

Attachment 19 –Snowy Valley Development Control Plan 2019 Assessment

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

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.	<p>The amended application was referred to NSW RFS who provided a referral response on 20 November 2023 (Attachment 22).</p> <p>RFS have advised the following:</p> <p><i>The RFS is not in a position to issue General Terms of Approval as the RFS could not verify the Proposed Masterplan concept site plan prepared by Robert Harwood Architects dated 4/4/23 Drawing No PL03 & the supporting Bush Fire Assessment Report prepared by Bushfire Planning & Design dated 17/8/23 Ref: BR-524422-B.</i></p> <ul style="list-style-type: none"> • <i>The Bush Fire Report states that a 10m APZ will be provided around the perimeter of the subdivision on adjoining lot 36. However no evidence is provided to demonstrate that consent has been received from the lot owner to allow for the APZ.</i> 	No

		Therefore, the development does not satisfy the relevant requirements of Planning for Bushfire Protection 2019 and concurrence has not been provided by NSW RFS.	
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.	<p>A Traffic Impact Assessment was submitted in support of the development. The application was referred to Transport for NSW (TfNSW).</p> <p>TfNSW advised they did not support the proposed development on 19 October 2023 (Attachment 21) and noted the following:</p> <ul style="list-style-type: none"> <i>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. Additional assessment of the traffic associated with the full</i> 	No

		<p><i>development on this intersection is required, which must include as a minimum:</i></p> <ul style="list-style-type: none"> - <i>A turn warrant assessment per Section 3.3.6 of the Austroads Guide to Traffic Management Part 6. The assessment must include both light and heavy vehicles;</i> - <i>A safe system assessment;</i> - <i>An analysis of the crash history.</i> <ul style="list-style-type: none"> • <i>TfNSW believes that the above analyses may indicate that an upgrade of the intersection will be required as part of the proposal, most likely a higher order of right turn treatment on the Snowy Mountains Highway. Strategic designs must be required for any identified upgrades within the road reserve of the Snowy Mountains Highway.</i> • <i>Some of the trip generation rates used in the traffic assessment have not been adequately justified e.g. the inclusion of three-bedroom units in the rate applied for motel rooms (0.4 trips/peak hour). The trip generation rates adopted for each of the land uses needs to be</i> 	
--	--	---	--

		<p>consistent with the current guidelines adopted by TfNSW (Technical Direction TDT 2013/04a).</p> <ul style="list-style-type: none"> • An additional sensitivity analysis is required using the maximum trip generation rates identified in the TfNSW Technical Direction TDT 2013/04 a i.e. 0.85 trips/dwelling in the AM peak and 0.90 trips/dwelling in the PM peak. • The provided documentation assumes that the majority of the traffic will travel to/from the south of the site (Section 5.2.1). However, the documentation does not give consideration to seasonal factors. An updated assessment needs to consider that the primary tourism activities in each season are located in opposite directions from the subject site i.e. to/from the south during winter vs to/from the north during summer. • The base case of the SIDRA modelling referenced in the provided documentation does not appear to have been calibrated. This needs to be done by comparing current observations of the intersection with the model output. 	
--	--	---	--

		<ul style="list-style-type: none"> <i>A copy of the electronic SIDRA modelling undertaken for the development must be provided for TfNSW to review.</i> <p>Insufficient information has therefore been submitted with the application to demonstrate that the development will not result in an adverse impact on the existing and future road network.</p>	
3.2.5 Contaminated Land	<p>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.</p>	<p>A Preliminary Site Investigation has been submitted which makes the following conclusions:</p> <p><i>It is considered that there is a low to moderate likelihood of substantial widespread contamination at the site, although, where present contamination levels may pose a moderate risk. Accordingly, there is potential for localised contamination to exist that would require intrusive investigation to assess whether the site is compatible with its proposed land use.</i></p> <p><i>Prior to site development intrusive soil investigation is recommended across the following main potential areas of environmental concern identified in the CSM:</i></p> <ul style="list-style-type: none"> <i>The stockpiles of various composition located on and</i> 	No

		<p><i>adjacent to the hardstand area in the north-eastern section of the site;</i></p> <ul style="list-style-type: none"> <i>• the firefighting training area / structure in the eastern section of the site;</i> <i>• the central portion of the site comprising concrete hardstands associated with historical structures / storage; and</i> <i>• the vegetated linear gully and depression in the central portion of the site associated with the former creek line.</i> <p><i>Intrusive investigation is also recommended across the remainder of the site to assess the potential for any other contamination to be present. It is recommended that a sampling, analysis and quality plan (SAQP) be prepared for any further investigation at the site which would include the following:</i></p> <ul style="list-style-type: none"> <i>• Establish the applicable assessment criteria;</i> <i>• Develop the site investigation sampling plan;</i> <i>• State the soil and/or groundwater investigation methodology;</i> <i>• Establish the minimum field and laboratory quality procedures; and</i> <i>• Establish the likely limitations of the site investigation with regards to</i> 	
--	--	---	--

