

13 July 2023

Our Reference: 5445

Your Reference: DA 2022/214

The General Manager
MidCoast Council
PO Box 482
TAREE NSW 2430

Attention: Mr Bruce Moore

Dear Sir

Additional Information DA2022/214 - Proposed Manufactured Housing Estate at 40-80 Chapmans Road, Tuncurry

We refer to the Record of Deferral prepared by the Hunter & Central Coast Regional Planning Panel dated 1 June 2023, wherein it was directed that:

To ensure the application progresses in a timely manner the Panel directs that:

1. Council officers to meet with representatives of the applicant in the week commencing 5 June 2023 to discuss the outstanding issues.
2. The applicant must upload a complete package of updated technical reports and supplementary material relied on in support of the application to the Planning Portal by 15th July 2023.
3. The Council is requested to upload a supplementary report to the Planning Portal by 19th August 2023.
4. When the supplementary report is received the Panel will determine the matter electronically.

We confirm that the meeting (via MS Teams) was held with Council Officers at their earliest available time, on 14 June 2023.

As a result of the above meeting and in response to the Council's Development Assessment Report the following amended plans and reports are now submitted.



- **Attachment 1** - Amended Application Plans Revision C prepared by Land Dynamics Australia, dated July 2023
- **Attachment 2** - Addendum to Detailed Site Investigation – Contamination Assessment prepared by Regional Geotech Services, dated 29 June 2023
- **Attachment 3** - Addendum Traffic Impact Assessment prepared by Intersect Traffic, dated 4 July 2023
- **Attachment 4** - Stormwater Management Plan Revision C prepared by Land Dynamics Australia, dated 10 July 2023
- **Attachment 5** - Groundwater Study prepared by Douglas Partners dated 10 July 2023
- **Attachment 6** - Hydrological Assessment prepared by Barker Ryan Stewart dated July 2023
- **Attachment 7** - Adjoining Land Owner's Consent
- **Attachment 8** - Adjoining Land Owner's Letter of Support
- **Attachment 9** - Assessment Great Lakes DCP 2014 – Part 16 Site Specific Development Controls
- **Attachment 10** - Amended Bushfire Evacuation Plan
- **Attachment 11** - Amended Flood Evacuation Plan

An amended set of Application Plans (**Attachment 1**) incorporate the minor amendments to the stormwater basins, visitor car parking.

In response to the six (6) stated "reasons for refusal, the applicant's consultant team have prepared additional technical reports. A summary of the reasons for refusal and reference to the additional report addressing each issue is provided under the following headings.

Reason 1 - The proposed development fails to satisfy the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 and demonstrate that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose of the Manufactured Home Estate.

Response: Council Officer's concerns with the Detailed Site Investigation (contamination assessment), which accompanied the development application are identified as follows:

- “ 1. – A copy of the groundwater monitoring well logs have not been provided.
2. – The DSI found that “the groundwater quality results indicated that there are elevated concentrations of heavy metals at the site” however concluded that it is likely that “the elevated heavy metals are due to naturally occurring processes associated with the underlying hydrogeology and hydrogeological conditions”. It was noted that arsenic exceeded the recreational human health screening criteria however, potential exposure pathways presented in the DSI did not identify the potential for bore water to be used within the proposed MHE, nor other potential exposure pathways to the groundwater.
3. – The DSI recommends that “some ongoing periodic groundwater monitoring be undertaken to identify trend changes in groundwater quality”, however the report provides no specific information in relation to when this monitoring is to occur, who is to undertake the monitoring, who will monitor the results or what action should be taken if appropriate trigger values are exceeded.
4. – The DSI found that stockpiled material present near the entrance of the site had previously been tested and results of the testing found that the material meets the Recovered Aggregate Exemption (2014). The DSI concluded that these materials could be re-used in future road making activities on the site, however the DSAI test pit logs indicate that there are additional areas of fill which contain asphalt and road base. The DSI provides no information or recommendations as to how the extent of fill (which contains material that is not suitable for residential use in accordance with EPA Waste Order and Exemptions) should be delineated, separated, and used on site or disposed of.”

Each of the above matters have been addressed in the Addendum to Detailed Site Investigation – Contamination Assessment prepared by Regional Geotech Services, dated 29 June 2023. A copy of the addendum report is provided as **Attachment 2**.

Reason 2 - The potential traffic impacts on the state and local road network have not been adequately identified and appropriately mitigated.

