

Council Reference: DA10/0222.28 DA10/0222 LN44549  
Your Reference:



28 June 2019

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Attn: Michelle Niles

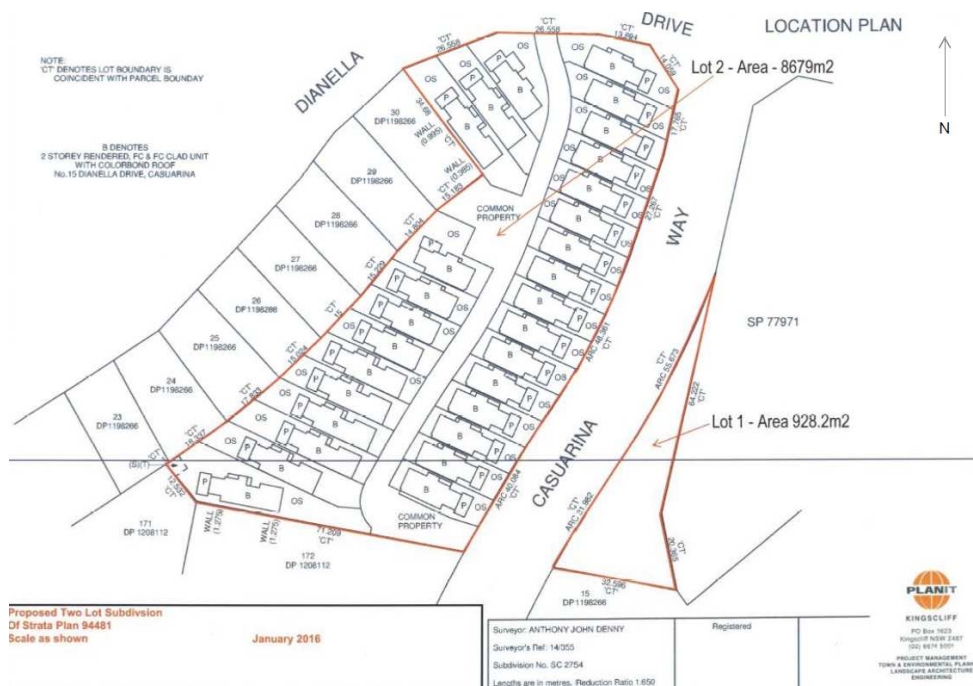
Dear Sir/Madam

**Application for an amendment to Development Consent  
DA10/0222 for Casuarina Town Centre including 56 lot  
subdivision, road works, infrastructure works and  
landscaping (Department of Planning Application MP06\_0258  
MOD 12) at Lot 13 DP 1014470; Casuarina Way CASUARINA;  
Lot 144 DP 1030322 & Lot 144 DP 1030322 & Lot 3 DP 1042119;  
Tweed Coast Road CASUARINA**

I refer to the above application for MP06\_0258 MOD 12 for Casuarina Town Centre  
and wish to advise that the below comments are provided:

### **General Overview/Development Assessment Unit Comments**

The subject application proposes a two lot subdivision as identified in the  
configuration under Figure 1 below:



**Figure 1 - Proposed Two Lot Subdivision**

The subject land is entirely zoned R1 General Residential under the Tweed Local environmental Plan 2014. The objectives of this zone are listed below:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the provision of tourist accommodation and related facilities and services in association with residential development where it is unlikely to significantly impact on amenity or place demands on services beyond the level reasonably required for residential use.*

Proposed Lot 2 would retain connections to essential Council services such as water and sewer infrastructure, which presently service the residential units located on this land. However, it is not proposed to service proposed Lot 1 with any such services as part of this application.

The basis of this is that proposed Lot 1 is currently utilised as a car park and the applicant has advised that this is not currently proposed to change.

However, the application if approved, would result in the creation of an approx. 928m<sup>2</sup> allotment which is zoned for residential purposes. In future, either the current landowner or a future landowner may wish to utilise the allotment for an alternate use to that currently identified, at which point the lack of services and the potential lack of ability to provide these services could constrain the site from being used for a use which is otherwise in accordance with the zone objectives for the area.

