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15 April 2024

Mr Michael Mason  
Interim Manager Sustainable Development  
Cootamundra Gundagai Regional Council  
PO Box 420  
COOTAMUNDRA NSW 2590

Dear Mr Mason

Development Application DA2023/116 – Dog on the TuckerBox Redevelopment

In response to Council's request for additional information (undated) provided 6 March 2024 the issues requiring to be addressed are discussed below.

1. Traffic

- a. Council requires additional amended architectural plans showing the proposed new access/egress arrangements to the car parking area which identifies the caravan and coach parking area including the number of vehicles to be accommodated.

*Amended Plans for the carpark area, egress and access as well as oversized vehicle parking are provided. The justification for the numbers is provided in JMT consulting letter dated 11 April 2024.*

b. Council Engineer

Carparking is located too close to pedestrian crossings with vehicles reversing over crossing area. Figure 3 of the traffic report shows vehicles traversing over the carpark traffic island.

*Amended Plans for the carpark area and pedestrian crossings are provided. A "T intersection" has replaced the roundabout to prevent vehicles traversing the roundabout area. Please refer to the letter from JMT consulting dated 11 April 2024.*

c. Transport for NSW

The at grade intersection of Annie Pyers Drive and Hume Highway has existing safety concerns and the increase in traffic is not supported without mitigation measures. Mitigation measures require a supporting traffic analysis to address additional traffic generation.

*A meeting was held with Transport for NSW representatives where a resolution in relation to the revised traffic generation and staging of the development has been reached. Please refer to Annexure 1 of the JMT letter dated 11 April 2024.*

2. Owner's Consent

The development utilises Council's Road reserve for vehicle parking and manoeuvring areas. The consent of Council is required to utilise this area.

*It is understood that whilst the issue of works within Council's Road reserve is able to be addressed by an application under Section 68 of the Local Government Act, 1993 a report was submitted to*

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*the March 2024 meeting of the Cootamundra Gundagai Regional Council seeking the consent of Council as the land owner for works in the road reserve. The resolution of Council was to grant owner's consent to allow the works within the road reserve to be undertaken. Resolution Number 066/2024 (March 2024).*

### 3. Potable Water

Council's letter of 23 January 2024 requested information in relation to the provision of potable water to the site. Council required information for each stage of the development including maximum flow rates, maximum volume of water required over various timeframes (including peak demand) as well as water demand and pressure for fire services.

*It was agreed between Council and the applicant that this information is not required as part of the development application process (via email dated 12 February 2024) as Council is providing potable water to the entire precinct. Information to support the design of the potable water system has been provided by Moloney and Sons with additional information available to Council's design engineer.*

*It would be appreciated if details of the contact for Council's design engineer can be provided in order that the additional information may be forwarded to assist in the overall design of potable water to the Dog on the Tuckerbox Precinct.*

### 4. Development Costs

Council required revised development costs as it believed that the development was undervalued and did not take account of all elements of the project.

*A revised estimated cost of development is provided. Please refer to WT Partners revised cost estimate dated 14 April 2024.*

### 5. Wastewater

Council has concerns regarding the intended future use of the buildings and the accuracy of design loads provided, in particular concern is raised regarding the tank sizing to take account of shock loads and the ability of the system to obtain fall for disposal.

*A statement from Suncoast Waste Water Management addressing this issue is provided (dated 25/03/2024). The wastewater system design load has been calculated in accordance with the relevant Australian Standards and takes account of peak loads and avoids the need for division into multiple systems.*

*A revised report prepared by McMahon Earth Science dated 11 March 2024 is provided. This report demonstrates that the system has been designed in accordance with the appropriate Australian Standards and guidelines.*

*The applicant is willing to provide a wastewater management plan that outlines how the system will be managed, including any emergency measure, alarms and responses as a condition of any consent issued. Similarly, a full design and hydraulic analysis report will be provided as part of an application for any construction certificate.*

## 6. Biodiversity

The area assessed in the flora and fauna assessment does not include that part of the site subject to the effluent disposal and concern is held that the removal of trees to facilitate the installation of the effluent system may exceed the biodiversity offset scheme threshold.

