

19 January 2021

The NSW Department of Planning,
Industry and Environment
Attention: Keiran Thomas

Dear Sir/Madam,

re: **MP07_0179-Mod- 6 - Cabarita Mixed Use Development - Lots 184 – 187 & 191-194 DP 259164 and Lots 20-23 DP 31208, Tweed Coast Road and Hastings Road, Cabarita Beach/Bogangar (Now known as Lot 1, DP 1185345, 39 Tweed Coast Road, Bogangar)**

I refer to correspondence from the Dept of Planning, Industry and Environment dated 18th December 2020 and advise as follows;

- **Level 1 Podium Plan**

In response to concerns regarding the adaptation of the inaccessible landscape podium to courtyards for respective Units 1-8, additional plans have been provided. Updated drawing DA.10 [C] is attached detailing sightlines from the neighbouring properties in Hastings Street. This section demonstrates that neither the courtyards nor the units are visible from properties opposite.

It is noted that the subject application was assessed pursuant to the Residential Flat Design Code, rather than the Apartment Design Code (RFDC), as referenced in the Depts.' correspondence. The Dept correspondence provides that this landscape podium was intended to function as a landscaped buffer between units and surrounding properties to improve visual amenity, noise and privacy. In regards to visual amenity, it is noted that the provided plans demonstrate that the landscape podium will not be visible from adjoining properties, therefore the provision of landscaping on this level provides no benefit to adjoining properties. Similarly, as the balconies of Level 1 and 2 will not be visible from the existing properties in Hasting Road, landscaping of the podium will provide no assistance for privacy as there are not and will not be any impacts in this regard.

Part 02 – Site Design within the RFDC states that *'where communal open space is difficult to accommodate on site, councils may need to consider the adequacy of public open space provision in the locality'*. The subject site is directly opposite Cabarita beach and extensive coastal public reserves. It is considered that these public reserves would be use far more extensively than a podium communal open space. The subject units are located in a coastal location where the adjoining beach and coastline is a major attraction. Communal open space is not considered necessary in the circumstances, nor does the RFDC specifically nominate the use of such. The RFDC also states that *'communal open space may be reduced as a trade off for increased private open space in smaller developments'*. The increased private open spaces areas are considered an appropriate trade off given the location of the site and proximity

to adjoining coastal reserves. The climate of the northern NSW area lends itself to outdoor living. The larger outdoor areas for Unit's 1-8 will improve the amenity for these residents without compromising the visual impact, privacy and noise levels for adjoining properties.

- **Lightwells**

New drawing DA.11 [A] attached provides 2 x sections through a typical lightwell that show how the lightwells provide natural light to both the level 1 and level 2 units.

Units at level 2 have high level windows at the lightwell in both the bathroom and kitchen/dining area where the sills are 1800mm above floor level. These windows are a combination of fixed glass and louvres to provide natural light and ventilation. There is no access into the light wells from level 2 units. The high level sills ensure privacy to the level 1 units below.

Units at level 1 have a high level window at the lightwell to the bathroom where the sill is 1800mm above the floor. This window is a combination of obscure fixed glass and louvres providing both natural light and ventilation while ensuring privacy. The kitchen/dining area will have a full height window/sliding door providing access to the lightwell which also provides natural light and ventilation to the unit.

- **Tweed Coast Elevation**

The modulation of the balustrade of the Tweed Coast Road balconies has been modified due to the existence of a parapet wall along the eastern edge of the building (presumably a balustrade required for safety reasons due to the staging of the development) – this adjustment will not be seen by the public as the balconies are concealed behind the existing parapet wall. Modulation of the eastern wall of the building has been maintained despite the balustrade position having been adjusted.

The balconies of the northern units are the same size as on the original approval, but smaller when compared to the modified approval - refer to the attached overlay of the current floor plan over the original approved floor plan.

The south east corner balcony has been extended to the existing parapet wall as it is not visible from the street. Articulation of this end of the building is enhanced by the expression of the carpark exhaust riser in this location.

- **Floor to Ceiling Heights**

Ceiling heights within units at level 2 are as follows noting that all habitable rooms (as defined in the Building Code) are 2.7m high and therefore comply with the requirements of SEPP65:

HABITABLE ROOMS – SEPP 65 recommends 2.7m minimum

- Bedrooms = 2.7m
- Living spaces = raking ceiling from 3.5m to 4m

NON-HABITABLE ROOMS - SEPP65 recommends 2.4m minimum

- Bathrooms = 2.4m (to match the ceiling heights of bathrooms at level 1 where ceiling space is required for sanitary drainage).
- Entry hallway = 2.55m (to match the ceiling heights of entry corridors at level 1 where ceiling space is required for the reticulation of toilet exhaust).

- **Unit Naming**

Floor plans for levels 1 and 2 have been updated by changing “Lot” to “Unit”. We have avoided changing the numbers for each of the units because it is not possible to achieve complete consistency given that two units have been deleted (was 40 units, now 38 units). Refer drawings DA.05 and DA.06.

Should you have any questions in respect of this matter, please contact me on 6686 3280 or dwayner@ardillpayne.com.au.

Yours faithfully



Dwayne Roberts

ARDILL PAYNE & PARTNERS

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