### **Development Engineering Comments**

Under section A5.4.13 of Tweed Shire Councils subdivision manual – A5 it specifies that the following infrastructure is required for the creation of lots:

- *All lots created in urban areas for private occupation must be fully and individually serviced with sealed road (equipped with kerb and gutter on both sides of the road) frontage, water supply, sewerage, underground electricity and telecommunications.*
- *Urban subdivision infrastructure must be provided in accordance with table A5-10.*

**Table A5-10: Subdivision Infrastructure Requirements**

<b>Infrastructure Required</b>	<b>Where Required</b>	<b>Standard of Infrastructure</b>	<b>Comments</b>
<i>Sealed road frontage with kerb and gutter both sides</i>	<i>All lots for private occupation, community facilities lots and public open space lots</i>	<i>See development Design Specification D1</i>	

<i>Landform</i>			
<i>Water Supply</i>	<i>All lots for private occupation, community facilities lots, sports fields, parks, play areas, other utility facilities (pump stations etc)</i>	<i>See development Design Specification D11</i>	
<i>Sewerage</i>	<i>As above</i>	<i>See Development Design Specification D12.</i>	
<i>Electricity</i>	<i>As above</i>	<i>Must be underground and provided in accordance with suppliers and Australian standards. Verge service location is to comply with Development Design Specification D1.</i>	
<i>Telecommunications</i>	<i>All lots for private occupation, community facilities lots and sports fields. As required for other facilities.</i>	<i>As above</i>	<i>Service must be such that standard connection is available to local/national/overseas networks.</i>
<i>Gas</i>	<i>Optional</i>	<i>As above</i>	
<i>Drainage System</i>	<i>Must provide Q100 local flood immunity for all lots for private occupation and community</i>	<i>See Development Design Specification D5 and D7.</i>	

	<p><i>facilities. Major / minor system required, roads public open space may (subject to other development standards) be used for Q100 overland flow paths. Must be equipped with stormwater treatment facilities to meet sections A5.4.6 standards.</i></p>		
<i>Flood Immunity</i>	<p><i>All lots for private occupation must have surface levels above the Q100 level for regional creek/river flooding. All lots must be in proximity to high level evacuation route (s) to land above PMF level, in accordance with clause A5.4.7. see section A5.4.10 of this chapter for public open space standards.</i></p>		<p><i>See section A3 – Development of Land for detailed requirements.</i></p>
<i>External Connections and/or upgrades</i>		<i>The subdivider must provide all external</i>	

		<i>connections required to connect subdivision infrastructure and upgrade external infrastructure to cater for the additional subdivision load. See also D1, D5, D7, D11, D12.</i>	
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The modification report by the applicant (dated as amended 27 May 2019) requests that the provision of the above services not apply to this allotment until it is used for private occupation. In addition the report requests that a restriction be provided over the car parking Lot (referred to as Lot 1 in Figure 1 above).

The above request to not service a new Lot is not supported for the following reasons:

- Tweed Shire Councils Subdivision Manual – A5 specifies that all lots created in urban areas for private occupation must be fully and individually serviced.
- A restriction on title indicating that the lot is not serviced is not supported as this may potentially entrap buyers unaware of the current status quo.
- Not providing services as part of the two lot subdivision will create issues for future owners, potentially restricting development of the site as an independent parcel.
- Potentially can set a precedence for subdivisions to be created without the need to provide critical servicing infrastructure.

If applicant does not want to provide services then alternatively a boundary adjustment can be pursued rather than a separate Torrens title allotment. The modification report (amended 27 May 2019) specifies that the car parking lot (Proposed Lot 1 in Figure 1) is maintained as intended for the provision of car parking spaces for the lot 115 SP77871 being known as the Spice Den of Santai Resort. To be maintained as a car parking for lot 115 SP77871 Spice Den of Santai Resort then a boundary adjustment seems appropriate to be include as part of lot 115 SP77871. The boundary adjustment would ultimately enclose the car parking Lot (Lot 1 in figure 1) as part of the Spiced Den (Santi Resort), without the need to provide additional services as required for a Torrens title lot.

Alternatively if the applicant still insists in providing a Torrens title lot then applicable conditions are required for a standard two lot subdivision, however given the sewer constraints appropriate conditions cannot be provided at this time.

