

Snowy Valleys Council

Draft Development Control Plan 2019

Consideration of Submissions

Submitter	Issues Raised	Relevant Clause	Comment	Proposed Changes
	<p>1 Council's resolution of 25th January 2018 is not reflected in the Draft DCP</p>	<p>3.2.3 on pages 11-19</p>	<p>Agreed.</p> <p>It is argued that it would be either difficult or impossible to achieve any further development or change of use in the existing Tumut CBD if Council's resolution of 25th January 2018 is not reflected in the DCP. A further request is that the definition of Gross Floor Area be altered so as to allow change of use provisions to apply to both existing basement and storage areas.</p> <p>At its Extraordinary Meeting in January 2018 Council resolved in part to:</p> <p>'Endorse change of use of existing approved buildings be exempt to car parking requirement to increase the use of existing vacant buildings in the Tumut town</p>	<p>A new clause be inserted under 3.2.3 Car parking be inserted after 3.2.3.2 on page 19 as follows:</p> <p>3.2.3.3 Car parking for changes of use in existing commercial buildings</p> <p>Change of use of all enclosed floor space within existing approved buildings is to be exempt from car parking standards referred to in 'Table 1: Car Parking Requirements' above to facilitate increasing the use of existing vacant buildings in the commercial areas of all towns and villages throughout the Snowy Valleys.</p>

			<p>centre.’ This approach should apply to town and village centres throughout the Snowy Valleys.</p> <p>It is not proposed to alter the definition of Gross Floor Area as that is taken directly from the Tumut LEP 2012. It is proposed to add a new clause that refers to ‘Change of use of all enclosed floor space within existing approved buildings...’ This would cover any enclosed existing basement and storage areas that are part of the existing approved buildings.</p> <p>It is also worth noting that Clause 1.6 allows Council to consider variations to numerical standards included in the DCP.</p>	
	<p>1 Should refer to existing LEPs in force.</p>	<p>1.3 on page 2</p>	<p>Agree</p>	<p>Paragraph 3 be amended to read:</p> <p>This DCP contains more detailed provisions than the <i>Tumbarumba Local Environmental Plan 2010 and the Tumut Local Environmental Plan 2012</i> applying to the Snowy Valleys Region. In the event of a conflict between this DCP and Council’s Local Environmental Plans the relevant Local Environmental Plans prevail.</p>
	<p>2 Sustainability measures should</p>	<p>4.3 on page 28</p>	<p>The following clause is included in</p>	<p>No change required.</p>

	not exceed BASIX requirements.		<p>the aims of the BASIX State Environmental Policy:</p> <p>'This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.'</p> <p>No provisions in the DCP appear to add to, subtract from or modify any obligations arising under the BASIX scheme.</p>	
	3 Provision requiring garage & carport behind building lines may be compromised by existing development in Tumut.	4.5.4 on page 33	<p>It is common contemporary planning practice to require garages and carports to be setback behind the dwelling house front façade. Building design is improved as is the streetscape. It is desirable for this provision to remain in the DCP irrespective of the fact that some existing development does not meet the standard.</p>	No change required.
	4 Clarification regarding on-site water requirements is needed where no reticulated water supply is available in all zones.	4.5.10 on page 37, 4.7.11 on page 40 and 9.8.10 on page 117	<p>It is agreed that the clauses could be altered to provide clarification. Potable water for domestic purposes is the intention of this clause.</p>	<p>Paragraph 3 of 4.5.10, paragraph 1 of 4.7.11 and paragraph 1 of 9.8.10 be transformed to read:</p> <p>Where no reticulated water supply is available water supply with a</p>

			Water for firefighting purposes would be additional to the minimum 45,000 litres specified in the clause.	minimum of 45,000 litres of potable water is to be provided onsite. Bush fire prone land would need additional water for firefighting purposes in accordance with clause 3.2.2.
5	Are parking requirements needed for secondary dwellings?	4.8.4 on page 41	Council cannot require parking for secondary dwellings as the Affordable Rental Housing State Environmental Planning Policy states: 'A consent authority must not refuse consent to development to which this Division applies on either of the following grounds: ... (b) parking if no additional parking is to be provided on the site.'	No change recommended.
6	Area of battle-axe handle should be included in the total lot size for the zone.	9.3.3 on page 106 and 9.7.2 on page 112	Agree in respect of clause 9.3.3 as it contradicts both the Tumbarumba and Tumut LEPs minimum subdivision lot size provisions. Legally the DCP cannot do this.	Clause 9.3.3 be modified by deleting clause 5
7	Building envelopes for dwellings in rural areas.	9.8.4 on page 115	A building envelope standard of 41ha is inappropriate. This is agreed with and would appear to be an error. It is appropriate to have a minimum building envelope provision of 600m ² for a dwelling and ancillary structures	Paragraphs 5 and 6 of 9.8.4 be altered to read: Each Lot in the proposed subdivision should be able to accommodate a building envelope of 600m ² in size. The building envelope should contain an area for a future dwelling house and associated

