



22 June 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

Application No: DA2023/0241
Development Proposal: 216 dwelling manufactured home estate and communal facilities
Property Address: 120 Carrs Drive YAMBA NSW 2464
Legal Description: 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. Upon receipt of the below information, the development application will be publicly advertised and notified for a minimum of 28 days in accordance with the adopted Community Participation Plan.

Consultation

This proposal has been referred to the NSW Department of Planning and Environment – Water (review of works on waterfront land) and NSW Department of Planning and Environment – Biodiversity and Conservation Division (technical review of Biodiversity Development Assessment Report). Any comments or additional information required from each of these state agencies will be provided once received.

Flooding

Council is currently undertaking a review of the Clarence River Flood Model which is expected to be adopted by Council in the second quarter of the year (the May 2023 Council resolution deferred the matter to the June 2023 Council meeting). Depending on the outcome and the model adopted, Council reserves the right to request an updated Flood Impact Assessment that takes into account any new model adopted by Council.

Additional Information Requested

Please lodge the following information within 60 days of the date of this letter. Council is open to discussing and workshopping the issues raised in a meeting prior to preparing the additional information response.

Essential Energy

Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

1. As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 17.5M from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. 66KV HIGH VOLTAGE LINE
2. As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 7M from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. 11KV HIGH VOLTAGE ON STREET RESERVE
3. As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 2.2M from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. BUNDLE LOW VOLTAGE LINE
4. As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 8.3M from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. OVERHEAD LOW VOLTAGE LINE

Details are to be submitted that address the potential safety concerns raised above.

Biodiversity

Council has referred the Biodiversity Development Assessment Report (BDAR) prepared by to NSW Department of Planning and Environment – Biodiversity and Conservation Division (BCD) for review. Any technical comments provided by BCD will be provided once received.

5. Notwithstanding the above the proposal seeks to remove all native vegetation at the site within the R2 Low Density Residential zone of the zone. In considering the adequacy of the measures taken to avoid or minimise impacts, provide an updated BDAR that takes into account recent NSW Land and Environment Court decisions on avoidance requirements under the *Biodiversity Conservation Act 2016* [Planners North v Ballina Shire Council (2021) and Statewide Planning Pty Ltd v Blacktown City Council (2022)] is to be submitted. Of note with the Ballina case in regards to the proposed development, the court found '*the non-development of the Biobanking Agreement land was not able to be considered as an avoidance measure under the BC Act hierarchy because that land could not be developed for the purposes of a MHE.*', this is relevant to the subject site given the split zoning.

Council must be satisfied that the BDAR has documented efforts to avoid or minimise impacts on biodiversity values of the site in accordance with section 6.12 of the *Biodiversity Conservation Act 2016*.

6. Council cannot grant consent to the proposal unless a Vegetation Management Plan (VMP) is completed. A VMP is to be submitted for all areas of retained vegetation on-site and consideration must be given to any mitigation and ongoing management measures raised in the updated BDAR and Part 4 of Schedule X1 of the Residential Zones Development Control Plan (the DCP).

Flood Evacuation

7. Submit a Flood Emergency Management Plan and updated Statement of Environmental Effects to address the impacts of the proposed development on evacuation during flooding events in accordance with Clause 5.21 of the *Clarence Valley Local Environmental Plan 2011* (the LEP) and *Part D of the Residential Zones Development Control Plan* (the DCP). The following

information must be considered 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'*:

- a. Available warning time including capacity to warn the community
- b. Expected number of people to be evacuated
- c. Time and location of evacuation route closure
- d. Time to warn people to evacuate
- e. Time people take to accept and act on a warning
- f. Time taken for people to travel along an evacuation route including time for likely convergence and traffic delay issues
- g. The evacuation capability of the existing community and ensuring this is not affected where new development is being considered
- h. Availability of a safe area to evacuate to with adequate services to support evacuees.
- i. Changes to depth of water and velocity and how this may impact on future and existing residents to evacuate by vehicle or safely walk.

The Flood Emergency Management Plan should also consider the operational phase of the development and specify all necessary operational details including:

- a. If a refuge is available above the probable maximum flood event for the site and relevant equipment and/or facilities required above this height.
- b. The person or persons responsible for implementation of the plan and their required qualifications and experience.
- c. The induction and/or training procedures to be provided for all residents.
- d. The person or persons responsible for implementation of the plan and their required qualifications and experience.
- e. The induction and/or training procedures to be provided for all residents.
- f. Flood event notification or warning procedures.
- g. The support and monitoring arrangements to be implemented for those residents who shelter-in-place.
- h. The means of and routes to be followed in evacuations.
- i. The locations where evacuees are to be taken and support to be provided at these locations.
- j. Necessary flood management equipment, as specified by a suitably qualified emergency management consultant including details of a radio to listen to broadcasts on radio by the Emergency Broadcaster (ABC).

You may also wish to consider the draft *'Shelter in Place Policy'* and *'Support for Emergency Management Planning Flood Risk Management Guide EM01'* released by the NSW Department of Planning and Environment in your response. Provision of a publicly accessible area above the Probable Maximum Flood event is a requirement of Part X Schedule 1 - Natural and environmental hazards - Flood and Fill Management of the Residential Zones DCP. Evidence that consultation has been undertaken with NSW State Emergency Services is to support the updated response.

Engineering

Water and Sewer

8. Provide concept plans of extension to existing water and sewer infrastructure on Carrs Drive to be provided.
9. To demonstrate suitability of trunk supply of water and sewer infrastructure to service the development, undertake a capacity assessment to accompany internal and external reticulation designs for water and sewer.

Bulk Earthworks/Geotechnical

10. Cut is nominated within the footprint of the existing stream, for both the 0.5 – 1.0m and 0.0 – 0.5m ranges. Further information is required to address potential impacts on the watercourse.
11. The Cut/Fill balance nominates a proposed 169,000m³ of import material. Further detail is required for any potential staging of filling works, including the necessary Earthworks Management Plan meeting all Objectives and Controls of 'Natural and environmental hazards - Flood and Fill Management', Schedule X1 of the DCP.
12. Provide further geotechnical assessment to investigate and address:
 - a. The amount of consolidation settlement and the lateral extent and potential for deep seated differential settlements.
 - b. The possible impacts of surcharging the site with fill on groundwater levels.
 - c. Potential fill impacts on adjacent watercourse.
 - d. Address the impacts of using dredge material versus imported quarry material regarding structural integrity, impacts on groundwater and settlement/consolidation of materials,
 - e. How the use of proposed dredge material (if approved) may be used to fill the site.
 - f. Nominate the intention for future filling operation over the development footprint, including if dredge material is intended to be used (if relevant approvals are available), and any associated benefits such as reduced impacts on groundwater or reduced impacts from truck movements

Traffic

Provide an updated Traffic Impact Assessment (TIA) that addresses the following information:

13. The 2015 and 2018 traffic data used in the TIA is not current. More recent traffic data shall be provided, noting that an adjoining development's TIA prepared by the same consultant is based on 2022 data.
14. Seasonal traffic impacts shall be assessed for peak holiday periods.
15. The site access to Carrs Drive shall be assessed to identify any upgrade requirements.
16. The TIA shall be updated to include background + development traffic for Carrs Drive in terms of AADT.
17. The assumed development traffic distribution (Table 3.3 of the submitted TIA) indicates a peak PM traffic rate of 70 vehicles per hour. Further detail is required on the gated access to the site to demonstrate that the peak traffic into the development will not lead to queuing on Carrs Drive.
18. Through connection to the Golding Street intersection shall be assessed for the fully developed West Yamba Urban Release Area (WYURA) scenario.

