

Department of Planning, Housing and Infrastructure
Crown Lands
Letter to Applicant (Consent granted)



File Ref: 23/10823#05
DOC Ref: DOC24/120747
LOC No: LOC 646613

5 July 2024

Arbus Pottsville Pty Ltd
Unit 304
2 Honesuckle Drive
NEWCASTLE NSW 2300

By email: murray@arbus.com.au

Dear Mr Towndrow

**Consent for Development
Comprising:**

provision of road to support Caravan Park within Lot 250
DP 755701 at Cudgera Creek

Crown Land:

Part of the bed of Cudgera Creek and Crown public road

Crown Reserve:

Part Reserve 56146 from Sale or Lease notified 11 May 1923
Part Reserve 1011268 for Future Public Requirements notified
3 February 2006

Parishes:

Cudgera and Mooball

County:

Rous

Applicant:

Arbus Pottsville Pty Ltd on behalf of Gregory Craig King

Consent is granted by the Minister for Lands and Property to the lodgement of applications for approval under the Environmental Planning and Assessment Act 1979, and other associated applications required under other legislation, for the development proposal described above.

The Landowner Consent is granted conditional to the following:

1. Landowner Consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extensions of this consent may be sought.
2. The applicant is required to forward a copy of the DA approval to the NSW Department of Planning, Housing and Infrastructure – Crown Lands (“the Department”) after approval and prior to commencing works.
3. The applicant is required to ensure that the approval provided is consistent with this Landowner Consent.
4. The Landowner Consent is provided for the works detailed on the plans provided by Council and retained by the Department as DOC24/120746.

Landowner Consent is granted in accordance with the following:

- Landowner Consent is given without prejudice so that consideration of the proposed development may proceed under the Environmental Planning and Assessment Act 1979 and any other relevant legislation;
- The grant of this Landowner Consent does not guarantee that any subsequent authority to occupy will be granted;
- Landowner Consent does not imply the concurrence of the Minister for Lands and Property for the proposed development and does not provide authorisation under the Crown Land Management Act 2016 for this proposal;

- The issue of Landowner Consent does not prevent the Department from making any submission commenting on, supporting or opposing an application;
- The Minister reserves the right to issue Landowner Consent for the lodgement of applications for any other development proposals on the subject land concurrent with this Landowner Consent;
- Any changes made to the proposal, including those imposed by the consent authority, must be consistent with the Landowner Consent and therefore if modifications are made to the proposed development details must be provided to the Department for approval; and
- Landowner Consent also allows application to any other approval authority necessary for this development proposal.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application and/or any other application. The applicant is responsible for identifying and obtaining all other consents, approvals and permits required under NSW and Commonwealth laws from other agencies for the proposed development.

It is important that the applicant understands its obligations relating to Condition 3. If any alterations are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is the applicants responsibility to ensure the amended or modified development remains consistent with this Landowner Consent. If there is any inconsistency or uncertainty the applicant is required to contact the Department before undertaking the development to ensure that the Department consents to the changes. A subsequent LOC application may incur additional application fees.

It is advised that the Department will provide Tweed Shire Council with a copy of this Landowner Consent and will request that Tweed Shire Council notify the Department of the subsequent development application, for potential comment, as part of any public notification procedure.

Transfer of Crown Public Road upon Development Consent

During the assessment of your proposal it was noted the proposed development will involve construction of a Crown Public Road to enable road access to the proposed development. Should development consent be granted by the relevant authority, the department will commence action to transfer the control of the subject road to Tweed Shire Council in accordance with the departments Guideline, refer to the following link [Guidelines—administration of Crown roads \(nsw.gov.au\)](https://www.crownland.nsw.gov.au/guidelines-administration-of-crown-roads).

Acquisition of the bed of Cudgen Creek

Should development consent be granted, Tweed Shire Council will be required to apply to acquire part of the bed of the Cudgera Creek.

The applicant is reminded that no works may be undertaken on the subject land or road until such time as the bed of Cudgera Creek has been acquired by Council and the control of the subject road has been transferred to Council.

