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

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

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| **Control** | **Requirement** | **Provided** | **Compliance** |
| **3.0 Requirements Applying to all Types of Development** | | | |
| **3.2 Development controls** | | | |
| **3.2.2 - Bushfire** | 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. | 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.  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. | No |
| **3.2.3 Car Parking** | 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. | No |
| **3.2.5 Contaminated Land** | 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. | No |
| **3.2.10 Flooding** | 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. | No |
| **3.2.12 Landscaping** | 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. | No |
| **3.2.14 Provision of Services** | **Sewage –**  Where available all new development must be connected to Council’s reticulated sewerage system at no cost to Council or have suitable arrangements in place for such a connection to be made.  **Water supply**  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.  **Electricity**  Development must be provided with an adequate connection to grid supplied electricity services or its equivalent in accordance with the supply Authority.  **Telecommunication**  Development must be provided with access to the telecommunications network | 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.  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. | No |
| **3.2.16 Safer By Design** | Crime Prevention Legislative Guidelines requires that Council ensure that certain developments provide safety and security to users and the community. | 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. | No |
| **3.2.17 Stormwater/roof Water Management** | 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.  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. | 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. | No |
| **4.0 Residential Development** | | | |
| **4.5 Dwelling Houses in Residential and village Zones** | 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. | 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. | No |
| **4.5.1 Building Design** | Unnecessarily complicated roof forms should be avoided and Council discourages flat or low pitched roofs. | The future detached dwellings are all provided with flat roofs. | No |
| **4.11 Multi Dwelling Housing** | 4.11.1 Areas Requirements –  The minimum site area for multi-dwelling housing is 900m2 | 8 Terraces (multi dwelling housing) are proposed under stage 2. The proposed lot (7) contains a site area of 8000m2 and complies with minimum 900m2. | Yes |
| 4.11.2 Building Height  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. | No |
| 4.11.3 Building Setbacks  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 setback for all developments is to be 4.5 metres. | Insufficient information has been submitted to demonstrate compliance with the setback requirements for the multi dwelling housing component. | No |
| 4.11.9 Floor Space to Site Area Ratio  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. | Insufficient information has been submitted to demonstrate compliance with the floor space control for the multi dwelling housing component. | No |
| 4.11.14 Privacy  A minimum 9 metres separation is to be provided between the windows of habitable rooms of facing units or adjacent existing dwellings. | Insufficient information has been submitted to demonstrate compliance with the privacy requirements for the multi dwelling housing component. | No |
| **5.0 Commercial Development** | | | |
| **5.3.16 Shop Top Housing** | 5.3.16.2 Floor space ratio  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. | Insufficient information has been submitted to demonstrate compliance with the floor space control for the shop top housing component. | No |
| **8.0 Locality Based Controls** | | | |
| **8.4 Talbingo** | | | |
| 8.4.2 Key Development Controls | 8.4.2.1 Preferred land use policy  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 charter that is inconsistent with the existing rural village character of the area. | No |
| 8.4.2.2 Building design, views and external materials  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. | No |
| 8.4.2.5 Archaeological significance  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) | 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. | No |
| **9.0 Subdivision** | | | |
| **9.3 Greenfield Residential Subdivision** | | | |
| **9.3.3 Lot Sizes and Frontage** | Lot sizes are to comply with the relevant Minimum Lot Size Map in Council’s Local Environmental Plan (LEP). | Lot sizes comply with Clause 4.1 of the Tumut LEP 2012. | Yes |