

From: [David O'Connell](#)
To: [Michelle Niles](#)
Subject: RE: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)
Date: Tuesday, 11 December 2018 3:55:01 PM
Attachments: [image007.png](#)
[image008.jpg](#)
[image009.jpg](#)
[image010.png](#)
[image011.jpg](#)
[image012.jpg](#)
[image013.png](#)
[image014.jpg](#)

Hi Michelle,

The submitted information has been reviewed by Council staff who have provided the below comment with respect to the proposal;

Development Engineering Unit Comments

The proposal seeks to separate a medium density lot into two lots. Proposed lot 1 is an existing car park and proposed lot 2 is an existing multi dwelling development. A request for information was sent to the applicant (via Department of Planning) demonstrate that by separating the medium density lot into two lots that each lot can be adequately serviced for any future dwelling construction. In particular proposed Lot 1 as this lot only has an existing car park and is not serviced (note there has been numerous queries to provide a dwelling on the existing car park area).

An engineering assessment dated 24 February 2017 to address the above memo dated 9 October 2018 does not adequately demonstrate that proposed lot 1 can be adequately serviced. In particular:

- 1) In order for proposed lot 1 to be serviced by sewer the proposal seeks to extend through private property. It is most likely that an easement will be required over future Lot 51 to service proposed Lot 1. Hence, the proposal is relying on extending a sewer line within private property (creation of an easement). No owners consent has been provided for sewer in private property.

- 2) The application does not demonstrate how the car parking lot can be adequately serviced by sewer....demonstrate connection point and gradients.

The proposed two lot subdivision is not supported as the applicant has not demonstrated all lots can be adequately serviced.

Should the consent authority approve the two lot subdivision then consideration should be provided for proposed lot 1 to be serviced and timing of construction of services (to be

done as part of creation of two lot subdivision or appropriate restrictions placed on title for services to be provided in the event any dwelling is constructed).

Please note preference is for proposed Lot 1 be serviced as part of the two lot subdivision. If not serviced then appropriate easements be obtained for services over private property and demonstration how it would be serviced.

Water & Wastewater Unit Comments

Water & Wastewater has reviewed the Further Information details provided by Planit Consulting regarding the mod to subdivide the existing carpark lot from the existing lot parcel.

The applicant has updated the information and recommended that the lot connect to the sewer proposed to the south of the lot, however has made no effort to confirm how the works would be undertaken or how owners consent for easements across private property would be obtained.

Therefore, the proposed two lot subdivision is not supported as the applicant has not demonstrated that the lot can be adequately serviced.

Simon Halcrow from Planit request that a restriction be put on the title alerting future purchases that the site is car park only and would require approval from Council for services to be provided to the Lot. However this is not supported by Council, as it would mean that a developer could contact Council to request that the site is developed at a future time. It is Council's preference that the site is adequately serviced at the time of subdivision and not at a later date when it will be more difficult to provide services, particularly sewerage. As the Casuarina Town Centre development is due to start now, with the construction certificate and Section 68 application for water & sewer works in with Council for assessment now, Council believe that servicing of the lot should be addressed at this time.

The proposed two lot subdivision is not supported as the applicant has not demonstrated that the lot can be adequately serviced for sewerage. It is recommended that the application be withdrawn, or further information provided to demonstrate how the services can be provided as part of the currently proposed civil construction works proposed for Casuarina Town Centre.

Please let me know if you wish to discuss any of the above. I will be out of the office for the next couple of days but will be back on Friday.

Regards

David O'Connell | Town Planner



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From: Michelle Niles [mailto:Michelle.Niles@planning.nsw.gov.au]
Sent: Monday, 26 November 2018 4:04 PM
To: David O'Connell
Subject: FW: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)

Hi David,

Please see response, from the Proponent, to Council's submission on the abovementioned modification. Can you please review and provide a response by Monday 10 December 2018?

Kind regards,

Michelle Niles
Senior Planner
Regional Assessments
320 Pitt Street | GPO Box 39, SYDNEY NSW 2001
T 02 9274 6272 | E michelle.niles@planning.nsw.gov.au

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From: Simon Halcrow <simon@planitconsulting.com.au>
Sent: Monday, 26 November 2018 2:46 PM
To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>
Subject: RE: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)

Hi Michelle,

See comments below in green and attached. Can you please expedite this request? It is pretty clear that the car parking lot is to remain as a car parking lot per the previous mods, staging plans approved and is to continue as such for car parking which is primarily utilised by the restaurant patrons attending "spice den" adjacent the car park.

Thanks,
Simon

Simon Halcrow

Senior Town Planner | BUrbRegPlan

Telephone: 02 6674 5001 | **Facsimile:** 02 6674 5003

Level 2, 11-13 Pearl Street, Kingscliff NSW 2487
PO Box 1623, Kingscliff NSW 2487

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From: Simon Halcrow
Sent: Tuesday, 23 October 2018 10:16 AM
To: 'Michelle Niles' <Michelle.Niles@planning.nsw.gov.au>
Subject: RE: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)

Michelle, response inline below.

