

THE PLANNINGHUB

by Hawes & Swan

25 October 2022

robert@my-architect.com.au

Robert Harwood
Robert Harwood Architects

Dear Robert,

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

By way of introduction, The Planning Hub are town planning consultants who are assisting Snowy Valleys Council assess a number of Development Applications (DA)'s on their behalf. We therefore write to you on behalf of Council following our assessment of the DA.

We also note that you have recently confirmed the Capital Investment Value (CIV) with the preparation of a CIV Report prepared by Construction Consultants, who are Quantity Surveyors dated 13 September 2022 who have confirmed that the CIV Value for the DA is \$427,465,743. Based on this CIV Value the DA is considered Regional Significant Development and the Southern Regional Planning Panel are the consent authority for this DA.

We further note that on 2 August 2022 we briefed the Southern Regional Planning Panel and you have been provided with a copy of the record of briefing. On 12 October 2022 a further briefing took place with the Panel, Council and the Applicant.

The purpose of this letter is to advise you of the concerns we have with the application, invite you to meet with us via Video Conference to discuss our concerns discuss the way forward.

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1.0 Built Form, Scale, Density and Character

The form, scale and density of the proposed concept development is not considered to be compatible with the existing and future desired character of Talbingo. Talbingo is a small village with a population of around 239 residents characterised by a predominantly single storey-built form character.

The proposed development seeks concept approval for a tourist and visitor accommodation, residential flat buildings, shop top housing, terrace housing and dwelling houses with a height of 2-4 storeys. The concept approval would result in a significant increase in the density, bulk and scale of development within the locality.

Insufficient information has been submitted with the application to demonstrate the suitability of the site for the form, scale and density of the development proposed as well as the need for and compatibility of the development proposed.

In accordance with Division 4.4 of the Environmental Planning and Assessment Act 1979 the consent authority must consider the likely impacts of a concept approval in line with the matters of consideration under Section 4.15 of the Act.

As the development application seeks concept approval for the future uses, built form, scale and density outlined in the documentation submitted, the impacts of the conceptual built form, scale and density have been considered in the assessment.

The form, scale and density of the proposed concept development is not considered to be compatible with the existing and future desired character of Talbingo and will result in adverse built environment and social impacts on the locality and the site is therefore not considered suitable for the development in its current form (Section 4.15(1)(b) and (c)).

The development therefore requires substantial amendments and additional information to provide a bulk, scale and density of built form that is compatible with the existing and future desired character of Talbingo and demonstrate the suitability of the site for the concept development.

2.0 Development not Compatible with RU5 Village Zone

It is noted that the DA is located within land zoned RU5 Village under Tumut Local Environmental Plan 2012 (LEP).

The LEP includes the following objective:

“To provide for a range of land uses, services and facilities that are associated with a rural village.”

The proposed development is at odds with this objective and is inconsistent with a rural village character.

3.0 Insufficient Documents Lodged with DA

The following supporting investigations / documentation were prepared in 2006:

- Bushfire Report, we note that a 2022 report has now been provided.
- Geotech Report
- Heritage Report
- Flora and Fauna Assessment; and
- Flood Study.

The reports are not considered to be current enough to reflect the existing site conditions as they are currently and do not address the correct legislation / guidelines which may have changed since the preparation of the documentation.

For any future application the supporting investigations / documentation would need to be updated to reflect the existing site conditions as they are at present and address the correct legislation / guidelines.

The Concept Architectural Plans and Statement of Environmental Effects (SEE) submitted in support of the application do not provide sufficient information to allow for a proper assessment under the relevant legislation.

The Concept Architectural Plans and SEE would need to address all applicable environmental planning instruments and include an assessment against all applicable controls of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development, the Apartment Design Guide, the Tumut Local Environmental Plan 2012 and the Snowy Valleys DCP for the proposed uses and resulting building envelopes.

The SEE will need to also address the relevant strategic plans to demonstrate the suitability of the development to address housing needs of the community.

4.0 Public Interest

Council notified the DA to the local community and a total of 37 submissions were received during the notification of the application. The keys issues raised in the submissions are summarised below:

- Servicing impacts
- Built form, scale and density impacts
- Impacts on the rural landscape character of the area
- Over development
- Visual Impacts
- Biodiversity Impacts
- Social and Amenity Impacts.

We are of the opinion that the issues raised by the community can not be overcome with this application for the reasons discussed previously.

5.0 The Way Forward

It is our strong opinion that the DA cannot be supported from a town planning perspective, and we would recommend that the DA is withdrawn.

The DA process is the wrong process to progress built form and uses envisaged within this DA as they are inconsistent with the planning controls.

It is our opinion that should you wish to change the planning controls that exist on the site, then a Planning Proposal process should be considered in conjunction with Council, where site specific planning controls can be developed.

Any future DA would need the following information as a minimum:

- Urban Design Study / Analysis - This analysis would need to include an assessment against the relevant controls of the Apartment Design Guide, Local Environmental Plan, Development Control Plan and any applicable Strategic Planning Documents to demonstrate the suitability / compatibility of the conceptual uses and built form proposed.
- Preliminary Site Investigation – To demonstrate the suitability of the site for the future uses.
- Servicing Report – To demonstrate the ability of the future uses to be serviced onsite.
- Survey Plan - to detail the existing site conditions.
- Landscape Concept Scheme – To provide a conceptual analysis of how the concept approval would integrate into the existing landscape character of the area.

- Apartment Design Guide Assessment for the Building Envelopes – to enable Council to determine the suitability of the location, scale and density of the future built form. This would need to be tested with a design of a building.
- Solar Access Assessment – to enable Council to determine the suitability of the location, scale and density of the future built form.
- Traffic and Parking Assessment – To detail the potential future impacts on the surrounding road network.
- Stormwater Management Concept Strategy – to demonstrate the ability of the future development to be serviced from a stormwater perspective.
- Safer by Design Report – A preliminary assessment of the concept application against the relevant principles of Crime Prevention through Environmental Design.
- Social Impact Assessment – to understand the social impacts of the town and impact from any proposed development
- Needs Analysis – an assessment from a planning and economic perspective on the need for such a development.
- Views and Visual Impact Assessment – To demonstrate the potential visual impacts of the concept approval on the surrounding area.

Finally, it is noted that the DA fees you paid to Council was based on an estimated cost of development of \$35 Million. This is significantly less than fees that are payable based on an estimated cost of development in the order of \$427 Million. If you decide that you would like to continue to progress with the DA, you will need to pay the necessary fees based on the revised estimated cost of development.

We therefore invite you to meet with us via Video Conference (Microsoft Teams) at a mutually convenient time to discuss the contents of this letter and the way forward with your application.

If you could please advise within 7 days a number of available days and times in the coming 2 – 3 weeks when you are available, I can then organise the meeting from my end. My best contact details are **0438 398 079** or **jeremy@theplanninghub.com.au**.

Yours sincerely,



JEREMY SWAN
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