		<p><i>informing potential remediation costs.</i></p> <p><i>It is further recommended that an occupational hygienist be engaged to undertake a pre-demolition hazardous building materials survey prior to any demolition of the remaining building structures present on site.</i></p> <p><i>It is considered that the site could be rendered suitable for the proposed development from a contaminated land perspective subject to the implementation of the above recommendations.</i></p> <p>Based on the above findings it is considered that 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.</p>	
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	A Water Cycle Management study was submitted in support of the application. The Water Cycle Management study demonstrates that all proposed lots are above the 1 in 100-year ARI event.	Yes

	main stream, local creek or overland flow.		
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	<p>Sewage –</p> <p>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.</p> <p>Water supply</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>Electricity</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>An Essential Services Report was submitted in support of the application. The report concludes that servicing upgrades to electricity and water and sewer would be required to service the development.</p> <p>No commitment has been made by the applicant on when the required infrastructure to support the development would be provided. No agreement is in place to ensure adequate arrangements for essential services are made when required.</p> <p>The consent authority cannot therefore be satisfied that adequate arrangements have been made to make the required services available when required.</p>	No

	Telecommunication Development must be provided with access to the telecommunications network		
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	<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>A Water Cycle Management study was submitted in support of the application which presents the Hydrological, Hydraulic and Water Quality characteristics of the site and demonstrates how the future proposed stormwater infrastructure will meet the requirements of Councils Standards DCP and LEP requirements.</p> <p>The study is based on the concept design and will be implemented under future detailed development applications.</p>	Yes
4.0 Residential Development			
4.5 Dwelling in Houses	Section 4.5 provides controls relating to height, site coverage,	Insufficient information has been submitted to demonstrate compliance	No

Residential and village Zones	landscaping, setbacks, private open space and car parking for dwelling houses in the RU5 zone based on relevant lot sizes.	<p>with the key controls for the future detached dwellings. The future detached dwellings detailed in the Concept Masterplan 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>Furthermore, the indicative subdivision layout results in a poor subdivision layout for the future detached dwellings that would result in adverse amenity impacts once developed.</p> <p>The lot layout results in a number of irregular lots with multiple boundaries, frontages that are not of a sufficient layout or configuration to facilitate future detached dwellings with an adequate level of privacy or amenity.</p>	
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	<p><u>4.11.1 Areas Requirements –</u></p> <p>The minimum site area for multi-dwelling housing is 900m²</p>	Multi dwelling housing is proposed. All proposed multi dwelling housing lots exceed 900m ² .	Yes

	<p><u>4.11.2 Building Height</u></p> <p>The development is not to exceed 8.5m in height</p>	<p>The concept elevations provided for the multi dwelling housing development component of the proposal provide a maximum height of 11.5m which does not comply.</p>	<p>No</p>
	<p><u>4.11.3 Building Setbacks</u></p> <p>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.</p> <p>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.</p>	<p>Insufficient information has been submitted to demonstrate compliance with the setback requirements for the multi dwelling housing component.</p>	<p>No</p>
	<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>	<p>Insufficient information has been submitted to demonstrate compliance with the floor space control for the multi dwelling housing component. The concept plans indicated a FSR of 1.5:1 which does not comply with the</p>	<p>No</p>

		maximum 0.4:1 allowable under the DCP.	
	<u>4.11.14 Privacy</u> 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	<u>5.3.16.2 Floor space ratio</u> 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. The concept plans indicate compliance however specific calculations for assessment have not been provided.	No
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.	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	No

	<p>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.</p>	<p>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.</p>	
	<p><u>8.4.2.2 Building design, views and external materials</u></p> <p>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.</p>	<p>The proposed spa hotel, shop top housing and multi dwelling housing development exceed the 7.2m height control.</p>	No
	<p><u>8.4.2.5 Archaeological significance</u></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>A Preliminary Aboriginal and Historic Heritage Assessment was submitted in support of the application. A search of the Aboriginal Heritage Information Management System (AHIMS) returned no records of previously recorded Aboriginal sites located within or near the study area. A field inspection was conducted by OzArk Senior Archaeologist, Stephanie Rusden, on 6 March 2023 to verify the modelling predictions and to ground-truth levels of disturbance.</p> <p>No Aboriginal objects or landforms with potential to contain subsurface Aboriginal archaeological deposits were identified within the study area.</p>	Yes.

		<p>It is considered unlikely that significant Aboriginal objects will be present across the study area.</p> <p>The report provides further recommendations for historic heritage in the area to be implemented as part of the future detailed development applications.</p>	
9.0 Subdivision			
9.3 Greenfield Residential Subdivision			
9.3.3 Lot Sizes and Frontage	<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>Whilst the development complies with the minimum lot size requirement it is not considered to satisfy the objectives of Clause 4.1 as the subdivision layout is not considered to ensure the efficient use of land resources through appropriate subdivision patterns. The design will result in a poor subdivision layout which will result in future amenity impacts once the lots are developed.</p>	Yes