Cheers,
Simon



Simon Halcrow

Senior Town Planner | BUrbRegPlan

Telephone: 02 6674 5001 | **Facsimile:** 02 6674 5003

Level 2, 11-13 Pearl Street, Kingscliff NSW 2487

PO Box 1623, Kingscliff NSW 2487

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From: Michelle Niles [<mailto:Michelle.Niles@planning.nsw.gov.au>]

Sent: Monday, 15 October 2018 9:59 AM

To: Simon Halcrow <simon@planitconsulting.com.au>

Subject: FW: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)

Morning Simon,

Please find below submission from Council regarding MOD 12. Can you please review and provide a response to the comments raised?

Kind regards,

Michelle Niles

Senior Planner

Regional Assessments

320 Pitt Street | GPO Box 39, SYDNEY NSW 2001

T 02 9274 6272 | E michelle.niles@planning.nsw.gov.au

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From: David O'Connell <DOConnell@tweed.nsw.gov.au>

Sent: Thursday, 11 October 2018 2:42 PM

To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>

Subject: RE: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)

Hi Michelle,

Following on from the below, Council staff have reviewed the Casuarina Town centre MOD 12 application and

have provided the below comment for consideration/clarification;

Planning Comments

Servicing of the allotment

The submitted application requests that services such as water/sewer not be provided to the site as part of any subdivision approval given that they are not currently required for the use as a car park. It is instead requested that a suitable restriction be placed on title.

While the provision of services may not be required at the present time (given the current land use), Council would need the applicant to demonstrate that all services are capable of being provided to the site (including sewer, water, electricity, communications etc.) prior to subdivision approval. A search of Council correspondence on site indicates that there may be difficulty with respect to sewer provision in particular. The development is required to demonstrate that they can lawfully achieve access to all required services including (but not limited to) water, sewer, telecommunication and electricity.

If lawful service provisions can be demonstrated then we could consider a restriction on title alerting future purchasers that the site is car park only and would require approval from Council for services to be provided to the Lot.

Alternatively, if lawful access to these services is not available, a restriction to use would need to be placed on any allotment created, restricting any private occupation (dwelling etc.) in perpetuity.

Response: refer to comments further in this response.

Intent of car parking

A search of both the original application and subsequent Modifications has not clearly identified whether the car parking identified (and subsequently constructed) on proposed Lot 1 is for public or private use as part of the Casuarina Town centre application. The submitted application identifies that the car park is used by the community, however it is not clear whether this is on a private or public basis. Therefore clarification is sought as to the status of the existing car park as per the Major Project Approval. If this is intended as vehicular parking to be open to the public, a restriction of use would need to be applied to any lot created in order to protect this in perpetuity.

Other matters for consideration

- This submitted information appears to indicate that it is a torrens title subdivision, however the subdivision plan (Appendix C of application) is titled as a 'two lot subdivision of Strata Plan 94481 which would indicate a strata subdivision is proposed. Clarification is sought as to the nature of subdivision proposed.

Response: Torrens title.

- The submitted application indicates that the original approval and overall intention of the development was for the car park lot to be a separate torrens title allotment, with the Appendix A Subdivision Plan (dated 10/10/2006) submitted in support of this. Clarification is sought as to whether this plan was ever approved in support of the applicant's assertion. A search of records by Council staff does not indicate that this plan was ever approved by the Department of Planning and was instead superseded by an alternate layout through the 'Response to Submissions' assessment of the original application.

Response:

The car park is a private car park for use by customers at the Spice Den restaurant, long term I am not sure but its use will continue like this for the foreseeable future at this stage.

Development Engineering Comments

I refer to the above development application to amend development consent DA10/0222 (MP06_0258) and wish to advise that a satisfactory response is required in relation to the following matters:

1. The applicant has referenced a drawing in their appendix A - "Proposed Subdivision Plan dated 10/10/2006 by MLDesign" as an approved plan indicating that the car parking area was a separate lot to that of the medium density lot. All consent approvals do not indicate that this drawing was approved as part of the original consent. Clarification may be required from the applicant where this drawing was approved as part of the consent.

Response: The Medium density lot (totalling 8679m²) has always been intended for medium density development as part of Stage 1C whilst the Car Parking Lot (totalling 928.2m²) contains a constructed car park, as demonstrated from Concept Approval through all modifications. This car parking allotment is maintained as intended for the provision of car parking spaces for the Casuarina Town Centre locality. The Stage 1C Lot (3) is for medium density development which has since been incorrectly registered on title to include the medium density allotment and the car parking allotment as one parcel of land and registered as Lot 16 in DP1198266. Which occurred as part of Mod6 and the introduction of the additional sub-stage 1C. The car parking allotment is most recently demonstrated as a separate parcel and under a separate stage (being Stage 1A) on the approved plans for Mod 6 (titled *Development Staging Plan* By Newton Denny Chapelle dated 17/10/13 with ref. 12/111B), is shown again in the plan set for Mod 7, as well as the concept approval plan set.