*A revised statement from East Coast Ecology indicates that the effluent will not adversely impact the flora and fauna due to the advanced secondary treatment associated with the effluent plant which adequately reduces nutrient loads. It is the opinion of the ecological assessor that this statement is correct (letter from East Coast Ecology dated 15/4/2024) and the trees in the effluent disposal area will not be impacted, accordingly there is no need to reassess the biodiversity under the biodiversity offset scheme threshold.*

## 7. Electricity

Plans are required to demonstrate the distances of structures from the electricity infrastructure on site.

*Amended Plans demonstrating distances between electricity infrastructure and buildings is provided. Please refer to plans numbered A1003 Amendment C dated 12 March 2024.*

## 8. Site Remediation

Council considers the remediation work to be category 1 works pursuant to Clause 4.8(e)(ii) of State Environmental Planning Policy (Resilience and Hazards) 2021.

*Clause 4.8(e)(ii) of State Environmental Planning Policy (Resilience and Hazards) 2021 states that category 1 works apply to (e) ..... "an **area** or **zone** to which any classification to the following effect apply under an environmental planning instrument.....(ii) conservation or heritage conservation" (emphasis added).*

*In this instance the **zone** of the site is SP3 Tourist pursuant to Gundagai Local Environmental Plan 2011, accordingly the zone is not a conservation zone. Similarly, the site contains a heritage item but is not within a heritage conservation **area**. Throughout legislation heritage items and heritage conservation areas are treated differently due to heritage items being discreet entities with an assessment of significance attached (and therefore able to have each element identified and managed) whilst heritage conservation areas have contributory elements, an overall aesthetic appeal and a wider significance than that of an individual heritage item.*

*Accordingly, the site contains an item of environmental heritage as listed in Schedule 5 of the Gundagai Local Environmental Plan whose remediation elements are able to be managed to not be negatively impacted by remediation works. The site is not within a conservation zone nor is it within a heritage conservation area as reference by clause 4.8 (e)(ii) of the Hazards SEPP 2021.*

## 9. Development Description

The description of the development as lodged on the NSW Planning Portal does not match that contained within the amended Statement of Environmental Effects and supporting plans.

*Permission is granted to Council to amend the description of the development on the NSW Planning Portal to match the revised Statement of Environmental Effects and supporting plans. It is noted that this amendment does not significantly alter the development on site, rather is a tidy up of the descriptions to align with the dictionary terms of land uses contained within the Gundagai Local Environmental Plan 2011 and the permissibility of those uses in the appropriate zone.*

10. Other Matters

a. Trees

Trees 9,22,24 and 28 in the carpark area should be retained for shade

*It is believed that removing these trees in the carparking area and replacing them with advanced trees provides a more aesthetically pleasing outcome where all shade trees are of a similar type, size and maturity. It is proposed to plant these shade trees in Autumn to allow establishment over the winter period to allow the optimum chance of survival. These trees would be placed with root protection barriers to ensure that the hardstand carpark area is not impacted by, nor impact upon, the roots of the trees.*

*Retaining the aforementioned trees in the carpark area during construction is not viable due to the works impacting upon the root zone and the placement of an impervious area over the roots not protected by root barriers and the like, will ultimately limit the life of the trees and require them to be replaced at a later stage due to ill health and failure to thrive as a result of the placement of an impervious, compacted area impacting their roots.*

b. Survey

An updated sit survey is required.

*An updated site survey prepared by CMS Surveyors has been provided. Please see plans labelled 6227Adetail dated 14 March 2024.*

c. Dog on the Tuckerbox Recreational Trail

The plans do not provide information in relation to the connectivity to the pedestrian and cycle activity associated with the Dog on the Tuckerbox Recreational Trail.

*Despite numerous approaches being made to Council for information regarding the Dog on the Tuckerbox Recreation Tail no information in this regard has been provided. Nonetheless the submitter of this request has been approached by the applicant and provided with amended plans that demonstrate the connective paths through the proposed development to what is believed to be the start of the Dog on the Tuckerbox Recreation Trail. The submitter is satisfied that the amended plans address the connectivity issue as described in the submission.*

I trust this satisfies Council's request for additional information and that the application may not be successfully assessed. I look forward to a positive outcome.

Kind regards



Sharon Langman  
On behalf of The DOTT Developments Pty Ltd