

<b>DATE OF DEFERRAL</b>	24 May 2023
<b>DATE OF PANEL DECISION</b>	24 May 2023
<b>DATE OF PANEL MEETING</b>	11 May 2023
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Graham Brown, Susan Budd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held in Snowy Valleys Council Chambers, Tumut and by video/teleconference on 11 May 2023, opened at 9am and closed at 11:30.

Papers circulated electronically on 2 May 2023.

#### **MATTER DEFERRED**

PPSSTH-172 – Snowy Valleys – DA2021/0257 at Miles Franklin Drive, Talbingo (Lot 35 DP 878862) – Concept development application (DA) consisting of a Spa Hotel (tourist a visitor accommodation), 80 residential lots for detached dwellings, residential flat buildings, shop top housing, multi dwelling housing (terraces), subdivision and associated site works at Lot 35 DP878862 Miles Franklin Drive, Talbingo.

#### **REASONS FOR DEFERRAL**

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings and the matters observed at the site inspection listed at item 8 in Schedule 1.

The Panel deliberated on the matter and agreed unanimously to defer the determination of the matter. The Panel noted that one of the reasons for refusal in Council's assessment report related to the inadequacy of the information lodged in support of the application, including information critical to the assessment of the application.

The Panel also noted the concern of the Applicant that recently provided information had not been considered in the council assessment report, that further information was being prepared to address the outstanding issues raised by council, and that it would be denied procedural fairness if the Panel proceeded to determine the application on the basis of the current assessment report.

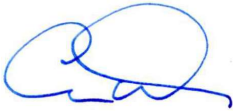

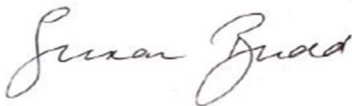
In this respect the Panel determined that all information critical to the assessment of the application should be provided in a timely manner by the Applicant to enable a full and proper assessment of the application and final determination. It was further determined that once received, all relevant information along with the DA should be publicly notified, exhibited and provided to referral agencies for comment prior to an updated assessment report and recommendations being submitted for the Panel's determination.

To ensure the application is progressed in a timely manner the Panel directed that:

1. The applicant must have all relevant information supporting the development application uploaded to the portal by 28<sup>th</sup> July 2023.
2. Noting the application lodged on 11 November 2021 is likely to be amended, a formal written request to amend the application is required to be uploaded to the portal by 28<sup>th</sup> July 2023 outlining;
  - a. Particulars sufficient to indicate the nature of the change of the development, as required under clause 55 of the *Environmental Planning and Assessment Regulation (2000)*; and
  - b. updated technical reports relied on in the amended application.

3. The Panel expects that the revised information, as referred to above, to be uploaded by the applicant to the Planning Portal by 28<sup>th</sup> July 2023 responding to the material and the matters raised above.
4. Council is required to re-exhibit the application commencing 31<sup>st</sup> July 2023.
5. The Council is requested to provide an updated assessment report, which is to be uploaded to the planning portal, by 3 October 2023.
6. When the updated assessment report is received, the Panel will hold a Final Public Determination Meeting. This meeting is tentatively scheduled to be held by videoconference (Teams) at 10.00am on Tuesday 24<sup>th</sup> October 2023.

If revised information from the applicant is not provided by 28<sup>th</sup> July 2023, the Panel may move to determine the DA based on the information currently at hand

PANEL MEMBERS	
 Chris Wilson (Chair)	 Graham Brown
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-172 – Snowy Valleys – DA2021/0257
2	PROPOSED DEVELOPMENT	Concept development application (DA) consisting of a Spa Hotel (tourist a visitor accommodation), 80 residential lots for detached dwellings, residential flat buildings, shop top housing, multi dwelling housing (terraces) development, subdivision and associated site works at Lot 35 DP878862 Miles Franklin Drive, Talbingo.
3	STREET ADDRESS	Miles Franklin Drive, Talbingo (Lot 35 DP 878862)
4	APPLICANT/OWNER	Saile No 2 PTY LTD
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>- State Environmental Planning Policy (Planning Systems) 2021</li> <li>- State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>- State Environmental Planning Policy (Resilience &amp; Hazard) 2021</li> <li>- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>- State Environmental Planning Policy (Koala Habitat Protection) 2021</li> <li>- Tumut Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>- Snowy Valleys Development Control Plan 2019</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 55</li> <li>• Coastal zone management plan: [Nil]</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 24 April 2023</li> <li>• Written submissions during public exhibition: 44 (37 objections + 7 in support)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>- Leanne Dunn, James Smith, Trina Thompson (Deputy Mayor SVC)</li> <li>- Council assessment officer – Jeremy Swan (Council Consultant Assessment Planner)</li> <li>- On behalf of the applicant – Robert Harwood (Harwood Architects), Ronald Sim (Simplan Consulting), Dimitri Simons (Ironstone Building)</li> </ul> </li> <li>• Total number of unique submissions received by way of objection: 37</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 2 August 2022 <ul style="list-style-type: none"> <li>○ Panel members: Chris Wilson (Acting Chair), Susan Budd</li> <li>○ Council assessment staff: Nick Wilton, Mark Kirkton, Bradley Allen</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council Consultant assessment planner:</u> Jeremy Swan &amp; Lachlan Rogers (The Planning Hub)</li> <li>○ <u>Other:</u> Amanda Moylan (DPE)</li> </ul> <ul style="list-style-type: none"> <li>• Council / Applicant Briefing: 18 October 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members:</u> Chris Wilson (Acting Chair), Graham Brown, Susan Budd</li> <li>○ <u>Council assessment staff:</u> Nick Wilton</li> <li>○ <u>Council Consultant assessment planner:</u> Jeremy Swan</li> <li>○ <u>Applicant representatives:</u> Robert Harwood (Harwood Architects), Dimitri Simons (Ironstone Building), Noel Dona (Keleprojects)</li> <li>○ <u>Other:</u> Amanda Moylan (DPE)</li> </ul> </li> <li>• Site inspection: 10 May 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members:</u> Chris Wilson (Chair), Graham Brown, Susan Budd</li> <li>○ <u>Council Consultant assessment planner:</u> Jeremy Swan (The Planning Hub)</li> <li>○ <u>Other:</u> Amanda Moylan (DPE)</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 10 May 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members:</u> Chris Wilson (Chair), Graham Brown, Susan Budd</li> <li>○ <u>Council assessment staff:</u> Bradley Allen (Planner), Quinten Adams (Water and Wastewater Engineer)</li> <li>○ <u>Council Consultant assessment planner:</u> Jeremy Swan (The Planning Hub)</li> <li>○ <u>Other:</u> Amanda Moylan (DPE)</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable