

20 September 2024

Planning Secretary
NSW Department of Planning, Housing and Industry
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150
Sent via email

Attn: Ryan Lennox

Dear Mr. Lennox,

RE: S75W MODIFICATION APPLICATION – MIXED USE DEVELOPMENT UPON LAND AT 10 GRAND PARADE, CASUARINA (MP06_0258-MOD-15)

We write with respect to the Department of Planning, Housing and Infrastructure (DPHI) request for additional information dated 15 July 2024. We respond to the matters raised as follows:

A second request for additional information was provided by the Department on 26 August 2024. Comments pertaining to that RFI have been provided against the original response via track changes.

1. Traffic, Parking and Access

Traffic:

A number of submissions have raised concerns with traffic, parking and access including the ability of Sunray Lane to cater for the anticipated traffic generated by the proposal.

Parking:

An assessment of the proposal against the parking requirements of Council's DCP is required

Access:

Manoeuvrability of vehicles travelling in, out and within the parking area is unclear. Swept path diagrams are to be provided with the following at a minimum:

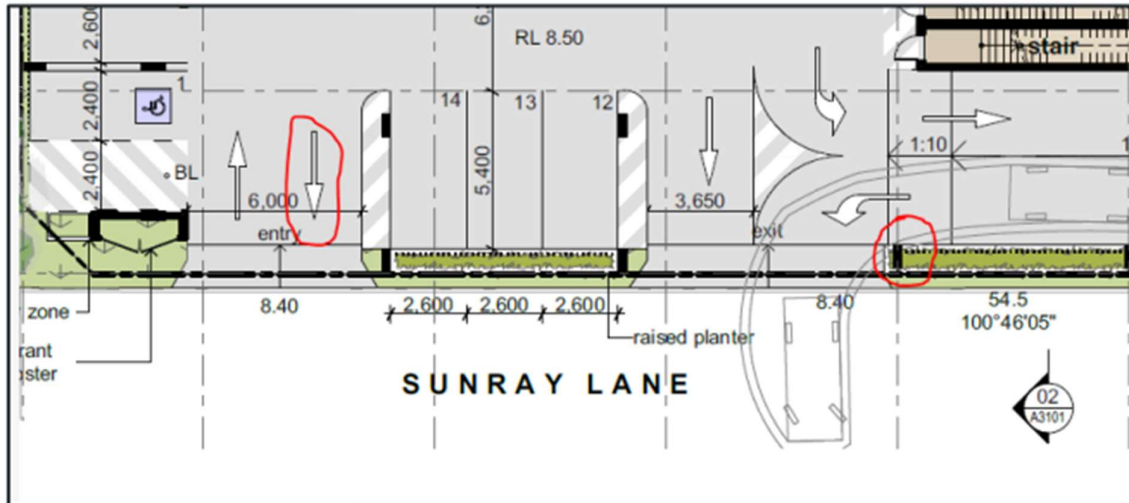
- Detail of Sunray Lane in full including the verge and any significant details of the dwellings to the south that may impact on the manoeuvrability of vehicles.*
- All possible vehicle movements when entering and exiting from Sunray Lane e.g. left- and right-hand turns from Sunray Lane into the site.*
- Access into and out of accessible parking spaces Nos 1 and 11 and other spaces at corners and junctions.*
- Inconsistencies corrected as per below image marked up in red.*

Note: All swept paths, including clearances, shall be free of obstruction and not result in any conflict with oncoming traffic.

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Response:

TTM have prepared a response to the above matters demonstrating, that Sunray Lane is capable of absorbing the additional traffic generated by the proposed development; a breakdown of parking requirements specified in Section A2 Site Access and Parking Code of the Tweed DCP 2008 and updated plans including swept paths.

It is also noted that the Modification Application was referred to Transport for NSW who raised no objection to the proposed traffic generation, stating *"TfNSW has reviewed the information provided and does not consider traffic volumes are likely to generate unreasonable traffic volumes for the area..."*

Please refer to Attachment 3 for TTM's response to the RFI matters noted above.