## Effluent Disposal

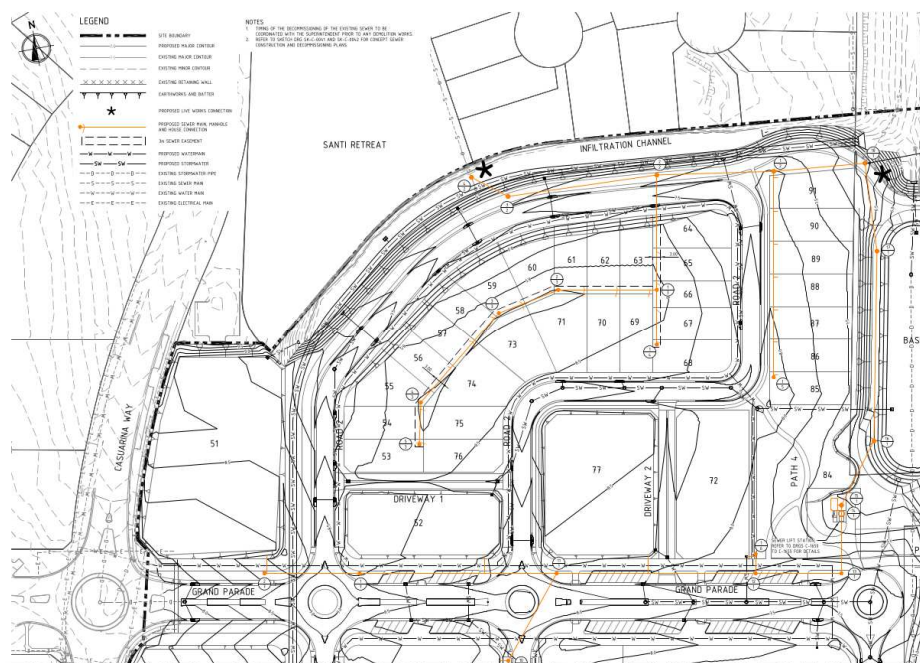
Council's piped effluent disposal infrastructure is available within the area, however it is not readily accessible for proposed Lot 1 as the sewer is located some distance away in the form of a sewer trunk main and a previous modification currently seeks to relocate this trunk main.

Given the proposal for a Torrens title lot (2 lot subdivision) it is recommended that the developer demonstrate how the site will be connected with sewer to the proposed Lot 1.

The response is provided by the applicant as per below:

*After conversations with Council it is understood that the existing sewer line will be moved to the northern side of the drainage reserve in the near future by others as part of separate development works. Preliminary alignment plans for this sewer have been provided by NDC Consulting Engineers for the works in the adjacent property. This will have no negative impacts on the proposed sewer connection point and will shorten the distance between the site and the sewer line. It will be necessary that an easement is created on the private property between the lot and the drainage reserve to ensure that sewer servicing is possible.*

A construction Certificate (Reference CC18/0924) has been lodged with Council for an 89 Lot subdivision which seeks to divert an existing sewer trunk main as per below:



**Figure 2 - Proposed Sewer Layout**

In addition to the above an updated engineering report has been provided (version 4 dated 10 May 2019) indicating a proposed single sewer connection to the Lot as per below:



*"It is estimated using back calculations that the proposed sewer connection sits at approximately RL 3.5m. The bottom southern corner of the subject site has an RL of approximately 9.5m. The proposed connection is 260m from the site and at minimum grade of 1:60 connection can be achieved at approximately RL 4.2m".*

Concerns are raised regarding the proposed single sewer connection above:

- Sewer lines are typically located 1 to 2m within property boundaries. The proposal is entirely within the road reserve.
- A sewer greater than 3m in depth are to be designed as a trunk sewer. House connections shall not be connected to trunk sewers. The proposal is significantly deeper than 3m in depth.
- A sewer line of 260m is a significant cost to Council to maintain for a single connection.
- There are some major infrastructure located in Casuarina Way (Stormwater, water, electrical...etc.) servicing the surrounding residential and commercial precincts that the proposed sewer connection could impact. The applicant has not indicated that there will be no clashes.

The application has not demonstrated how the car parking lot (Proposed Lot 1 in Figure 1) can be adequately serviced by sewer. The above constraints are too significant to allow approval or to condition appropriately. It is recommended that the applicant provide an alternative sewer service connection or amend the application for a boundary adjustment with lot 115 SP77871 Spice Den of Santai Resort if it is intended to be maintained as a car parking lot for the Santai Resort.