Flooding:

19. The Flood Impact Assessment (FIA) is to provide comment on the impact of the proposed filling and potential impacts to nearby properties affected by changes to flood behaviour including existing dwellings at 134, 136 and 163 Carrs Drive consistent with Clause 5.21 of the LEP. This specifically includes meeting Clause 5.21 (2) (b) about no '*detrimental increases in the potential flood affectation of other development or properties*'.
20. In the Change in Peak Flood Level and Peak Flood Velocity result, mapping shall include point data references in areas where change occurs (i.e., nominate level of increase on affected areas like the Peak Flood Depth and Level Contours).

21. The FIA shall be amended/revised so that it is consistent with the WYURA Flood Impact Assessment Report. Comparison of the two reports indicates that there is an inconsistency in the fill area assumed for the development site.
22. The flood modelling shall be consistent with the WYURA Flood Impact Assessment Report. A statement from the Author of the two models shall be provided demonstrating/certifying that the two models are consistent in parameters and assumptions made within.

Advice: it is recommended the above items are not actioned until Council provides a second information request relating to the updated Clarence River Flood Model.

Stormwater

23. Provide the DRAINS model for the site including the following items incorporated into the model:
 - a. Further information shall be provided demonstrating the suitability of capacity in the proposed drainage profile. Information shall be provided on the assumptions used for peak discharge rates from upstream properties based on different storm events. This shall also include details on any proposed upgrades of existing upstream infrastructure.
 - b. The Q20, Q50 and Q100 flow depths shall be nominated on the cross sections and long section for the proposed drainage corridor. Plans shall nominate suitability of the proposed internal culvert proposed for access across the drainage corridor detailing depths and velocities over the roadway (if any).
24. The MUSIC model shall be revised in accordance with the CVC draft guideline for preparation of a MUSIC model. The use of different soil parameters must be supported by geotechnical testing and advice. A conservative approach and assumptions should be taken for modelling of these results.
25. A staged Soil and Water management plan shall be prepared to outline how the development will achieve quantity and quality controls throughout construction and/or staged release of the development.
26. A concept maintenance and management plan shall be provided for the on-going maintenance of the proposed stormwater management devices to be undertaken by the property owner.

Planning

27. Submit an amended set of Section Drawings for the Community Facility to show proposed fill associated with the development. Sections are to clearly nominate the building height from existing natural ground level inclusive of fill. It may be necessary to submit a Clause 4.6 variation to Development Standards should the building height exceed 9m.

Urban Design

28. Council cannot grant consent unless a Pedestrian Access and Mobility Plan (PAMP) is provided pursuant to Part 3 of Schedule X1 of the DCP. Plans and detail shall be provided which show any proposed pedestrian/shared path connections from the site to the existing network on Yamba Road. Integration is required with the Manufactured Home Estate development to the north and proposed development to the east over 52-54 Miles Street. Any external pathway/cycleway design must be a minimum 2.5m in width.
29. Part 9 of Schedule X1 of the DCP – Clause C9 requires a perimeter footpath around the urban release area providing connection to other active transport infrastructure. Details of the path including location and connection to other facilities is to be provided.
30. To satisfy the Objectives and Controls C2 and C3 of Open Space and Recreation of Schedule X1 of the DCP the provision of open space and recreation areas within the development is to be justified. Stormwater basins are to be incorporated as areas of passive recreation areas to increase the range

and diversity of open space areas and facilities within the development. Viewing platforms, seating areas and resting nodes are requested to be provided adjacent the drainage basins. Please update the proposed Landscape Strategy to include details including size and locations of platforms.

31. Overall, to meet the relevant Objectives and Controls of the Schedule X1 of the DCP that relate to open space, pathways and connectivity, changes to the proposal are required to improve both provision of these elements, and public access to these elements.