Further review of the proposal has been undertaken by TTM and updated documentation prepared. Please refer to TTM's resubmitted Response to Information letter, with track changes depicting the additional information provided in response to RFI No. 2.

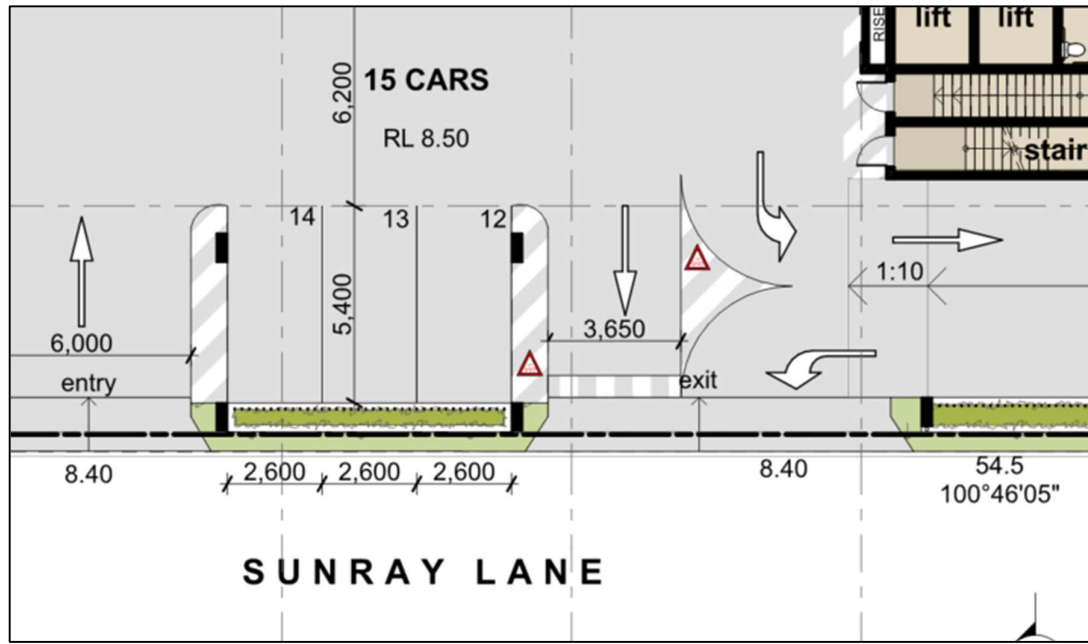
Sunray Lane has an overall width of 7m by DP 1264557, and a road width of 5.7m as per the As-Constructed Survey submitted as part of this second RFI response. It is noted the kerbs to Sunray Lane are flush with the road and adjoining ground and measure approximately 150mm in width each, providing an additional 300mm and thereby increasing the trafficable width of Sunray Lane to 6m. Swept paths have been included in TTM's updated response showing two-way vehicle movements along the laneway.

Conflict management between vehicles turning right out of the basement and left out of the ground floor car parking area are proposed to be managed by incorporating a 'Give Way' sign and ground linework to those exiting the ground floor parking area, giving priority and right of way to those vehicles exiting the basement. Refer to image below.

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Swept paths for access to and from car spaces at corners and junctions within the basement levels have been prepared and provided as part of TTM's updated response.

2. Active Street Frontage/Change of Use

Change of Use:

Council's submission and other submissions have raised concerns with the appropriateness of the proposed use.

Response:

Concerns raised in respect of the appropriateness of the proposed use generally identified two main areas for concern. Firstly, that the proposed use would be better suited at another location and, secondly, that the proposed use is inconsistent with the locality and relevant Policies and Plans, including the Concept Approval determined under MP06_0258-Mod-10.

Inappropriate Location

Submissions questioning the appropriateness of the location for the proposal narrowed down to two primary factors. The first being that this type of development would be better suited next to the new Tweed Valley Hospital and the second, that this type of development is better suited in a commercial zone and not a residential area.

The recently opened Tweed Valley Hospital is bordered by undeveloped land to the west and north. A Planning Proposal for a 119-bed private hospital on land to the west of the Tweed Valley Hospital has been previously submitted to Tweed Shire Council (by a different applicant). The proposal was referred to the Councillors for determination who unanimously voted to refuse the application on a number of grounds including, but not limited to, the land mapped as being State or Regionally Significant Farmland. Based on this determination, it is clear that land to the west and north of the new hospital is set to be retained as significant farmland and is not suitable for the proposed use.

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In respect of the location of the proposal by zone, the subject site is located on land zoned E1 - Local Centre under the Tweed LEP 2014. In accordance with the Land Use table for E1, medical centres, being a type of health services facility, are permitted with consent. Council noted in their submission that, from a zoning perspective, the proposed use is permitted with consent and *"From this perspective, the proposed modification would be permissible and generally in accordance with Council's LEP controls."* The proposal is therefore consistent with the zoning of the land.

In addition to the above, the location of the site within an establishing Town Centre will contribute to the local economy whilst being in close proximity to the Tweed Valley Hospital should patients be required to access both facilities. The site is located within close proximity to public transport, with bus stops located on the eastern and western sides of Casuarina Way, approximately 190m walking distance. Being located near Tweed Coast Road also opens access to the proposed development to those travelling from elsewhere in the Tweed Shire and beyond.

It is therefore considered that the location of the proposed development is not only appropriate but will benefit those who live in, work in and visit the area and provide an ample boost to the local economy.

Inconsistent with Plans/Policies

Submissions questioned the consistency of the proposed use with the MP06_0258-Mod-10 Concept Approval, the original masterplan for the town centre, the Tweed Locality Plan and the requirements of the Tweed LEP 2014 and DCP 2008.

Inconsistency between MP06_0258-Mod-10 and the proposed removal of the residential portion of the approved land use were raised. As discussed in the Modification Report, Economic Analysis, and elsewhere within this Response to RFI and the Response to Submissions, removal of the residential component of the approved land use is justified in that majority of the dwelling yield estimated for the subject site (being 18 dwellings) can already be counted as having been absorbed within the Town Centre as a result of the approvals over No. 5 and No. 6 Grand Parade. When combined, these approvals allow for an additional 13 dwellings compared to their respective yield estimates. This means that, not only has majority of the estimated dwelling yield be absorbed within the Town Centre, but it has also been absorbed within the same medium-density dwelling type (being apartments). Holistically, the Town Centre will only lose 1 medium-density residential dwelling as a result of the proposed change of use.

Upon reading the submissions, there appeared to be a misunderstanding that the mixed-use component of the land use approved under MP06_0258-Mod-10 was being removed and the proposal was solely for a 'specialist medical centre'.

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As discussed in the s75W Modification Report, the proposal seeks to change the land use to solely mixed-use, incorporating specialist medical suites and food and drink premises (being a type of retail premises). The incorporation of a mixed-use development is consistent with the locality and the character of the area given the incorporation of retail, commercial and medical uses already operating on the western side of Casuarina Way, and the recently approved shop-top housing development at 9 Grand Parade which will incorporate ground floor commercial and/or retail and food and drink premises. The proposed development is permitted with consent within the E1 Local Centre zone of the Tweed LEP 2014 and is consistent with the objectives of the zone.

In addition to the above, the ground floor tenancies proposed to be used for specialist medical purposes are anticipated to be of a typology that have a more retail and commercial style functionality. For example, the ground floor specialist medical tenancies may be occupied by services such as pathology and audiology which are comparable to more retail and commercial-based health services such as Specsavers or Bay Audio (both of which are examples found in nearby Tweed City).

The built form will ensure harmony is achieved between the proposed development and previously approved developments that have been constructed, are under construction, or have been approved and are yet to commence construction.

The proposal seeks to modify the concept approval granted by MP06_0258-Mod-10 and is therefore naturally partially inconsistent with that approval however, as discussed above, it is considered the proposal is consistent with the aims and objectives of the site, neighbourhood and broader locality.

Active Street Frontage:

Submissions have also raised concerns with the proposed use at ground level fronting Grand Parade.

Response:

The submission received from Council and two public submissions queried whether the proposal could meet the street front activation requirements of MP06_0258-Mod-10. Primarily, the concerns referenced the number of direct pedestrian access points from Grand Parade to ground floor tenancies, and a loss of retail/commercial mixed use.

The front of the site experiences a change in grade of approximately 840mm from RL8.85 AHD to the west (Habitat Drive) to RL8.0 AHD to the east (Candlenut Street). In order to accommodate the change in grade, the proposed building has been stepped to provide direct pedestrian access to the café (proposed FL8.20 AHD) as well as to the main building lobby (proposed FL8.60 AHD).

Incorporation of direct pedestrian access to each ground floor tenancy would be required to be provided in accordance with Australian Standard AS1428. Compliance with AS1428 for this site would require the incorporation of a network of ramps to be located within the frontage of proposed clinics 1, 2a and 2b (Refer to Attachment 5 Street Access Plan). The incorporation of numerous ramps would result in the creation of additional trip hazards along the street frontage and within the entrance of the tenancies, weatherproofing issues, wayfinding problems and an aesthetically-challenged façade. As the clientele for the specialist medical suites are anticipated to be of an ageing demographic, providing access to tenancies that is safe and easy to navigate is of paramount importance.

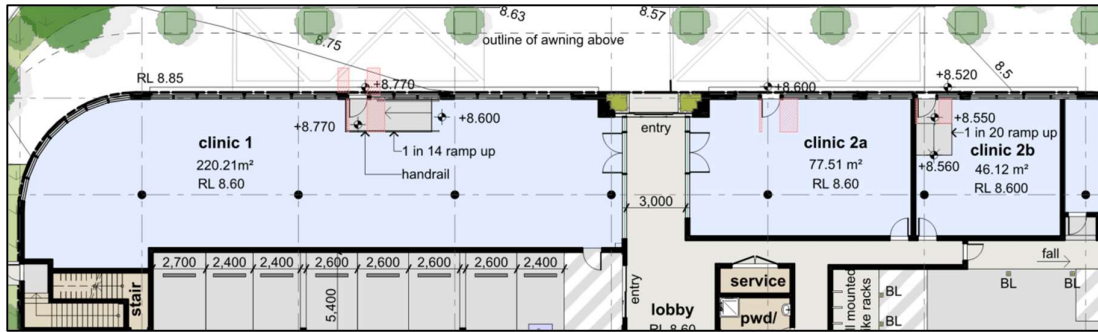
Additionally, whilst the incorporation of a network of ramps may allow for direct access from the street frontage, they will detract from the northern elevation of the building at street level, likely resulting in members of the public avoiding the eastern side of Grand Parade unless they require access to the proposed development. Thus, resulting in an inactive street frontage.

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Detailed design changes have resulted in the inclusion of ramps to ground floor Clinics 1 and 2b. Incorporation of these ramps provides direct street access whilst complying with AS1428. Street access has also been provided to clinic 2a however this is via a step up from the footpath into the tenancy. Equitable access to this clinic will continue to be achieved via the main lobby. Please see below and refer to Amended Plans dated 18/09/2024.



Whilst direct street access has been provided, it is still considered the proposal as originally designed is the better design outcome and achieved an active Activation of street frontages is also achieved via additional components including, but not limited to, landscaping, glazing, type and variation in tenancies, variation in tenancy sizes, awnings and changes in building materials along the façade.

