

## REPORTS THROUGH ACTING GENERAL MANAGER

### REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

- a8 [PD] S96 Application DA03/1620.07 for Amendment to Development Consent DA03/1620 for a 3 Storey Mixed Use Development Comprising Residential Units, Restaurants & Shops at Lot 29 DP979920, Lot 2 DP549719 & Lot 1 DP1005806, No. 52 Marine Parade, Kingscliff

#### ORIGIN:

Development Assessment

FILE NO: DA03/1620 Pt3

#### SUMMARY OF REPORT:

Council is in receipt of an application to modify an approved development by reducing the provision of car parking in favour of a cash contribution. The application is not in a position to be determined. The Applicant is requesting some certainty as to whether the cash contribution will be supported before commencing demolition of the existing buildings.

The Council's view on the proposal is sought.

#### RECOMMENDATION:

That Council resolves to support in principle the deletion of the lower basement level car park in favour of a cash contribution based on the actual cost of providing basement car parking in an alternative location under Contribution Plan No. 23 and to delegate determination of the application to the Director Planning and Development.

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LATE AGENDA ITEM

**REPORT:**

**Applicant:** Daryl Anderson Consulting  
**Owner:** Mrs JF Stephenson and Estate of WK Stephenson  
**Location:** Lot 29 DP 979920, Lot 2 DP 549719 & Lot 1 DP 1005806 No. 52 Marine Parade, Kingscliff  
**Zoning:** 3(b) General Business  
**Cost:** \$10,000,000

**BACKGROUND:**

An application to modify an approved development has been received. The application is yet to be publicly advertised. The application has been lodged under s.96(1)(a) of the Act, however as it involves works that required a referral to the Department of Natural Resources under s.91, relating to dewatering, the applicant has been advised that the application may actually be a s.96(2). Confirmation as to whether a referral is required is being sought from the Department.

The Applicant has advised that the cost of constructing the two levels of approved basement car parking is cost prohibitive. This has come about because the building is situated in the watertable, consequently it needs to be a particular weight so as not to 'pop' out of the ground should the watertable rise. The cost of 'bulking' the building with mass concrete to achieve the engineered weight design is approximately \$3.2m, which is significantly in excess of the applicant's preliminary cost evaluation. In order to minimise the cost of construction and improve economic viability for the project the applicant is seeking to delete the lower level basement, among other less significant amendments. This will result in parking shortfall of approximately 20 spaces, which it is proposed to offset via a contribution.

The Applicant has advised that the project cannot proceed in its present design and as such is not prepared to demolish the now vacated existing buildings, which are protected by hoardings. Project management of the development is well underway and the applicant is requesting some certainty as to whether the cash contribution is likely to be accepted in lieu of providing all of the required car parking under DCP 2.

Approved development application

At its meeting of 23 June 2004 Council's Development Assessment Panel approved an application for a three-storey mixed-use residential-commercial development comprising 22 residential units, 8 shops and 2 restaurants. The proposal included basement car parking over two levels, with level 2 being approximately half the size of level 1. The development catered for the required 102 car parking spaces.

Application for amendment - December 2004

An application made under s.96 of the Environmental Planning and Assessment Act, 1979 was made on 3 December 2004, which among other amendments sought to increase the car parking capacity of the lower basement level 2. Five public submissions were received during the public exhibition period. The application was approved at the ordinary Council meeting of 20 April 2005.

The following tables provide a comparative analysis of the approved and subsequently modified application. It may be noted that the approved modified design provided a surplus of 10 car parking spaces.

Table 1 - comparison analysis of design statistics

<b>Proposed Development</b>			<b>Approved Development</b>		
<i>Shops (no.)</i>		<i>(floor area m<sup>2</sup>)</i>	<i>Shops (no.)</i>		<i>(floor area m<sup>2</sup>)</i>
9		790	8		689.7
<i>Restaurant (no.)</i>		<i>(floor area)</i>	<i>Restaurant (no.)</i>		<i>(floor area)</i>
2		358.6	2		441.2
<i>Offices (no.)</i>		<i>(floor area m<sup>2</sup>)</i>	<i>Offices (no.)</i>		<i>(floor area m<sup>2</sup>)</i>
3		152.4	Nil		
<i>Dwellings (no.)</i>		<i>Bedrooms (total)</i>	<i>Dwellings (no.)</i>		<i>Bedrooms</i>
Level 1	11	10 x 3	Level 1	11	10 x 3
Level 2	11	6 x 2 6 x 1	Level 2	11	12 x 2
<i>Car parking Area</i>		<i>Spaces</i>	<i>Car parking Area</i>		<i>Spaces</i>
<i>Ground level</i>		Nil	<i>Ground level</i>		17 (inc. 4 disabled + 2 carwash)
<i>Basement L1</i>		59 (inc. 4 disabled)	<i>Basement L1</i>		59
<i>Basement L2</i>		56 + 2 car wash	<i>Basement L2</i>		26
<i>Total</i>		115	<i>Total</i>		102

The following table identifies the level of car parking demand generated for each proposed land-use based on the requirements of Development Control Plan No.2 - Access & Parking Code.

