

Council Reference: DA04/0016.16 LN22600
Your Reference: DA456-10-2003 MOD 6



20 December 2013

Customer Service | 1300 292 872 | (02) 6670 2400

NSW Department Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2000

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

Dear Sir/Madam

**Development Application DA04/0016.16 - amendment to
Development Consent DA04/0016 for mixed residential
commercial/tourist accommodation (DA 456-10-2003) at Lot B
DP 332137; Lot 1 DP 962785, Lot 1 DP 962784 and Lot 2 Sec 1
DP 75827925 No. 25-33 Wharf Street TWEED HEADS**

I refer to your letter dated 25 November 2013 in which you seek Council comment on DA 456-10-2003 MOD 6. Accordingly Council makes the following comments

Tweed Ultima has a long and complicated history specifically in regard to what units were approved for tourist use and what units were approved for residential uses. The development had strong restrictions in this regard due to the link with the required on site parking provisions. However more recently some of the confusion has been eradicated as the car parking rates within the Tweed Heads area have been reduced under Tweed DCP Section B2 – Tweed Heads and thus allowed the developer of Tweed Ultima more flexibility.

Please specifically note some recent Council Assessments (DA08/0907.07 and DA13/0294). Details of these assessments will be sent to you via e-mail. Essentially these approvals demonstrate that Stage 1 of Ultima is now entirely separate and independent of Stage 2 of Ultima in regards to car parking. This essentially means that MOD 6 for Stage 2 can be assessed on its own merits almost as if it is a stand alone development.

Council notes that originally Stage 2 of Ultima originally comprised:

- An 11 storey rectangular building on the eastern portion of the site (not yet constructed);
- 2386m² mixed retail space.
- 415m² of restaurant/bar space.
- 75 units (some tourist only units, some flexi units, some residential use units only).
- Approximately 117 car parking spaces.

The car parking was later expanded (to 175 spaces over two basement levels) to incorporate a second tier basement to meet a shortfall from Stage 1 but this is no longer needed and accordingly Council notes that MOD 6 now seeks approval for:

- A ten storey rectangular building on the eastern portion of the site;
- A single basement level comprising 120 car parking spaces (some stacked);
- Ground level car parking comprising 43 spaces (some stacked);

- Ground level shops 486m² and offices 357m²;
- Swimming pool and outdoor area and 12 residential units (1 x 1 bed plus study, 10 x 2 bed plus study and 10 x 3 bed plus study);
- Level 1 - 12 residential units (1 x 1 bed plus study, 10 x 2 bed plus study and 1 x 3 bed plus study);
- Level 2 - 14 residential units (1 x 1 bed plus study, 13 x 2 bed plus study);
- Level 3 - 14 residential units (1 x 1 bed plus study, 13 x 2 bed plus study);
- Level 4 - 14 residential units (1 x 1 bed plus study, 13 x 2 bed plus study);
- Level 5 - 14 residential units (1 x 1 bed plus study, 13 x 2 bed plus study);
- Level 6 - 14 residential units (1 x 1 bed plus study, 13 x 2 bed plus study);
- Level 7 - 14 residential units (1 x 1 bed plus study, 13 x 2 bed plus study);
- Level 8 - 14 residential units (1 x 1 bed plus study, 13 x 2 bed plus study);
- Level 9 - 14 residential units (1 x 1 bed plus study, 13 x 2 bed plus study);
- Level 10 - 2 residential units (2 x 3 bed plus study);

This results in a total of

- Shops 486m²
- Offices 357m²
- 126 Residential units (9 x 1 bed, 114 x 2 bed, and 3 x 3 bedroom units)
- 163 car spaces (some of which are stacked)

Council does not have a fundamental issue with the amended proposal generally but is concerned that the nominated ground level uses (namely shops and offices) do not allow room for any future amendments to accommodate refreshments rooms (restaurants) as the car parking is insufficient in its current configuration and does not allow room for any intensification. This is discussed in detail below under the heading car parking.

General Comments

- Council is currently undertaking design work for streetscape improvement works to Bay and Wharf Street. If the Department requires additional public domain works as part of this MOD to ensure a quality outcome the Department should contact Council's Warren Boyd on (02) 6670 2479 to discuss.
- Council Officer's do not generally support at grade car parking in commercial core areas. This is considered to be a waste of commercial space and result in a poor urban design quality. Ideally all parking would be accommodated in the basement to enable netter utilisation of the ground floor:
- The existing car parking layout at ground level (with stacked parking) is undesirable. The parking area is not considered to have good interconnection with Bay or Wharf Street or easy access for customers to the ground level retail and commercial spaces.