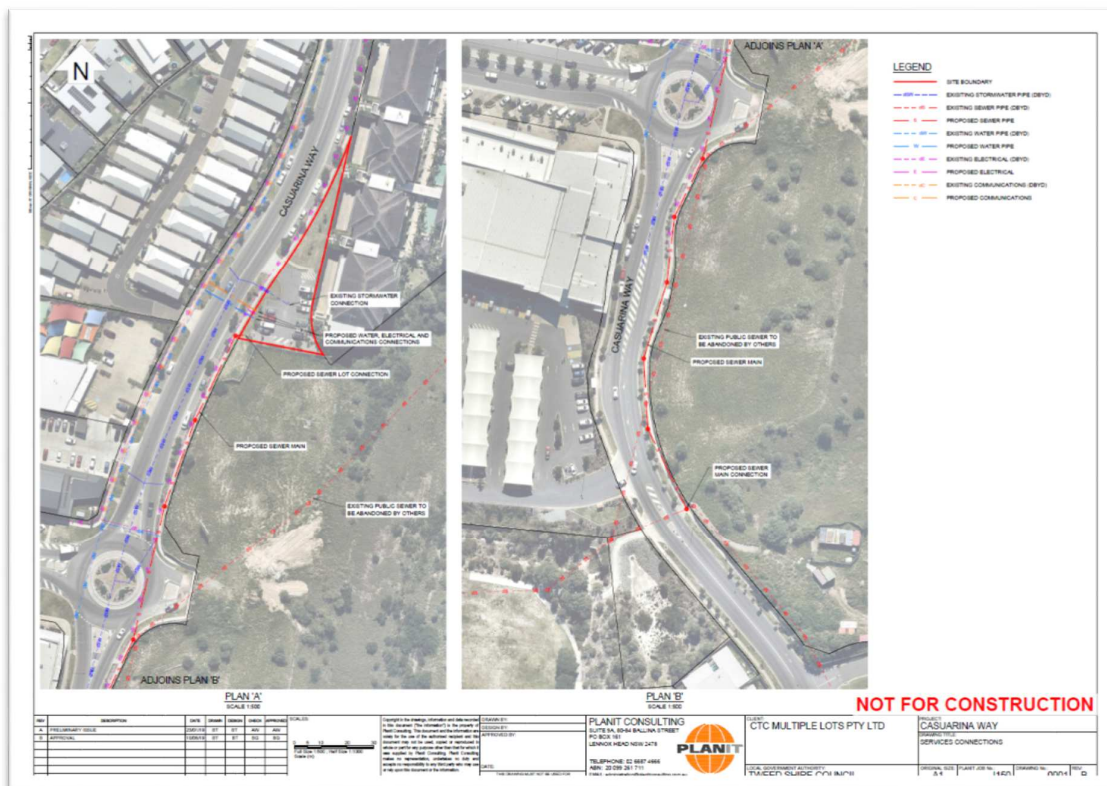
#### Conclusion/Summary

The application has not demonstrated how the car parking lot (Proposed Lot 1 in Figure 1) can be adequately serviced by sewer. The above constraints are too significant to allow approval or to condition appropriately. It is recommended that the applicant provide an alternative sewer service connection or amend the application for a boundary adjustment with Lot 115 SP77871 Spice Den of Santai Resort if it is intended to be maintained as a car parking lot for the Santai Resort.

#### Water and Wastewater Unit Comments

The applicant has provided an updated submission outlining how the existing car park lot could be serviced by sewerage if it were to be subdivided by Torrens Title. The applicant proposes that a long 260 meter sewer connection from the lot could be constructed along the Casuarina Way road reserve to the existing Council trunk sewer to the south. They have assumed that because the trunk sewer is so deep that they could get the fall required to install the sewer. However the developer has not taken into consideration many Council requirements such as:

1. The requirement to locate sewers within properties and not within road reserves, or
2. The future services that will shortly be constructed with Casuarina Way as a result of the large development to be constructed at Casuarina Town Centre on the adjacent block.



**Figure 3 – Extract from Engineering Assessment**

#### 4.2. SEWER

TSC provides reticulated sewer to commercial customers within the local area and is responsible for all reticulated sewer supply to the development. Based on the limited information that has been provided by Council (Appendix A) and 'Dial-Before-You-Dig' plans (Appendix B), the closest location for a sewer connection in public land is on the south eastern corner of the roundabout to the south of the subject site.

It is estimated using back calculations that the proposed sewer connection sits at approximately RL 3.5m. The bottom southern corner of the subject site has an RL of approximately 9.5m. The proposed connection is 260m from the site and at a minimum grade of 1:60 connection can be achieved at approximately RL 4.2m.

The lot will only require a single sewer connection and no augmentation to the existing sewer network will be necessary.

Alternatively, there are a number of other potential connection locations in the local area (refer Figure 3) which may be utilised should they prove to be more viable during detailed design. Verification of levels and capacity will be required to determine the suitability of these locations.

**Figure 4 – Extract from Engineering Assessment**

Council's Water & Wastewater Unit would not allow such a construction of the proposed single sewer to service this single lot. Therefore, Council's Water & Wastewater Unit do not believe that the applicant has demonstrated that the lot can be adequately serviced by sewer.



### Summary/Conclusion

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. The most preferable outcome to Council's Water & Wastewater Unit would be that the application is amended to be for a boundary adjustment with Lot 115 SP77871 Spice Den of Santai Resort if it is intended to be maintained as a car parking lot for the Santai Resort.

If you have any queries in respect to this matter please contact David O'Connell of Council's Development Assessment Unit on (02) 6670 2661 who will be processing the application.

Yours faithfully

**Vince Connell**  
Director Planning and Regulation