			<p>associated with the house. Farm buildings could be located outside of this building envelope.</p>	<p>ancillary buildings to the domicile.</p> <p>The building envelope is to generally exclude land:</p> <ul style="list-style-type: none"> • within 40 metres of the top of bank of a watercourse • that contains significant native vegetation • that has been identified as being subject to the 1% AEP flood extent • that is subject to a transmission line or other utility service easement, and • that is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area • required for onsite effluent disposal • utilised to house structures required for agricultural undertakings such as farm buildings • required for an asset protection zone under a Bushfire Safety Authority • identified as having
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				moderate or higher risk of geotechnical instability
	1 Concern about commercial development car parking standards.	3.2.3 on pages 11-19	<p>It is hypothesised that future development would be inhibited if Council required businesses to construct their premises that took on the character of giant car parks. Business viability for smaller operators would be negligible. Only massive commercial chains could afford to operate.</p> <p>Council needs to take a longer term view in respect of parking provision and so the DCP needs to specify car parking requirements for new development. The car parking requirements in Table 1 on pages 13-18 in the Draft DCP are fairly typical of those types of provisions in contemporary DCPs.</p> <p>Council has adopted a pragmatic approach to car parking associated with the change of uses within existing commercial premises at Tumut. At its Extraordinary Meeting in January 2018 Council resolved in part to:</p>	See proposed change for 1 under Submitter above.

			<p>'Endorse change of use of existing approved buildings be exempt to car parking requirement to increase the use of existing vacant buildings in the Tumut town centre.' This approach should apply to town and village centres throughout the Snowy Valleys.</p> <p>It is also worth noting that Clause 1.6 allows Council to consider variations to numerical standards included in the DCP.</p>		
	1	Should refer to existing LEPs in force.	1.3 on page 2	Agreed.	See proposed change for 1 under the submitter above.
	2	Relevance to Theme 5: Our infrastructure	1.4 on page 3	<p>The point is made that Council's long term financial plan indicates little or no funding for infrastructure maintenance and renewal.</p> <p>The themes are taken from the Community Strategic Plan</p>	No change recommended.
	3	Map on page 4 should be improved.	Map on page 4	<p>The map should indicate the location of towns and villages to provide a better spatial recognition of the area.</p> <p>Agreed.</p>	An improved map indicating the location of towns and villages be provided on page 4.
	4	Dispute Resolution (delegations).	1.7.8 on pages 8 and 9	The Draft DCP specifies a minimum of 5 objections to a development	No change recommended.

			<p>proposal will instigate a report to Council if the objectors' concerns cannot be addressed by conditions of consent. It is suggested it would be wise to provide a report to Council if any objections are received, as one objection may be quite substantive in its content. Objections should be considered on the merit of the content not whether or not they fit within a numerical standard.</p> <p>Use of the numerical standard approach is not unusual. For example in respect of State Significant Development where at least 25 persons (other than a council) have duly made submissions by way of objection under the mandatory requirements for community participation the application has to be assessed by the Independent Planning Commission.</p>	
	<p>5 Exhibition of amendments should refer to local newspapers rather than singular newspaper.</p>	<p>2.3 on page 10</p>	<p>Reference to advertising amendments in the local newspaper, should be adjusted to the plural to reflect the fact that the area is covered</p>	<p>Paragraph 1 be revised to read:</p> <p>Where Council resolves to prepare an amendment to the <i>Snowy Valleys Development Control Plan 2019</i> these must</p>

			<p>by more than one publication.</p> <p>Agreed.</p>	<p>be exhibited for a minimum period of 28 days. Public notice must be given in local newspapers. This notice is to indicate the details of the places, times and dates for the inspection of the draft amendment; and the period during which submissions may be made.</p>
6	Car parking section needs reviewing as a one size fits all approach is not appropriate.	3.2.3 on pages 11-19;	See 1 under Submitter F. Brown above.	See proposed change for 1 under Submitter above.
7	Commercial change of use car parking clause requires clarification	5.3.4.2 on page 56; 5.3.4.5 on page 57;	In respect of Clause 5.3.4.2 it is not agreed that it would generally not be within the scope of the developer to provide additional parking on other land, particularly for businesses in main streets / commercial precincts. It is considered however that the clause as written in the Draft DCP contradicts the intent of recommended Clause 3.2.3.3 and thus needs to be altered.	Clause 5.3.4.2 be varied to read: <i>Refer to Section 3 Requirements Applying to all Types of Development and in particular 3.2.3.3.</i>
8	Commercial car parking layout should refer to Australian Standards.	5.3.4.9 on page 58		
9	Accessible commercial car parking clause requires clarification.		Clause 5.3.4.5 should be changed to refer to Australian Standards	Clause 5.3.4.5 paragraph 2 be modified to read: The turning paths and manoeuvring requirements for cars are to be designed in accordance with AS/NZ 2890.1 and the turning paths and manoeuvring requirements for commercial vehicles are to be designed in accordance with AS 2890.2