- Council Officers are concerned that the depth of the proposed retail/office spaces is insufficient to enable flexibility for future tenancies;
- Council Officer's are concerned that the allocation of retail and office space prohibits future use of this area for restaurants or cafes due to the inadequate parking on site for future intensifications;
- The ground floor plan does not clearly delineate which of the nine tenancies are for retail and which are for offices and should do so for clarity.
- Council Officer's want to ensure that the external finishes of the building are undertaken at least to the standard as shown on the plans. Stage 1 of Ultima has no colour and appears unfinished (grey rendered concrete only). It is considered crucial that the external finishes for Stage 2 have a variety of materials and colours to improve the streetscape in this prominent location.
- The external glass finishes to Wharf Street are very unusual (sporadically spaced). The Department may like to get the architect to justify this finish type to ensure a quality outcome.
- The two retail tenancies to Navigation Lane are conceptually a good planning outcome but their success relies heavily on how this area will be landscaped and integrated to Stage 1 and the laneway. If not done properly this area could become a neglected back of house area that could be subject to high crime in this CBD area.
- Potential noise generated by the introduction of vehicles parking on the ground floor has been considered. This parking area is contained entirely within the building footprint with solid walls provided either side of the sliding vehicle entrance door. The spaces closer to Navigation Lane are limited to visitors of the commercial units, with spaces for residents and visitors to the residential apartments accessible through an internal security door behind the proposed commercial units on Wharf St. The vehicle entrance remains located in the approved position on the site. Given the reduction of vehicles accessing the site by the removal of basement level 2, noise generated by ground floor parking is not considered a constraint for the development. Amendments to the existing conditions of consent in this regard are not considered warranted.
- Condition of consent – The residential car parking spaces are to be numbered in white line marking paint specifying which residential units the car parking spaces apply to. All customer and staff parking spaces for the retail and commercial areas are also to be clearly marked in white line marking paint specifying which car parking spaces are designated as customer or staff to ensure compliance with Tweed DCP B2 – Tweed Heads Parking Rates.
- It is noted service vehicle access is from Navigation Lane. This access requires reversing from Navigation Lane into the service access bay. All service vehicle arrangements should be able to drive forward into the access bay and exit the site in a forward direction. The application states that this type of arrangement was approved in the original development by the Department of Planning and is proposed in the amended development due to the 'constrained nature' of the laneway. This type of arrangement for a service bay is not generally supported. It is noted that this arrangement has been previously approved for the original development.

Car Parking

As detailed earlier Stage 1 is now self sufficient for parking, and therefore the subject Stage 2 eastern tower must make its own provisions for car parking.

In the amended plans, the Stage 2 tower consists of 126 residential units and 843m² of retail/office gross floor area.

Based on the rates in DCP-B2, a total of 162 spaces are required, and the applicant complies with this numerical requirement by providing 163 spaces in the ground floor and basement carparking areas.

However concerns are raised regarding the further breakdown of these spaces with respect to the intended use and allocation, and their configuration into a number of tandem spaces, which is detailed in Annexure B Traffic Impact Assessment - Bitzios Consulting (October 2013).

Table 4.1 of the Bitzios report details the development's parking requirements and provisions as follows:

Table 4.1: Development Parking Requirements & Provisions

Land Use	Description	Parking Rate	No.	Required Parking	Supplied Parking
Residential Apartments	1 & 2 bedroom units	1 space / dwelling	123	123 resident bays	129 bays (inclusive of 3 tandem)
	3 bedroom units	1.5 spaces / dwelling	3	5 resident bays	
	Residential visitor	1 space / 10 apartments	126	13 visitor bays	12 bays
Retail	General retail	1 space 40 m ² GFA	822m ²	21 retail bays	21 bays
Total				162 bays	162 bays

In regard to residential visitors spaces the ground floor car park provides 12 visitor spaces which is a minor variation to the required parking (12.6 spaces, rounded to 13 spaces). This does not present a major concern for Council on its own.

Access to the visitor parking area must be ensured by way of a consent condition as they are currently located behind the residential security doors.

In regard to the retail component 21 spaces are provided as required. Tweed DCP-B2 does not differentiate between staff and customer parking in the specified rate, however these spaces must be available for both user groups. The major concern is that 16 of the 21 spaces are in a tandem configuration, rendering them unsuitable for customer car parking and short term staff use.

