

Attachment 20 – Recommended Reasons for Refusal

DA/2021/0257 – Lot 35 DP878862 Miles Franklin Drive, Talbingo

1. The NSW Rural Fire Service are unable to issue their General Terms of Approval under S.100B of the Rural Fires Act 1997, therefore in accordance with Clause 4.47(4) of the Environmental Planning & Assessment Act 1979 the consent authority must refuse consent to the application.

[Environmental Planning and Assessment Act 1979 s4.47(4)].

2. The proposed development does not satisfy the requirements of Section 3.2.3 of the Snowy Valleys Development Control Plan 2019 as insufficient information was submitted in support of the application to demonstrate that the development will not have an adverse impact on the local and classified state road network. The provided Traffic and Parking Impact Assessment does not adequately address the impact of the proposed concept development on the broader road network, particularly the intersection of Miles Franklin Drive and the Snowy Mountains Highway and Transport for NSW do not support the application.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

3. Insufficient information has been submitted to demonstrate the site is suitable for its intended use in accordance with clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021. No Preliminary Site Investigation or Detailed Site Investigation has been submitted to demonstrate the site is suitable for its intended use.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

4. The proposed development does not satisfy the objective of the RU5 Rural Village zone under the provisions of the Tumut Local Environmental Plan 2012 as the bulk, scale and density of the development proposed is inconsistent with the existing rural village character of the area.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

5. The proposed development does not comply with Clause 6.11 of the Tumut Local Environmental Plan 2012 as insufficient information has been submitted to demonstrate how essential services are to be provided to facilitate the future development of the site.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

6. The proposed development is inconsistent with Clause 28 of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development as the proposed development is inconsistent with the Design Quality Principles relating to Context and neighbourhood character, Built form and scale, Density, Landscape, Amenity and Safety and insufficient information has been submitted to demonstrate compliance with and the Apartment Design Guide.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

7. The proposed development does not comply with Section 8.4.2.2 of the Snowy Valleys Development Control Plan 2019 as it exceeds the maximum building height of 7.2m for Talbingo.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

8. The proposed development does not satisfy the requirements of Section 3.2.3 of the Snowy Valleys Development Control Plan 2019 as insufficient information was submitted in support of the application to demonstrate that the development will not have an adverse impact on the local road network.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

9. The proposed development does not satisfy the requirements of Section 3.2.12 of the Snowy Valleys Development Control Plan 2019 relating to landscaping as insufficient information was submitted in support of 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.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

10. The proposed development does not satisfy the requirements of Section 4 of the Snowy Valleys Development Control Plan 2019 relating to residential development as the development does not comply with key controls for dwelling houses and multi dwelling housing.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

11. The proposed development does not satisfy the requirements of Section 5 of the Snowy Valleys Development Control Plan 2019 relating to shop top housing as insufficient information was submitted in support of the application to demonstrate compliance with the maximum floor space ratio control for the shop top housing component of the development.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

12. The proposed development will have an adverse impact on the built environment in the locality as the proposed development does not appropriately recognise the desirable elements of the location's current character or contribute to the quality and identity of the area by providing a built form, scale and density that is compatible with existing development in the area or the desired future character of the rural village area.

[Environmental Planning and Assessment Act 1979 s4.15(1)(b)].

13. The applicant has not paid the required Development Application Fees and the application does not satisfy the requirements of Clause 50 of the Environmental Planning and Assessment Regulation 2000.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iv)].

14. Insufficient information has been submitted to demonstrate that the proposed development will not result in adverse impacts on the natural environment.

[Environmental Planning and Assessment Act 1979 s4.15(1)(b)].

15. The subject site is not considered to be suitable for the scale and density of development proposed.

[Environmental Planning and Assessment Act 1979 s4.15(1)(c)].

16. The proposed development is not in the public interest.

[Environmental Planning and Assessment Act 1979 s4.15(1)(e)].