



25 October 2023

Reference: DA2023/0241  
Contact: James Hamilton

The Trustee For Yamba Land Trust  
PO Box 44  
LENOX HEAD NSW 2478

Dear Sir/Madam

### **Additional Information Required**

<b>Application No:</b>	DA2023/0241
<b>Development Proposal:</b>	216 dwelling manufactured home estate and communal facilities
<b>Property Address:</b>	120 Carrs Drive YAMBA NSW 2464
<b>Legal Description:</b>	Lot 2 DP 733507 and Lot 32 DP 1280863

Council received the abovementioned application on 4 May 2023 for which you are the applicant. Please quote the above application number on all future correspondence. Council is yet to exhibit this development application.

### Status of Application

Further to Council's previous two (2) additional information requests and meeting held 14 September 2023, Council notes your previous requests for an extension to provide the required information which were granted until the end of October 2023. At the meeting it was identified that vegetation surveys for the threatened species on-site could not be conducted until December 2023 (at the earliest). A subsequent request to extend the timeframe to provide the information until mid-February 2024 has been received. Council accepts such request.

All outstanding information including that contained within this letter is to be submitted to Council no later than 19 February 2024.

If this timeframe cannot be met Council suggests that the application be withdrawn and relodged once all information requested has been prepared. The basis of the request is due to the time taken to acquire and provide the required information, in particular the vegetation surveys which could be delayed. Furthermore, noting that the information would still need to be referred to external agencies and the proposal is yet to be exhibited. There is a risk that the Northern Regional Planning Panel may call the application and determine the application based on the information submitted to date. If this occurs, based on the extent of information outstanding Council would be unable to support the application. If the application is withdrawn Council could offer a refund of unutilised fees paid to date.

Please advise in writing within fourteen (14) days how you intend to proceed with the application.

### Additional Information

Should you wish to continue with the application please provide the following information within by the abovementioned date.

#### **1. Flooding**

An updated Lower Clarence Flood Model Update 2022 (the 2022 Flood Model) was adopted by Council under the 27 June 2023 (06.23.009) resolution. This updated model has changed flood levels.

The Panel has highlighted the need to consider the 2022 Flood Model and any associated the impacts generated by the proposal before the application can proceed to be put to the Panel for determination.

The 2022 Flood Model is publicly available on Council's website (<https://www.clarence.nsw.gov.au/files/assets/public/v/1/council/files/flood-plans/lower-clarence-flood-model-update-2023-final-report-small.pdf>) and Flood Mapping is available on Council's online mapping system (<https://maps.clarence.nsw.gov.au/intramaps910/>).

You are requested to prepare and submit an updated Flood Impact Assessment assessing the development against the 2022 Flood Model. The development should be designed in a way that does not increase the effects of flood levels or velocity when considering neighbouring properties and to comply with all requirements under Clause 5.21 of the *Clarence Valley Local Environmental Plan 2011* (the LEP) and relevant Residential Zones Development Control Plan (the DCP) controls listed in Part D and Part X. Assessment of the flood impacts are recommended to be undertaken against a range of flood events in line with the latest guidance from the Department of Planning and Environment, including the Flood Impact and Risk Assessment – Flood Risk Management Guide LU01 (2022). Particular attention should be given to Part 2.2, 2.3, 3.3 and 2.4 of LU01. For Council to understand the full range of flood risks, flood behaviour would be examined for a range of events. Typical events examined should include the 10%, 5%, 1%, 0.5% or 0.2% AEP and probable maximum flood (PMF). The model must also consider the 2022 draft 1% AEP Climate Change scenario 1 under the 2022 Model.

The response is to also include assessment from a suitably qualified person/s to consider whether the proposed development has a 'detrimental increase in the potential flood affectation of other development or properties' including changes to flood behaviour, time of inundation, velocity, depth, etc.

*Council can provide the model to third parties on request. The consultants/department are to complete a data agreement (attached) prior to release of this information.*

#### **2. Flood Evacuation**

Submit an addendum to the Evacuation Plan requested under Item 7 of Council's previous Additional Information Request dated 22 June 2023 to assess the impacts on the 2022 Flood Model on evacuation and ensuring Council is satisfied that the proposal development will not conflict with Clause 5.21 (2) (c) and (d) of the LEP extracted below:

- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

To enable Council to be satisfied the proposal 'will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood'

### 3. Floor Levels

An updated Lower Clarence Flood Model Update 2022 (the 2022 Flood Model) was adopted by Council under the 27 June 2023 (06.23.009) and 24 October 2023 (07.23.190) resolutions. The 2022 Flood Model is publicly available on Council's website (<https://www.clarence.nsw.gov.au/files/assets/public/v/1/council/files/flood-plans/lower-clarence-flood-model-update-2023-final-report-small.pdf>) and Flood Mapping is available on Council's online mapping system (<https://maps.clarence.nsw.gov.au/intramaps910/>).

Your development application will be assessed against the planning controls in effect at time of lodgement. This means Council will rely on the Flood Planning Level and Area as defined by the 2013 Flood Model.

Notwithstanding, you are advised that Council's current adopted position is to prepare a draft planning control for an interim Flood Planning Level (as contained in the adopted Lower Clarence Flood Model Update 2022) being 1% Annual Exceedance Probability - Climate Change scenario 1 (RCP 4.5) as the Defined Flood Event + 500mm Freeboard.

This draft planning control is yet to come into effect.

Council's online mapping system indicates:

- The 2013 Flood Planning Level (1% AEP +500mm freeboard) is 2.7m AHD
- The 2022 draft interim Flood Planning Level (1% AEP CC1 + 500mm freeboard) is 3.5m AHD
- The current ground levels are approximately 0.9m – 1.2m AHD.

You are advised to confirm flood planning levels and existing ground levels through appropriate investigations yourself.

You are requested to consider redesigning the proposed development to increase primary habitable floor levels above the new 2022 draft interim Flood Planning Level.

This information must be uploaded via the NSW Planning Portal.

This information is requested in accordance with clause 36 of the *Environmental Planning and Assessment Regulation 2021* and the time between the date of this letter and receipt of the requested information will not be included in the total number of days to process this application. Should the information not be provided within the specified period it will be taken that the information will not be provided and Council will determine the application.

You may submit a written request to Council to extend the period to provide the information if there are good reasons why further time is required. Your application is being processed by James Hamilton of Council's Development Services team. If you require further information please phone 02 6643 0233.

Yours faithfully



James Hamilton  
Coordinator Development Services