Council's DCP-A2 Site Access and Parking Code states the following for tandem spaces:

Tandem or stacked parking is not generally favoured. However, in certain cases, the provision of a limited number of employee parking spaces may be provided in this way

in circumstances where no inconvenience arises from its use and subject to the following guidelines:

- 1. The applicant must be able to demonstrate that there is a real need for stacked parking and that the provision of stacked parking will not adversely affect the use of the site.*
- 2. No more than two (2) cars are parked in a stacked arrangement, so that no more than one (1) vehicle has to move to allow egress of another.*
- 3. Stacked parking is only to be used to provide parking for people employed on the premises and likely to park all day or a major part of the day.*
- 4. Stacked parking spaces are to be used by the occupants of the site in one tenancy.*
- 5. Provision shall be made on site for shifting cars without the movement of vehicles on to public streets.*
- 6. Stacked parking for customer/public and multi dwelling housing will not be supported.*
- 7. Minimum length of stacked parking is 10.4m.*

It is considered that the proposed parking layout has an overuse of tandem spaces for the retail component **and must be reconfigured to meet Council's requirements.**

Access to the retail parking spaces must be made freely available to the public, requiring the deletion of the sliding car park doors. Other areas of the car park are secured from the public, so the external doors are unnecessary.

In regard to the Residential Units the modified development will consist of 123 x 1 or 2 bedroom units, requiring 1 space per unit. It will also consist of a further 3 x 3 bedroom units, requiring 1.5 spaces per unit, to a total of 127.5 spaces. 129 spaces are provided in the ground floor and basement parking areas, including 6 of these spaces in tandem configuration (i.e. 3 x 2 spaces).

As per the above DCP-A2 requirements, tandem spaces should not be provided for multi-dwelling housing, however previously Council has given consideration to tandem spaces provided they are separately allocated to individual tenancies. The 6 tandem spaces must therefore be allocated to the 3 x 3 bedroom units for them to be acceptable to Council. This leaves 123 spaces, as required, for the remaining 1 and 2 bedroom units.

In regard to the Bicycle Spaces under Council's code, 258 bicycle spaces are required for the development. The applicant proposes to provide 112. The Bitzios report compares this to the 45 that would be required under Austroads Guidelines. No objection is raised to this variation request.

In conclusion the applicant is requested to reconfigure the retail carparking component of the development, to provide numerical compliance with DCP-B2, without reliance on tandem parking spaces, with reference to the design considerations in DCP-A2.

Ideally parking would all be at a basement level to free up the ground level space and additional parking should be provided to allow for future intensification for practical uses such as restaurants and cafes.

Developer Contributions

Should the Department want to approve the development as lodged the following developer contributions are applicable and should replace any earlier contributions for Stage 2 Ultima

Development Description: Shops 486m²
Offices 357m²
126 Residential units (9 x 1 bed, 114 x 2 bed, and 3 x 3 bedroom units)

<u>S64 or S94 Plan</u>	<u>Retail Rate</u> 486m ²	<u>Commercial Rate</u> 357m ²	<u>Residential Rate</u> 9 x 1 bed 114 x 2 bed 3 x 3 bed units	<u>Total ET Chargeable</u>	<u>Total Monetary Amount</u>
<u>S64 Water DSP 4</u>	0.002ET x 486 = 0.972ET	0.004ET x 357 = 1.428ET	9 x 0.33ET = 2.97ET 114 x 0.5ET = 57ET 3 x 0.67ET = 2.01ET	64.38 ET	\$809,579.50
<u>S64 Sewer Banora Point</u>	0.003ET x 486 = 1.458ET	0.006ET x 357 = 2.142ET	9 x 0.5ET = 4.5ET 114 x 0.75ET = 85.5ET 3 x 1ET = 3ET	96.6 ET	\$583,657.20
<u>S94 No 4 TRCP Sector 1</u>	200 +(0.8 x 486) x MF 0.15 x 40% discount (0.6) commercial job creating = 52.992 daily trips	16 daily trips per 100m ² 16 x 3.57 x 40% discount (0.6) commercial job creating = 34.272 daily trips	126 x 3.9 = 491.4 daily trips	578.664 daily trips	\$488,392
<u>S94 No. 5 Casual</u>	Not Applicable	Not Applicable	9 x 0.5417ET = 4.8753ET 114 x 0.7083ET = 80.7462ET 3 x 0.875ET = 2.625ET	88.2465ET	\$47,918
<u>S94 No. 5 Structured</u>	Not Applicable	Not Applicable	9 x 0.5417ET = 4.8753ET 114 x 0.7083ET = 80.7462ET 3 x 0.875ET = 2.625ET	88.2465ET	\$54,889
<u>S94 No. 11 Libraries</u>	Not Applicable	Not Applicable	9 x 0.5417ET = 4.8753ET 114 x 0.7083ET = 80.7462ET 3 x 0.875ET = 2.625ET	88.2465ET	\$73,951
<u>S94 No. 12 Bus Shelters</u>	Not Applicable	Not Applicable	9 x 0.5417ET = 4.8753ET 114 x 0.7083ET = 80.7462ET 3 x 0.875ET = 2.625ET	88.2465ET	\$5,648