Table 2 - Compliance analysis:- car parking generation

Standard	Requirement (no. of spaces)	Provision
<i>Multi-Dwelling Housing</i>		
1.5 space per unit 25% for visitor	(22 units) 33 in total (including 9 visitor)	Complies (33)
<i>Commercial Component</i>		
<i>Shops</i>		
3.5 per 100m <sup>2</sup> customer 0.5 per 100 staff (i.e. 1 per 25m <sup>2</sup> total)	(total 790m <sup>2</sup> ) 26 spaces including 20% ESD reduction	Complies (26)
<i>Restaurant</i>		
1 per 7m <sup>2</sup> customer 0.5 per staff (assume min.2 staff per restaurant)	(358.6m <sup>2</sup> including non public footpath dining area) 43 spaces including 20% ESD reduction	Complies (43)
<i>Offices</i>		
1 per 40m <sup>2</sup>	(152.4m <sup>2</sup> ) 3 space including 20% ESD reduction	Complies (3)
Total Required		105
Total Provided		115
Surplus		+10

Application for amendment - November 2005

The most recent modification application, the subject of this report, seeks numerous design modifications of which most are relatively insignificant, however it is proposed to delete the lower basement level of car parking consisting of 56 car spaces and two car wash bays. It is also proposed to substitute the ground level offices for eight (8) car spaces. Based on the design amendments there will be a shortfall in car parking of approximately 20 spaces. The Applicant is seeking to off-set the reduction in car parking by paying a monetary contribution under Contribution Plan No.23 - Offsite Parking.

Contribution Plan No.23 - Offsite Parking

The contribution plan is not particularly clear in its construction and because there is no commitment for the type of car park to be constructed in Kingscliff the appropriate contribution levy is not clear. Section 7.2 of the Plan provides the following paragraph: -

*\* The calculated land cost and construction cost for Kingscliff is \$25,560 which would result in a contribution rate of \$28,116. This rate has been reduced to \$20,000 to reflect costs of multi level parking (decreased land cost, increased construction cost)\*.*

It is assumed that if a multi-level car park, noting that there is no prerequisite on the number of levels for construction cost purposes, that a contribution of \$20,000 per space would apply, whereas if it is not multi-level (or does not meet any predicted threshold, noting that construction cost for multi level parking will only reduce when a certain number of levels is reached, and diminishing thereafter) the contribution levy of \$28,116, i.e. \$25,560 plus 10% administration levy, will apply. Thus, based on an offset of 20 spaces the applicant will be liable for a contribution of either \$400,000 or \$562,320.

Council's Director Engineering & Operations is required to clarify the following matters: -

- The type of car park to be provided
- The location of the car park
- The timing of the car park
- The appropriate s.94 contribution levy for this development

