

1. Applicant Overview - Southern Region Planning Panel Meeting - 11 May 2023.

RE: PPSSTH – 172 Snowy Valleys Council – DA2021/0257 – Concept Development Application (DA) at Lot 35 DP 878862 Miles Franklin Drive, Talbingo.

Previous Approval granted for Residential Development – Development History is relevant

An “Estate Masterplan” development application for a mix of 215 detached dwellings and 250 town houses of up to 4 storeys in height (total 465 dwellings) including approx. 54,000m² of tourist accommodation comprising 200 rooms was previously approved by Council in 2008. A Stage 1 DA (15 dwellings) for part of Lot 35 was approved but not implemented. The Report summarily dismisses/gives no weight to this approval.

Compliance with Strategic Planning Documents achieved

The submitted (amended) Concept Masterplan is unfortunately not addressed in the Council report. See **Note 1** below** However there are similarities with the original proposal lodged. The amended scheme includes a mix of detached dwellings, low rise terrace housing, “shop-top” housing (maximum 3 storeys including ground level commercial space) and a Tourist Hotel. The residential land uses are similar to those included in a previously 2008 approved Estate Masterplan and are consistent with the recently adopted Urban Structure Plan and desired land use pattern for Talbingo as shown graphically at Page 64 of Council’s 2020 – see image below. The adopted Talbingo Structure Plan, Council’s LSPS, the Master Plan Talbingo and Yarrangobilly Mountain Bike Trail Network Study and Tumut LEP documents all identify the site as suitable for residential and tourist related development within an area specifically designated for urban expansion. The need for residential and tourist related development to arrest significant ongoing population decline is already established in these strategic documents.

Note 1: *The current “Planning Hub” DA assessment and recommendations to the Panel are predicated on an earlier scheme superseded by the currently revised design. Council planners have unreasonably rejected/not adequately assessed the architectural drawings lodged on the Planning Portal on 23/3/23 (Council deadline). The amended plans are not considered in the assessment report. The documents published to the SRPP are also significantly out of date. The current assessment process is premature and should have been paused to allow completion of expert reports and re-exhibition of amended plans together with the previously uploaded Draft Site Specific DCP. A more relevant report can then be considered by the Panel.*

6.5 Summary and implication

The below table summarises the economic benefits of the proposal.

Table 21: Economic impact of the proposal

Phase	Economic metric	Net impact		
		Direct	Indirect	Total
Construction	Employment (job years)	478	1,273	1,752
	Output (\$m)	\$215	\$396	\$611
	Wages (\$m)	\$37	\$95	\$132
	GVA (\$m)	\$67	\$183	\$250
Operation	Employment	318	356	674
	Output (\$m)	\$42	71	\$114
	Wages (\$m)	\$17	21	\$38
	GVA (\$m)	\$23	40	\$62
	Retail spend (\$m)	5.80		

*Combination of direct and indirect multipliers

The proposal is a significant economic stimulant to the local economy providing jobs in tourism, retail, hospitalities and other services. From this assessment, it is concluded that the masterplan is supported from an economic perspective.

Proposal is compliant with Land Use/Zoning provisions

The amended proposal** is permissible within the RU5 Village Zone. Councils with the same RU5 zone and the same land use objectives (e.g. Lithgow/Shoalhaven) allow a wide range of land uses within their RU5 zone. Examination of LEP's for other rural Council areas in NSW with more detailed (land use) LEP objectives indicates that the purpose of an RU5 Village Zone is to permit a mix of residential, retail, and other uses to be established or maintained. The amended proposal meets this objective.

Character of Talbingo village is retained

Conflict with a future (nebulous) "desired future character" stated as a specific reason for rejecting our proposal is not supported by any strategic planning study. It is further noted that Talbingo village is not defined/mapped within a designated "character" area in a planning instrument or DCP (Council's LSPS is intended to provide some guidance in this respect as evidenced in the Structure Plan). The maximum height of buildings shown in the *amended* Plans (not assessed in the Council report – see **"Note"**) - is carefully considered with low rise detached dwellings located closer to the existing village. Terrace homes with a sub-alpine character and "room in the roof" configuration are proposed - maximum height 11.5m. Shop-top Village housing at 3 storeys complies with DCP guidelines). The proposed Tourist Hotel is relatively low in scale and is set within a backdrop of rising topography. The study area abuts the township of Talbingo but is separated from the main residential area by the Talbingo Caravan Park and the Talbingo Mountain Retreat. This means that the visual intrusion of the proposal on the portion of the existing township where people live and shop will be minimal. No heritage items are affected (see "Ozark" report. The objective of the amended Masterplan (not assessed – see below) is to integrate future development sensitively so that it complements existing rural village urban forms and retains the essential character of Talbingo. The land uses proposed, coupled with the varying scale of buildings (lower structures closest to the existing township) and their

location relative to surroundings ensures that this important aim will be achieved.

See “**Note 1**” above:

DA Assessment Process denies applicant procedural fairness given initial assessment significantly delayed by Council and subsequent unrealistic deadlines imposed by Planning Hub.