<u>S94 No. 13</u> <u>Cemeteries</u>	Not Applicable	Not Applicable	$9 \times 0.5417\text{ET} = 4.8753\text{ET}$ $114 \times 0.7083\text{ET} = 80.7462\text{ET}$ $3 \times 0.875\text{ET} = 2.625\text{ET}$	88.2465ET	\$10,854
<u>S94 No. 15</u> <u>Community Facilities</u>	Not Applicable	Not Applicable	$9 \times 0.5417\text{ET} = 4.8753\text{ET}$ $114 \times 0.7083\text{ET} = 80.7462\text{ET}$ $3 \times 0.875\text{ET} = 2.625\text{ET}$	88.2465ET	\$122,574
<u>S94 No. 18</u> <u>Council Admin</u>	9 tenancies $\times 0.2166\text{ET} = 1.9502\text{ET}$ (ground floor plan does not delineate between commercial and retail)		$9 \times 0.5417\text{ET} = 4.8753\text{ET}$ $114 \times 0.7083\text{ET} = 80.7462\text{ET}$ $3 \times 0.875\text{ET} = 2.625\text{ET}$	90.1967ET	\$167,793.82
<u>S94 No. 22</u> <u>Cycleways</u>	Not Applicable	Not Applicable	$9 \times 0.5417\text{ET} = 4.8753\text{ET}$ $114 \times 0.7083\text{ET} = 80.7462\text{ET}$ $3 \times 0.875\text{ET} = 2.625\text{ET}$	88.2465ET	\$41,741
<u>S94 No. 26</u> <u>Casual</u>	Not Applicable	Not Applicable	$9 \times 0.5417\text{ET} = 4.8753\text{ET}$ $114 \times 0.7083\text{ET} = 80.7462\text{ET}$ $3 \times 0.875\text{ET} = 2.625\text{ET}$	88.2465ET	\$96,277
<u>S94 No. 26</u> <u>Structured</u>	Not Applicable	Not Applicable	$9 \times 0.5417\text{ET} = 4.8753\text{ET}$ $114 \times 0.7083\text{ET} = 80.7462\text{ET}$ $3 \times 0.875\text{ET} = 2.625\text{ET}$	88.2465ET	\$337,984
<u>S94 No. 27</u> <u>Streetscape</u>	Not Applicable	Not Applicable	$126 \text{ units} \times 1\text{ET} = 126\text{ET}$	126ET	\$131,922
TOTAL					<u>\$2,973,179.52</u>

For further information regarding this matter please contact the undersigned on (02) 6670 2450.

Yours faithfully



Lindsay McGavin
 Manager Development Assessment

For internal use

Cap	\$20,000
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Contributions deleted

DA04_0016.16 dgalle

(Total of all stages)			\$	2,973,179.52
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theme_desc	pre-indexation unit_charge_amt	unit_charge_amt	charge_comment	TOTAL ETs/ Trips/HAS	Notes	Total	REAL ETs
DSP4NthEst	0	12575	Per ET	64.3800		809578.50	
BnoraPtSTP	0	6042	Per ET	96.6000		583657.20	
Sector1	815	844	Trip ends incl admin	578.6640		488392.00	
LocalOpenS	502	543	Per ET	88.2465		47918.00	
LocalOpenS	575	622	Per ET	88.2465		54889.00	
Shirewide	792	838	Per ET	88.2465		73951.00	
Shirewide	60	64	Per ET	88.2465		5648.00	
Shirewide	101	123	Per ET	88.2465		10854.00	
RemShire	1305.6	1389	Per ET	88.2465		122574.00	
Shirewide	1,759.90	1,860.31	Per ET	90.1967		167793.82	
Shirewide	447	473	Per ET	88.2465		41741.00	
Shirewide	1031	1091	Per ET	88.2465		96277.00	
Shirewide	3619	3830	Per ET	88.2465		337984.00	
OpenSpace	1047	1047	Per MDU	126.0000		131922.00	