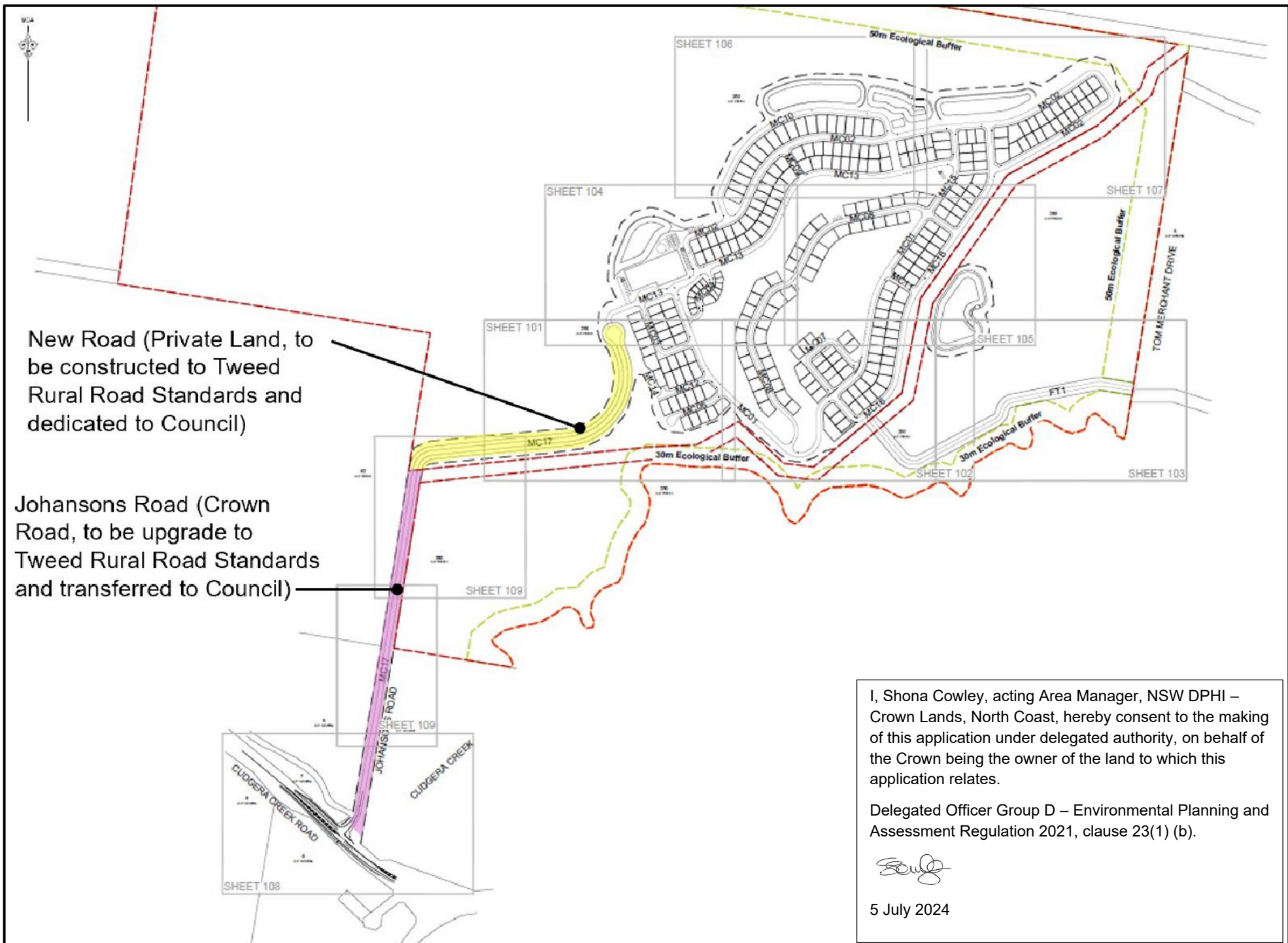
Should you require any further information or clarification in relation to this matter please contact me by phone on 02 6642 9224 or by email at libby.welldon@crownland.nsw.gov.au.

Yours sincerely



Libby Welldon
Property Management Project Officer
DPHI - Crown Lands

enc: plan



I, Shona Cowley, acting Area Manager, NSW DPHI – Crown Lands, North Coast, hereby consent to the making of this application under delegated authority, on behalf of the Crown being the owner of the land to which this application relates.

Delegated Officer Group D – Environmental Planning and Assessment Regulation 2021, clause 23(1) (b).

5 July 2024