Initial (negative) assessment of the DA by Council (Planning Hub) did not occur until many months had elapsed following lodgement of the DA and more recently, continued prior to lodgement of supporting data (see Planning Hub letter dated 25 Oct. 2022). This letter recommended withdrawal of the DA and to instead proceed with a Planning Proposal. This recommendation occurred prior to a subsequent meeting with Mr. Jeremy Swan when it was agreed the applicant could proceed with a Masterplan proposal subject to provision of supporting data and a site-specific DCP. The submitted SEE assessed the amended application against all provisions of the Tumut LEP the SVC DCP, Council's LSPS and its adopted Structure Plans for Talbingo. A site-specific DCP has been prepared. Repeated requests to Council (via “Planning Hub”) for an extension of time to submit supporting documentation have been declined. An initial briefing to the Panel was flawed (refer to client's legal submission). The applicant was never advised that the amended plans would not be accepted.

See “**Note 1**” above:

ADG Assessment is adequate for a Concept DA

The amended application(not assessed) is currently a *Concept DA* detailing proposed subdivision including a preferred land use pattern and conceptual built forms only. The concept design has been verified under SEPP65. It can comply with the requirements of the Apartment Design Guide (ADG) and responds satisfactorily to the provisions of TLEP 2012, SVDGP 2019 and SVLSPS 2020.

Public Submissions can be satisfactorily addressed

Public concerns can be satisfactorily addressed with the amended Plans.– see responses below:

- *Site servicing can be achieved (report commissioned)*
- *Built form is appropriate and sensitive to local character (see previous comments).*
- *Intensive landscaping can be provided given the proposed spatial layout of buildings with generous curtilages.*
- *“Overdevelopment” is not proposed. Rather a careful assemblage of building types and compatible land uses is proposed designed to both complement and carefully blend with existing village character.*
- *The visual impacts of the proposals are acceptable. Taller built forms are situated well away from the existing village. Overall heights of buildings remain modest.*
- *A biodiversity report establishes that the development will not negatively impact on biodiversity. The existing (cleared) site has little biodiversity value and is unsightly.*

- The proposal will have positive social and amenity impacts. Local employment opportunities will be created. A sensitively landscaped “signature” development will replace unsightly vacant land.

A Planning Proposal is not required.

The previous Estate Masterplan was approved under similar LEP controls applicable at that time. No Planning Proposal was necessary. All currently proposed uses are permissible within the RU5 zone and additionally meet the aims of the Tumut LEP and Council’s LSPS 2020 (see image below copied from the adopted 2020 Talbingo Structure Plan). No development standards are breached. A Site Specific DCP to provide detailed built form implementation standards has been prepared to complement the Masterplan as recommended by Mr. Jeremy Swan in December 2022.

Note: Supporting Documentation is complete/hearing completion (see **Table 1** below)

Table 1.

Name of Report	Consultant	Status	Uploaded to Planning Portal?	Expected Delivery
Architectural Drawings	Robert Harwood Architects	Complete	Yes	N/A
Statement of Environmental Effects	SIMPLAN	Complete	Yes	N/A
Site - Specific DCP	SIMPLAN	Complete	Yes	N/A
Planning (Email) Correspondence	SIMPLAN	Complete	Yes	N/A
Planning Notes for Panel	SIMPLAN	Underway	No	5 May 2023
Traffic Management	McLaren Traffic	Underway	No	8 May 2023
Heritage and Archaeological Report	Ozark Environmental and Heritage	Complete	Yes	N/A
Preliminary Environmental Biodiversity Assessment	Hayes Environmental	Complete	Yes	N/A
Bushfire Hazard Assessment	Matthew Noone	Complete	Yes	N/A
Economic Assessment	Hill PDA	Complete	Yes	N/A

Capital Investment Report	Construction Consultants	Underway	No	7 May 2023
Survey	Foresight	Complete	Yes	N/A
Contamination & Geotechnical Report	Douglas Partners	Underway	No	4 May 2023
Stormwater Management Concept Strategy	Site Plus	Underway	No	12 May 2023
Services Assessment	Site Plus	Underway	No	18 May 2023
Flood Mapping	Site Plus	Underway	No	5 May 2023
Flood Study	Site Plus	Underway	No	18 May 2023
Visual Impact Assessment	Site Plus	Underway	No	18 May 2023
Builder Information (Residential)	Hi-Tech Homes	Complete	Yes	N/A
3D Renders (Shop-top +Terrace homes)	Robert Harwood Architects	Underway	No	4 May 2023
3D Render 1 - Aerial View 1	Robert Harwood Architects	Underway	No	7 May 2023
3D Render 1 - Aerial View 2	Robert Harwood Architects	Underway	No	7 May 2023
3D Render 1 – Hotel View 1	Robert Harwood Architects	Underway	No	7 May 2023

It is clearly in the best interests of all Parties that a thorough, balanced development assessment process is undertaken based on a full understanding of the amended Masterplan Strategy and in the context of supporting expert documentation which is now complete or nearing completion. Application assessment should be deferred to allow additional referrals/public exhibition of amended plans with a Site-Specific DCP + Expert reports. A more relevant assessment report can then be considered by the Panel.