prefix	charge_type	theme_desc	pre-indexation unit_charge_amt per lot	unit_charge_amt	charge_comment	ETs/Trips/Ha	Total	Reductions for	
								Cap	Revised Total
S64 Water North East	WaterDSP4	DSP4NthEst	0	12575	Per ET	64.3800	809579		809578.50
S64 Sewer Banora Pt	SewerBnora	BnoraPtSTP	0	6042	Per ET	96.6000	583657		583657.2
S94-04 (Tweed Heads)	Sector1_4	Sector1	815	844	Trip ends incl admin	578.6640	488392		488392.00
S94-05 (Local OS)	CasualOS_5	LocalOpenS	502	543	Per ET	88.2465	47918		47918.00
S94-05 (Local OS)	StructOS_5	LocalOpenS	575	622	Per ET	88.2465	54889		54889.00
S94-11 Libraries	ResDev11	Shirewide	792	838	Per ET	88.2465	73951		73951.00
S94-12 Bus Shelters	Over10ET	Shirewide	60	64	Per ET	88.2465	5648		5648.00
S94-13 Cemeteries	ResDev13	Shirewide	101	123	Per ET	88.2465	10854		10854.00
S94-15 Comm Facilities	ComFac15	RemShire	1305.6	1389	Per ET	88.2465	122574.00		122574.00
S94-18 Council Admin	Shirewide	Shirewide	1,759.90	1,860.31	Per ET	90.1967	167793.82		167793.82
S94-22 Cycleways	Shirewid22	Shirewide	447	473	Per ET	88.2465	41741		41741.00
S94-26 (Regional OS)	CasOS_26	Shirewide	1031	1091	Per ET	88.2465	96277		96277.00
S94-26 (Regional OS)	StrucOS_26	Shirewide	3619	3830	Per ET	88.2465	337984		337984.00
S94-27 TH Master Plan	OpenSpac27	OpenSpace	1047	1047	Per MDU	126.00000	131922.00		131922.00

S94 contribution per lot including indexation \$ 17,903.76
 Reduce contribution by (PER LOT) \$ -
Total ET for this Stage **88.2465**
 REDUCE TOTAL CONTRIBUTION BY: \$ -
 Total Contribution reduction \$ -
 Remainder (keep adjusting until this is 0) \$ -

Total S94 contribution pre cap	#####
Total S94 contribution post cap	#####
Total contribution inc Water/Sewer pre cap	#####
Total contribution inc Water/Sewer post cap	#####

Development Description

19 2

Section 94 Developer Contributions Calculator

Development Description



Step 1:

☐ Rural
☐ Urban
☐ Coast (NA)
☐ Greenfield Devt Area
Total ETs:
 0
 19.2

Step 2:

☒ Residential
☐ Subdivision
☐ Commercial
☐ Tourist
☐ Other
Credits:

Step 3:

1br 2br 3br 4b4+ Trps
 ETs

0
0
0
0

☐ OVERRIDE AUTOMATION
☐ TSC INHOUSE CALCULATION

Plans

- ☐ S64 Water
☐ S64 Sewer
☐ S94 Plan No 1 - Banora Point
☐ S94 Plan No 2 - Banora Point Drainage
☐ S94 Plan No 4 - Tweed Road Contribution Plan
☐ S94 Plan No 5 - Local Open Space
☐ S94 Plan No 6 - Street Trees
☐ S94 Plan No 7 - West Kingscliff
☐ S94 Plan No 10 - Cobaki Lakes Public Open Space and Community Facilities
☐ S94 Plan No 11 - Libraries
☐ S94 Plan No 12 - Bus Shelters
☐ S94 Plan No 13 - Eviron Cemetery
☐ S94 Plan No 14 - Rural Road Upgrading - Mebbin Springs
☐ S94 Plan No 15 - Community Facilities
☐ S94 Plan No 16 - Emergency Facilities (Surf Lifesaving)
☐ S94 Plan No 18 - Council Admin & Technical Support Facilities
☐ S94 Plan No 19 - Casuarina Beach/Kings Forest
☐ S94 Plan No 20 - Public Open Space at Seabreeze Estate
☐ S94 Plan No 21 - Terranora Village Estate Open Space and Community Facilities
☐ S94 Plan No 22 - Cycleways
☐ S94 Plan No 23 - Offsite Parking
☐ S94 Plan No 25 - SALT - Open Space and Associated Car Parking
☐ S94 Plan No 26 - Shirewide/Regional Open Space
☐ S94 Plan No 27 - Tweed Heads Master Plan - Local Open Space/Streetscaping
☐ S94 Plan No 28 - Seaside City

☐ > 2000m2 ☐ Multi dwelling

Sector (required)

Additional (if applicable)

This calculator is provided in good faith to assist you, however results must be verified by Tweed Shire Council staff.

