIX certification where required. Revised BASIX Certificate required. RFI issued. <u>RFI Response</u> – Revised BASIX Certificate provided.
	Waste Management Controls – <u>Acceptable</u> ● Any application for development that involves the demolition of existing structures is to provide a Demolition work plan in accordance with the provisions of AS2601 and Councils work plan requirements. N/A ● 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. Appropriate condition maintained.
	Water Conservation – <u>Acceptable</u> ● All developments are to obtain BASIX certification where required and comply with the relevant requirements of the Building Code of Australia. Revised BASIX Certificate required. RFI issued. <u>RFI Response</u> – Revised BASIX Certificate provided.
FLOOR SPACE RATIO	
	Floor space ratio Controls – <u>Tweed LEP 2014 prevails</u> ● Residential Flat Buildings is 1.2:1 maximum FSR. NON-COMPLIANT – A FSR of 1.626:1 (GFA of 11,954.31m²) is proposed, however TLEP 2014 prevails. In accordance with Clause 4.4 of the TLEP 2014 the applicable FSR is 2:1.

Assessing Officer

Hayley Nilon

Date: 20 November 2025