

**3. Applicant Response - DCP Assessment – Report to Southern Region Planning Panel Meeting 11 May 2023)**

**Attachment 11 –Snowy Valley Development Control Plan 2019 Assessment**

**DA/2021/0257 – Lot 35 Miles Franklin Drive, Talbingo**

**Applicant Responses in RED TEXT**

Control	Requirement	Provided	Compliance
<b>3.0 Requirements Applying to all Types of Development</b>			
<b>3.2 Development controls</b>			
<b>3.2.2 - Bushfire</b>	On land that is mapped as bush fire prone land a development must comply with the relevant NSW Rural Fire Service Planning for Bushfire Protection Guidelines.	<p>On 20 May 2022 NSW RFS requested additional information noting that the Bushfire Report submitted in support of the application was prepared in 2006. An updated Bushfire Report was requested to be provided within 100 days.</p> <p>On 12 September 2022 NSW RFS advised they cannot support the proposed development as the requested information was not received within the legislative timeframe to allow for assessment of the application.</p>	An updated Bushfire Report was prepared and lodged on 12 <sup>th</sup> Oct 2022. A delay of over <b>100 days</b> was caused by SVC not advising the applicant of a requirement for an updated report until 27 <sup>th</sup> May 2021 by Mr. Mark Kirton of Council in an email to the applicant (Robert Harwood). An email from Mr. Mark Kirton advised that we would be advised of any other further requirements before the application was referred to the SRPP. However, no further advice on requirements for updates or additional reports was received.
<b>3.2.3 Car Parking</b>	Larger and more complex development applications may require a specific Parking Study or Traffic Impact Assessment to justify the proposed development in terms of access, provision of car parking and impact on the local road network.	No Traffic Impact Assessment was submitted in support of the application to justify the development in terms of access, provision of car parking or impact on the local road network.	A full traffic report is being prepared as recording data is dependent on times to avoid school holidays, A preliminary letter of assessment has been placed in the Planning Portal.

<b>3.2.5 Contaminated Land</b>	Council has adopted a policy for the identification and management of contaminated lands. This policy must be considered as part of any development proposal that may involve land that is contaminated.	No Preliminary Site Investigation or Detailed Site Investigation has been submitted to demonstrate the site is suitable for its intended use. Insufficient information has therefore been submitted with the application to adequately demonstrate that the site is considered suitable for the intended use as required under Clause 4.6 of SEPP (Resilience and Hazards) 2021.	Stage 1 contamination reporting is completed and in the Planning Portal. This indicates that the land is suitable for the proposed development.
<b>3.2.10 Flooding</b>	Development must not occur on land that is affected by the 1 in 100-year ARI event unless the development is consistent with, and meets the requirements, of the NSW Floodplain Development Manual. This includes development on land affected by stormwater flow from a main stream, local creek or overland flow.	Insufficient information has been submitted in support of the application to determine the flood affectation of the site and the development's consistency with the flood affectation of the site.	Flood Report/Mapping is being completed and will be available before 28 <sup>th</sup> May.
<b>3.2.12 Landscaping</b>	Landscape design is to enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	Insufficient information was submitted with the application to demonstrate that future landscaping would enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	A landscape design has been provided in the amended architectural drawings PL09, PL27 and CGI renders. As this is a Concept DA this complies with DCP requirements. Full landscaping plans would be completed with future individual site DAs .
<b>3.2.14 Provision of Services</b>	<b>Sewage –</b>  Where available all new development must be connected to Council's reticulated sewerage	Insufficient information has been submitted in support of the application to demonstrate how essential services are to be provided to facilitate the future development of the site.	A Site Services report is being prepared by "SitePlus" and will be available in late May.

	<p>system at no cost to Council or have suitable arrangements in place for such a connection to be made.</p> <p><b>Water supply</b></p> <p>Development shall be provided with an adequate water supply connection to Council mains or have suitable arrangements in place for the provision of an adequate water supply service.</p> <p><b>Electricity</b></p> <p>Development must be provided with an adequate connection to grid supplied electricity services or its equivalent in accordance with the supply Authority.</p> <p><b>Telecommunication</b></p> <p>Development must be provided with access to the telecommunications network</p>	<p>Council requested a Servicing Report to demonstrate how essential services are to be provided to facilitate the future development of the site. A Servicing Report was not submitted by the applicant.</p>	<p>This Report is also dependent on timely delivery of information by relevant authorities.</p>
<b>3.2.16 Safer By Design</b>	<p>Crime Prevention Legislative Guidelines requires that Council ensure that certain developments provide safety and security to users and the community.</p>	<p>Insufficient information has been submitted in support of the application to demonstrate the consistency of the proposal with the principles of Crime Prevention Through Environmental Design. A Safer by Design Report was requested from the applicant. A Safer by Design Report was not provided by the applicant.</p>	<p>This is an unnecessary assessment requirement for a Masterplan Concept DA where building forms are indicative only. CPTED Reports would be provided with future DA's referencing final proposed built forms.</p>