2. As the proposal is for a two lot subdivision it is a requirement that each lot be serviced. There is a possibility that the car parking lot could be used for development of buildings. There has been previous correspondence to Council asking to investigate the possibility to service the car parking Lot.

a) Water - Council's reticulated potable water supply is available to the area. Given the possibility of dwelling construction it is recommended that the developer demonstrate water connection to the proposed car parking parcel Lot 1.

b) Sewer - Council's piped effluent disposal infrastructure is available within the area, however it is not readily accessible for the car parking Lot 1 as the sewer is located some distance away in the form of a 225mm Sewer Trunk Main. Currently there is a previous modification over this site which seeks to relocate this trunk main.

Given the possibility of dwelling construction it is recommended that the developer demonstrate how the site will be connected with sewer to the proposed car parking parcel being Lot 1.

3. The developer to demonstrate all other service provisions can be provided to the car parking Lot 1 such as electricity supply, gas and telecommunication infrastructure, as applicable.

Response:

Council officers have raised the following issues:

Servicing the allotment

The originally submitted application requests that particular services not be provided to the site as it is currently the location of a carpark and instead proposes that a suitable restriction be placed on the site. In order to gain a restriction, Council has requested that further information be provided to ensure connections to services can be established.

A previously completed Engineering Assessment (Planit Document J150-EA01, 24/02/2017, attached) details the proposed connection strategy. The engineering assessment undertaken for this site has identified that the proposed subdivision of lot SP94481 in Casuarina Way can be readily service water, sewer, power and telecommunications. Additionally, regarding gas supply, DBYD records did not indicate gas a gas reticulation network within the area, however, as gas supply is a not essential service, if the land owner desires gas supply, an onsite gas supply system can be installed at the cost of the land owner. It is anticipated that all services connection can be made without major augmentation to the existing network, accordingly we request that a restriction be put on the title alerting future purchases that the site is car park only and would require approval from Council for services to be provided to the Lot.

David O'Connell | Town Planner



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From: Michelle Niles [<mailto:Michelle.Niles@planning.nsw.gov.au>]

Sent: Tuesday, 9 October 2018 3:57 PM

To: David O'Connell

Subject: RE: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)

That's fine. Thanks for letting me know David.

Kind regards,

Michelle Niles
Senior Planner
Regional Assessments
320 Pitt Street | GPO Box 39, SYDNEY NSW 2001
T 02 9274 6272 | E michelle.niles@planning.nsw.gov.au

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From: David O'Connell <DOConnell@tweed.nsw.gov.au>

Sent: Tuesday, 9 October 2018 3:52 PM

To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>

Subject: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)

Hi Michelle,

Just checking in on this application, referred to Tweed Shire Council for comment. It is noted that the cut-off for comment is today however I just wanted to advise that Council staff are currently preparing a response which we hope to have with you tomorrow.

Regards

David O'Connell | Town Planner



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From: Seth Philbrook

Sent: Tuesday, 2 October 2018 12:16 PM

To: David O'Connell

Cc: Brenden Schwarz; Simone Gillespie

Subject: FW: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)

Hi,

Council has received correspondence from the Department of Planning and Environment in relation to a proposed mod to MP06_0258 (DA10/0222.28) Casuarina Town Centre. The Department are seeking Council's comment in relation to the proposed Mod.

The proposed Mod appears to relate to car park lot (36) located on the eastern side of Casuarina Way (area of 928m²), which was amalgamated by mistake. The applicant is seeking consent to re-instate the lot as a separate lot.

cid:image013.png@01D49167.6931D700

Please provide comments to David and myself.

Regards,

Seth Philbrook B. Urb. and Reg. Plan.
Development Assessment Planner
Development Assessment and Compliance



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From: Michelle Niles [<mailto:Michelle.Niles@planning.nsw.gov.au>]

Sent: Tuesday, 25 September 2018 11:10 AM

To: Corporate Email

Cc: Anthony Witherdin

Subject: Notice of Modification Request - Casuarina Town Centre Project Approval (MP 06_0258 MOD 12)



cid:image014.jpg@01D49167.6931D700



Attention: Troy Green
Attention: General Manager
Tweed Shire Council
tsc@tweed.nsw.gov.au

To whom it may concern,

Please be advised that Planit Consulting, on behalf of CTC Multiple Lots Pty Ltd (the Proponent), has submitted a modification application to modify the Project Approval for MP 06_0258, Casuarina Town Centre.

Tweed Shire Council (Council) is invited to comment on the proposal and provide any recommended conditions.

The proposal seeks approval to subdivide SP 94481 into two separate allotments, to correct an error in the Survey undertaken during works associated with MOD 6 which incorrectly amalgamated a car parking lot and medium density housing lot.

An electronic copy of the proposed modification is attached to this email for your convenience with all other associated documents available on the Department's website at the link below:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9209

Should the Council wish to make a submission, it should be made to the Department no later than **Tuesday 9 October 2018**. It would be appreciated if you could email your submission directly to me.

Should you wish to discuss any of the above, please contact me on (02) 9274 6272

Kind Regards,

Michelle Niles
Senior Planner
Regional Assessments
320 Pitt Street | GPO Box 39, SYDNEY NSW 2001
T 02 9274 6272 | E michelle.niles@planning.nsw.gov.au

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