Response: Council Officer's concerns with the Traffic Impact Assessment which accompanied the development application were discussed in the meeting with Council Officers on 14 June 2023. The identified issues as follows:

- “ 1. The type of development and traffic generation rates for this type of development.
2. The failure of the original Traffic Impact Assessment (TIA) to address the use of Grandis Drive as an alternate route to The Lakes Way to avoid the Chapman's Road intersection with The Lakes Way.
3. The standard of the Chapmans Road construction from Grandis Drive to the site access; and
4. Lack of visitor car parking outside secure boom gates of the lifestyle village.”

Each of the above matters have been addressed in the Addendum Traffic Impact Assessment prepared by Intersect Traffic, dated 4 July 2023. A copy of the addendum report is provided as **Attachment 3**.

Reason 3 - *The proposal has not demonstrated the proposed stormwater arrangements are satisfactory in relation to on-site retention and water quality.*

Response: Council Officer's concerns with the stormwater management arrangements for the proposed development related to a number of technical matters relating to the modelling.

Each of the matters raised have been addressed in the Stormwater Management Plan Revision C prepared by Land Dynamics Australia, dated 10 July 2023 **Attachment 4**. The Groundwater Study prepared by Douglas Partners dated July 2023 **Attachment 5** and the Hydrological Assessment prepared by Barker Ryan Stewart dated July 2023 **Attachment 6**.

Reason 4 - *The proposed development requires works to be carried out on adjoining land (filling and stormwater works). The consent of the adjoining landowner has not been provided.*

Response: Existing easements in favour of the subject site are in place on the adjoining land where the batters are proposed. In addition, owner's consent from the adjoining landholder (**Attachment 7**) has now been provided including consent for drainage structures, road batters, earthworks and drainage discharge within Lot 11 DP 615229 at 82 Chapmans Road, Tuncurry.

Further, a letter of support for the development proposal has been provided by the adjoining owner noting that the development proposal will allow the integration of potential future development on the adjoining property in an efficient manner (**Attachment 8**).

Reason 5 - *The proposal has not demonstrated compliance with the relevant requirements of the Great Lakes DCP 2014 – Part 11 Water Sensitive Design and Part 16 Site Specific Development Controls.*

Response: Section 4.15(1)(a)(iii) requires the Consent Authority to take into consideration the provisions of any development control plan. To assist Council Officers in this task we provide the following additional comments.

Great Lakes DCP 2014 – Part 11 Water Sensitive Design

The submitted Stormwater Management Plan and subsequent information is in accordance with 'Guidelines for Water Sensitive Design Strategies - Mid-Coast Council October 2019' (refer to **Attachment 4**)

Great Lakes DCP 2014 – Part 16 Site Specific Development Controls

An assessment of the application against each of the relevant controls of Council's DCP Part 16 Site Specific Development Controls is provided as **Attachment 9**.

Reason 6 - *The proposed development is not considered to be in the public interest in accordance with Clause 4.15(e) of the EP&A Act*

Response: Council's Assessment Report provided the following comment in relation to Clause 4.15 (e) of the EP& A Act:

" The provision of additional housing is considered to be in the public interest however the proposed development will have an unknown impact on the traffic network, inadequate stormwater management and adverse impacts on adjoining land which is not in the public interest".

The additional information provided in this submission together with the attached specialist reports including the addendum to the Traffic Impact Assessment, the Stormwater Management Plan and the letter of support for the proposal from the adjoining landowner appear to have addressed the concerns that Council Officer's previously held in relation to the public interest.

The site was previously owned by Council and has been in a derelict condition for many years. Council Officers identify in the assessment report that the development of the site for residential purposes will provide much needed housing stock. The proposed development of the residential zoned land for residential purposes will also significantly improve the visual amenity of the site and give effect to the planning controls which are in place for the subject site. The potential impacts of the proposed development have been identified and investigated, with appropriate mitigation measures and management plans prepared to effectively manage adverse impacts. For these reasons, the proposed development is considered to result in positive impacts which are in the public interest.

The previously submitted Bushfire Evacuation Plan and Flood Evacuation Plan have been updated with the latest site plan (for consistency) and are provided as **Attachment 10** and **Attachment 11** respectively.

We trust that this additional information including the amended plan and specialist reports, adequately address the issues raised in the previous assessment report.

Yours faithfully



Brad Lane
Senior Town Planner
Land Dynamics Australia