<b>3.2.17 Stormwater/roof Water Management</b>	<p>The stormwater system design and construction should minimise the environmental impact of urban run-off on other aspects of the natural environment (creeks and vegetation) by employing techniques which are appropriate and effective in reducing run-off and pollution.</p> <p>The stormwater system design must identify the locations, layouts and sizes of stormwater pipes and pits, the minimum grades and capacity of stormwater pipes, and existing and proposed stormwater easements, site contours and overland flow path/s.</p>	<p>Insufficient information has been submitted to demonstrate how stormwater for future development is to be managed and integrated within the existing system. A Stormwater Management Concept Strategy was requested from the applicant. A Stormwater Management Concept Strategy was not provided by the applicant.</p>	<p>A Stormwater Concept System is being prepared by "SitePlus" and will be available in late May. This is dependent on timely delivery of information by relevant authorities</p>
<b>4.0 Residential Development</b>			
<b>4.5 Dwelling Houses in Residential and village Zones</b>	<p>Section 4.5 provides controls relating to height, site coverage, landscaping, setbacks, private open space and car parking for dwelling houses in the RU5 zone based on relevant lot sizes.</p>	<p>Insufficient information has been submitted to demonstrate compliance with the key controls for the future detached dwellings. Whilst Council has not accepted the additional information submitted with the application it is noted that the future detached dwellings result in non-compliances with Section 4.5 of the DCP relating to setbacks and insufficient information was submitted to demonstrate compliance with the site coverage and landscaped area requirements.</p>	<p>This information has been provided in the amended architectural drawings PL25-PL31 lodged on the Planning Portal on 23/3/23 to comply with a Council 23 March 'deadline'. Architectural documents published by the SRPP are out of date.</p>

<b>4.5.1 Building Design</b>	<p>Unnecessarily complicated roof forms should be avoided and Council discourages flat or low-pitched roofs.</p>	<p>The future detached dwellings are all provided with flat roofs.</p>	<p>Single dwellings have been provided with a variety of options of flat, pitched and skillion roofs. This reflects the existing housing stock of the Talbingo township which is predominantly post-war construction. The designs are supported by the OzArk Heritage Report.</p> <p><i><b>Note:</b> 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). These amended plans are not considered in the assessment report. The documents published to the SRPP are significantly out of date. The current assessment process is premature and should have been paused to allow completion of expert reports and the re-exhibition of amended plans/reports together with a previously uploaded Draft Site Specific DCP.</i></p>
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<b>4.11 Multi Dwelling Housing</b>	<u>4.11.1 Areas Requirements –</u> The minimum site area for multi-dwelling housing is 900m <sup>2</sup>	8 Terraces (multi dwelling housing) are proposed in ZONE 2. The proposed lot (7) contains a site area of 8000m <sup>2</sup> and complies with minimum 1455m <sup>2</sup> .	Yes
	<u>4.11.2 Building Height</u> The development is not to exceed 8.5m in height	Insufficient information has been submitted to demonstrate compliance with the height limit for the multi dwelling housing component.	The maximum heights of proposed single dwellings, terrace buildings and shop top housing has been annotated on plans. PL06, PL17, PL22, PL31 and PL40. Heights vary with building type and topography so pitched roofs may exceed 8.5m in height should this roof form be a standard expectation. The Talbingo West Masterplan is complemented by a Site Specific DCP.
	<u>4.11.3 Building Setbacks</u> Front setback for single storey development is six (6) metres and for two storey development is eight (8) metres. For a corner block, one of the street boundary setbacks may be reduced to 3.0 metres to the building. The side setbacks are three (3) metres for single storey development and 3.75 metres for two storey developments. The rear	Insufficient information has been submitted to demonstrate compliance with the setback requirements for the multi dwelling housing component.	Setbacks will relate to a Concept Masterplan and a Site Specific DCP.