In considering each of these components, the proposal has achieved an activated street frontage to Grand Parade by:

- Incorporating pedestrian access to the café off the street;
- Incorporating pedestrian access to the centralised lobby of the building;
- Incorporation of four ground floor tenancies, each varying in size and shape
- Incorporation of landscaping at ground floor level as well as upper levels fronting Grand Parade;
- Incorporation of stepped awnings;
- Incorporation of glazing along majority of the northern elevation.

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Further, active street frontages achieve surveillance of the street and public domain. Glazing along the northern elevation; pedestrian access to the lobby and café; and balconies proposed at Levels 1 and 2 in the north-eastern and north-western corners each provide opportunities for surveillance minimising risk of crime to people and property.

In addition to the impacts on functionality, safety, wayfinding and aesthetics discussed above, pedestrian access to each ground floor tenancy will also impact upon the functionality of the tenancies. In doing so, it is considered each tenancy will become more difficult to lease resulting in longer vacancy periods and, therefore, a lack of pedestrian movement and vibrancy. The proposed development does not provide individual pedestrian access from the street however, the access points that are proposed, combined with other design elements will activate the Grand Parade street frontage irrespective of occupation of the ground floor tenancies.

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3. Building Height

The proposal appears to include floor-to-ceiling heights above industry practice, but the proposal does not comply with the 13.6m building height standard of Tweed Local Environmental Plan 2014. Given the non-compliance and given the location of the development being a site that adjacent to lower density residential developments, the proponent is encouraged to reduce height of the development where possible.

Response:

In accordance with the Department's request, the floor-to-ceiling (F-C) heights for the proposed development have been reviewed. Whilst it is acknowledged the F-C height at Level 1 is above industry average for commercial buildings, it is standard within medical specialist buildings.

The ground floor F-C height measures 3.8m and is dictated by service vehicle requirements. It should be noted the ground floor F-C height for the approved development adjacent to the site at No. 9 Grand Parade also measures 3.8m and provides at grade parking for SRV service vehicles.

As the proposal will incorporate an array of specialist medical suites, additional height is required at Level 1 to ensure various types of machinery and equipment can be accommodated. Whilst not necessarily reflective of equipment that will be utilised onsite, an example of specialist medical equipment requiring specific spatial separation distances is a medical LINAC or Linear Accelerator. To accommodate for vertical distance and shielding purposes, a LINAC typically requires 3.4m clearance from the machine to the ceiling panels. As a result, a standard floor to ceiling separation for a commercial tenancy would not be able to accommodate the spatial requirements for a medical LINAC.

Level 2 F-C heights are proposed at 2.7m which are industry standard.

In order to accommodate the required service vehicles and specialist medical equipment and machinery, the F-C heights at Ground Floor Level and Level 1 cannot be reduced. The F-C heights at Level 2 are standard and are therefore appropriate. As the proposed development between Ground Floor Level and Level 2 is wholly contained within the 13.6m building height limit, it is considered the intrusion of the roof for the proposed rooftop terrace and the lift overrun is minimal, will not result in any adverse impacts on adjacent allotments and is therefore acceptable.

4. Plans and Documents

The following plans and documents accompany our response to the above matters:

- Amended Plans prepared by Sparc Architecture
- [Amended Plans prepared by Sparc Architecture and dated 18/09/2024](#)
- Response to RFI prepared by TTM and dated 02 August 2024
- [Response to RFI prepared by TTM \(with Track Changes\) and dated 19 September 2024](#)
- Street Access Plan prepared by Sparc – Issue A
- [Survey As Constructed – Sheet 5 prepared by SEE Civil](#)

We trust the above is to the Department's satisfaction. Should you wish to discuss the application further, please do not hesitate to contact our office on 02 6637 9110.

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Yours faithfully

TOWN PLANNING ALLIANCE (NSW) PTY LTD



Jessica Robson
DIRECTOR

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