Landscaping

32. Provide details of the entry signage including locations, nominate if in private/public land.
33. The Landscape Plan identifies a secondary access (Point 2 on Plan 2.3) onto Carrs Drive, clarify if this is an error as this is not reflected in the engineering plans. Alternatively provide details of any access (vehicular or pedestrian) and entry statement in this location.
34. The Landscape Strategy has not been prepared to the satisfaction of Council as highlighted in Control C4 and C5 Landscaping Strategy – Biodiversity, Environmental Conservation and Management and Managing Visual Amenity of Schedule X1 of the DCP. Details of landscaping is to be provided for all proposed retaining walls and edge treatments (in particular those facing Carrs Drive). Landscaping is required at the toe and atop of any batters to soften bulk and including fencing details. Fencing is to be of high quality with demonstrated architectural merit, and is to be provided by the developer at each stage of the development. This is to be provided with updated sections for all road types (i.e entry, main collector road, minor access roads and Carrs Drive (street tree planting and planting adjacent to batter)). Plantings external to the site are to be in accordance with the Yamba Street Tree Master Plan.

Environmental Health

Acid Sulfate Soil

35. Section 1.4 of the Acid Sulfate Soil Investigation and Management Plan (ASS Plan) prepared by *Precise Environmental* states that “*Queensland-based guidance documents provide the best ASS management practices currently available, and therefore shall form the basis of the methodology described in the plan*”.

Clause 7.1 (3) of the *Clarence Valley Council Local Environmental Plan 2011* (LEP) requires that *development consent must not be granted for the carrying out of works unless an Acid Sulfate Soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority*.

Resubmit an ASS Plan in accordance with the NSW Acid Sulfate Soils Management Advisory Committee - Acid Sulfate Soils Manual or submit an addendum to the current ASS Plan that clearly demonstrates how the ASS Plan provided meets the Manual.

Public Health

36. The current plan references the repealed Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Provide updated plans that demonstrate compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. If relevant, update Section 9 of the Statement of Environmental Effects that demonstrates compliance with Local Government

37. For each stage of the manufactured home estate a detailed site plan must be provided including:
- Dimensions of each site and all setbacks, including building dimensions / sizes and site coverage calculations
 - Separation distances of dwellings
 - Access road widths
 - All boundaries
 - Site identification
 - Fire hydrants
38. Provide information regarding how compliance with Clause 13 of the (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 will be achieved for each stage.
39. The design and construction of the food business must demonstrate compliance with the following:
- Food Act 2003*;
 - Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements; and
 - Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment.

Submit plans drawn to a scale of 1:50 detailing all commercial food and drink related areas to be provided. Plans are to include:

- Floor plan and elevations;
- Layout of kitchen and all equipment;
- All internal finish details including floors, wall, ceiling and lighting;
- Hydraulic design and /or method of disposal of trade waste; and
- Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required

Trade Waste

40. Submit amended plans and/or details that address the following trade waste matters.
- Car wash: Due to the 216 dwellings and 24 Recreational Vehicle (RV) parks, the car wash bay will be required to discharge to the sewerage system. To prevent the ingress of stormwater and rainwater into the sewerage system the wash bay will need to be roofed and bunded. A sediment pit will be required to be installed to remove solids prior to discharge to the sewerage system. The roof and wash bay size may need to cater for RV's.
 - Pool Filter backwash: As the pool is greater than 50kL in volume the filter backwash water must be collected in a holding tank and discharged to sewer at a controlled rate. Solids settled at the bottom of the holding tank need to be removed by off site disposal and not be discharged to the sewerage system. The holding tank will need to be located in an area accessible for the pumpout service provider.
 - Communal Facility Area: All wastewater from the kitchen, BBQ and serving area (except for glasswashers) is to discharge through a grease arrestor sized according to the peak influent flow rate. The grease arrestor needs to be located in an area accessible for the pumpout service provider. If garbage bin washing is proposed to be undertaken it needs to be conducted in a roofed and bunded area that discharges to the sewerage system via a floor waste basket arrestor.

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

A handwritten signature in black ink, appearing to read 'J Hamilton', written in a cursive style.

James Hamilton
Acting Development Services Coordinator