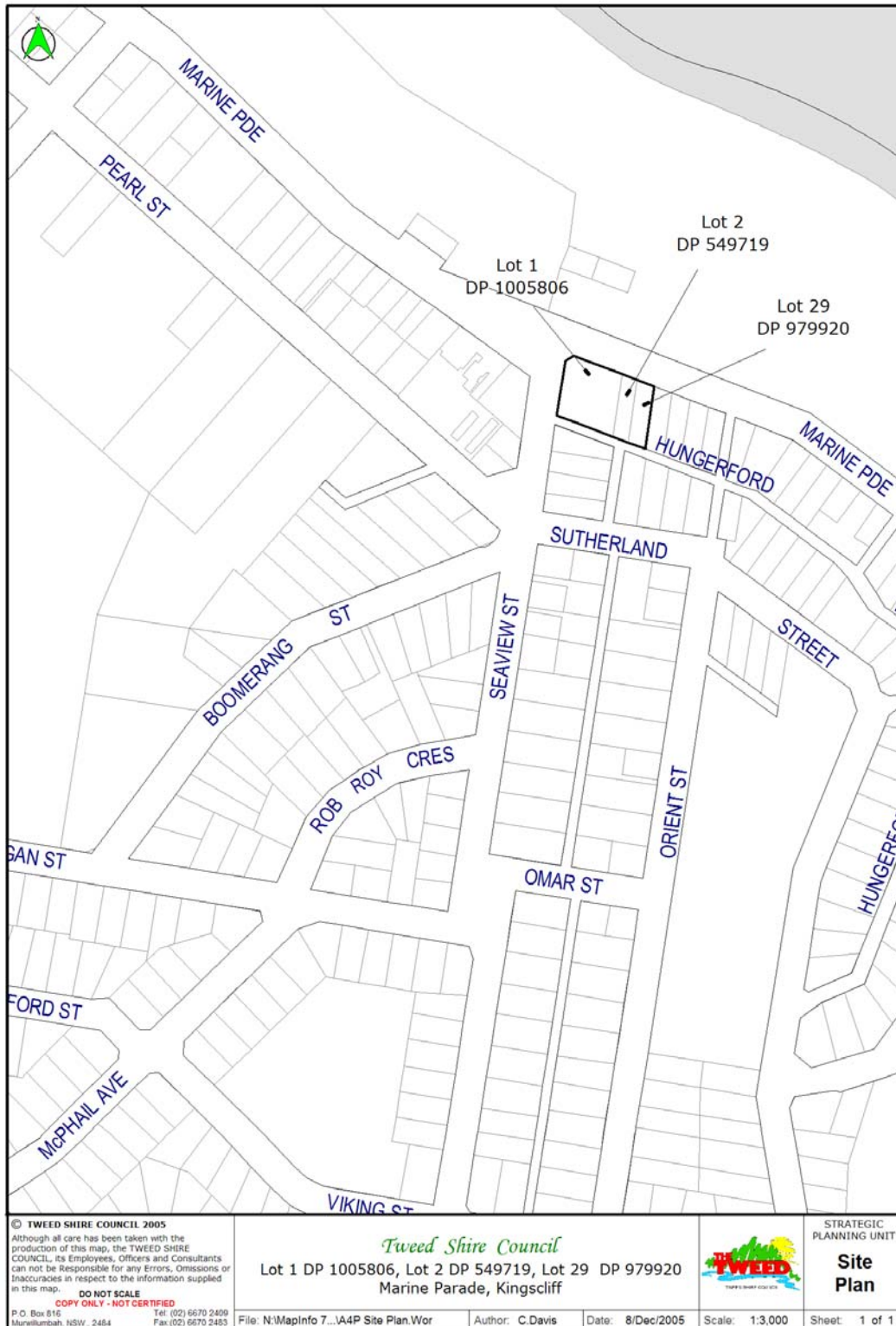
### Conclusion

The Applicant contends that it is not economically viable to construct two levels of the basement car park. Of Note in this locality is that there are no developments with basement car parks over two full levels. Contribution Plan No.23 states that if it is not expedient or if there is insufficient land to provide all the required car parking that Council may accept a cash contribution. It appears that the cost of constructing the lower level basement is a significant constraint on the viability of the project. The development as approved will provide benefits to the area by improving dining and shopping environments, respecting and improving the street character and identity, in particular on the corner of Marine Parade and Seaview Streets which has long been a local focal point and meeting place. The new residential units will also positively contribute to the housing stock in the locality.

The only area of issue, at this time, with this development not providing the required car parking is the timing of the construction of the public car park. This area of Kingscliff has been suffering a shortage of car parking for many years and as the approved development is likely to prove very successful the demand for parking is likely to continue to increase. The use of the contribution to increase more accessible public car parking in Kingscliff rather than in a second level basement is considered a positive for the Kingscliff commercial area.

It is recommended that the proposal to remove the lower level basement car park in favour of a cash contribution be supported in principle. This support should only be on the basis that the contribution reflects to current cost of providing basement car parking. This would be more than the current Section 94 contribution rate and a voluntary agreement would be necessary if the contribution for the actual construction cost is required.

**SITE DIAGRAM:**



**LATE AGENDA ITEM**

**OPTIONS:**

1. Resolve to support in principle the deletion of the lower basement level car park in favour of a cash contribution under Contribution Plan No.23, subject to consideration of any public submissions and full assessment of the application, and to delegate determination of the application to the Director Planning and Development on the basis of no significant submissions being received.
2. Advise the Development Assessment Unit otherwise.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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