	setback for all developments is to be 4.5 metres.		
	<p><u>4.11.9 Floor Space to Site Area Ratio</u></p> <p>The total floor space of all buildings (site coverage) within a multi-unit dwelling development will not exceed 40% of the site area of the Lot.</p>	Insufficient information has been submitted to demonstrate compliance with the floor space control for the multi dwelling housing component.	Refer to amended Masterplan documentation of March 2023 Proposed FSR's have been provided for each lot on PL10 and PL11. An FSR Map has been provided on PL06.
	<p><u>4.11.14 Privacy</u></p> <p>A minimum 9 metres separation is to be provided between the windows of habitable rooms of facing units or adjacent existing dwellings.</p>	Insufficient information has been submitted to demonstrate compliance with the privacy requirements for the multi dwelling housing component.	Refer to amended Masterplan documentation of March 2023. Plans demonstrate compliance.
<b>5.0 Commercial Development</b>			
<b>5.3.16 Shop Top Housing</b>	<p><u>5.3.16.2 Floor space ratio</u></p> <p>Shop-top housing will have a 2:1 maximum Floor Space Ratio. Floor Space Ratio is the ratio of the Gross Floor Area of all buildings on a site to the site area.</p>	Insufficient information has been submitted to demonstrate compliance with the floor space control for the shop top housing component.	Refer to amended Masterplan documentation of March 2023. Proposed FSRs have been provided for each lot on PL10 and PL11. An FSR Map has been provided on PL06.

## 8.0 Locality Based Controls

### 8.4 Talbingo

8.4.2 Key Development Controls	<u>8.4.2.1 Preferred land use policy</u>  Talbingo is located within the RU5 Village Zone and R5 Large Lot Residential Zone however Council has endorsed a preferred land use policy based around the original endorsed strategy for the Township.  The purpose of this policy is to protect and enhance the unique townscape qualities of the existing urban environment while encouraging tourist and recreational orientated development.	Figure 2 of this section indicates the preferred land use in this site is for residential uses and service industries. The proposed development involves residential accommodation and tourist and visitor accommodation. Whilst the development is generally consistent with the land use strategy the proposed development will result in a significant intensification of development within Talbingo that will provide development of a bulk, scale and character that is inconsistent with the existing rural village character of the area.	The single dwelling lots connect into the existing Talbingo township near the Talbingo Mountain Retreat with a similar street pattern. Terrace houses, shop top housing and hotel uses are located further west in an undeveloped location to the side of an existing caravan park. Talbingo has a development level that is relatively low, so naturally <b>any</b> development represents an “intensification”. It is illogical to make claims of ‘out of character qualities’ that are unsupported by a visual analysis. The ‘unique’ township qualities of Talbingo will not be lost as a result of the proposals as they are separate/located some distance from the existing township precinct and in effect will comfortably “sit alongside” the township.
	<u>8.4.2.2 Building design, views and external materials</u> To protect views to the lake, open space and landscape of the Township a maximum building height of 7.2m above any point on the natural ground level will apply to all structures.	The proposed spa hotel, mixed use precinct exceed the 7.2m height control.	Unsubstantiated/ incorrect statement – see applicant comments re. 7.2 metre height control in the separate response to the Council Report. Shop top housing is 3 levels compliant with DCP guidelines.



	<p><b><u>8.4.2.5 Archaeological significance</u></b></p> <p>Aboriginal occupation sites have been identified within Talbingo Township and more may exist. Any development proposal involving ground disturbance may require assessment of the archaeological significance of the site including a search of the Aboriginal Heritage Information Management System (AHIMS)</p>	<p>The Aboriginal Heritage Report submitted in support of the application was prepared in 2006. An updated report was requested from the applicant to ensure it appropriately addressed the existing conditions of the site and the relevant legislation / guidelines. An updated report was not submitted by the applicant.</p>	<p>An Aboriginal and Historic Heritage Report has been prepared by OzArk This is states that the site is not constrained for development.</p>
<b>9.0 Subdivision</b>			
<b>9.3 Greenfield Residential Subdivision</b>			
<b>9.3.3 Lot Sizes and Frontage</b>	<p>Lot sizes are to comply with the relevant Minimum Lot Size Map in Council's Local Environmental Plan (LEP).</p>	<p>Lot sizes comply with Clause 4.1 of the Tumut LEP 2012.</p>	<p>Yes</p>