			<p>Clause 5.3.4.9 needs to be altered by referring to Australian Standards in paragraph 3.</p>	<p>Clause 5.3.4.9 paragraph 3 be modified to read:</p> <p>Dimensions and gradients for disabled parking spaces to comply with AS/NZ 2890.6</p>
	<p>10 Connection to sewer if mains are nearby.</p>	<p>3.2.14.1 on page 25</p>	<p>It is suggested that this clause could advise potential developers that under the provisions of the Local Government Act 1993, where premises are within 75 metres of a reticulated sewer main Council may require connection to the sewer. This provision may alleviate future disputes with developers.</p> <p>Provisions referred to are Local Government Act 1993 (No.30) Part 2 Orders Division 1 – Giving of Orders 124 (23&24)</p> <p>Basically the provisions allow for Council to issue orders requiring connection to water if the premises are 225m from a Council water pipe or 75m from a Council sewer.</p> <p>It is not considered appropriate to refer to Orders under the Local Government Act in the DCP. If a</p>	<p>No change recommended.</p>

			dispute were to arise regarding connections to Council's reticulated sewer and water then it would be appropriate to point out the potential to use Orders at that stage.	
	11 Stormwater should be designed for 1:20 ARI criteria for smaller scale & domestic development.	3.2.17 on page 27	<p>A point is espoused that the 1:100 year criteria is generally used in flood planning. Stormwater more typically should be designed to the 1:20 year ARI criteria, particularly for smaller scale and domestic development.</p> <p>It is considered that the clause could be changed to refer to the requirements of the National Construction Code to cover criteria for dwellings.</p>	<p>Paragraph 5 wording be improved by stating:</p> <p>All stormwater systems must be sized to accommodate the 1 in 100-year ARI event or relevant specifications regarding stormwater included in the National Construction Code.</p>
	12 Rural workers dwelling should not have to be constantly occupied.	4.9.1 on page 42	<p>Agreed. This clause should be amended to remove the criteria of "a constant presence on site". While a rural workers dwelling should be justified by evidence of the need for such an employee, the requirement for a constant presence on site is not a realistic expectation in all circumstances. A rural worker may work Monday to Friday, or in fact may only be a seasonal worker.</p>	<p>Paragraph 2 of Clause 4.9.1 be transformed to read:</p> <p>The viability of the agricultural and/or rural industry requiring employment of a rural worker is demonstrated with written justification providing a detailed breakdown of the duties that the rural worker is required to carry out. The justification should also explain why these duties would require a necessary or desirable presence onsite. Security alone is not a sufficient reason.</p>

	13 Notations on Figure 7 are incomplete.	4.11.10 on page 48	<p>Agreed. The diagram originated from the AMCORD suit of documents prepared by the Federal Government in the early 1990s. It seems to have always contained the errors in respect of the notations. It is also included in the Parkes DCP with the same errors.</p> <p>It is considered the diagram is not a critical component of the DCP thus it can be removed.</p>	Figure 7: Multi-dwelling layout be removed from page 49.
	14 Clarification is needed in respect of what is meant by "higher than awning level" with regard to acceptable signage.	5.3.10 on pages 63 and 64	Agreed. It is considered that the wording should be no higher than roof level rather than no higher than awning level.	<p>The following adjustments be made to Clause 5.3.10 on pages 63 and 64:</p> <p>The first dot point in paragraph 1 on page 63 be changed to read:</p> <ul style="list-style-type: none"> • if attached to a building, be no higher than roof level; <p>Paragraph 2 on page 63 be revised to read:</p> <p>Council does not support above roof signage in commercial areas to maintain the visual amenity and important streetscapes of the Council area and to avoid the proliferation of signage. This is also reinforced in heritage conservation of items and significant heritage areas.</p>
	15 Council's ' <i>Dining and Displays on Footpaths Policy</i> ' is	5.3.5 on page 61	This clause refers to Council's adopted and current "Dining and	Paragraph 1 be varied to read:

	difficult to find on Council's web site.		<p>Displays on Footpaths Policy" that does not appear to be easily accessible on Council's website.</p> <p>A draft 'Snowy Valleys Council Outdoor Dining Policy' has recently been formulated and will be reported to Council in the near future. This policy should be referred to assuming it will be adopted in some form by Council. Once adopted it needs to be accessible on Council's web-site.</p>	For guidance regarding Council standards and requirements for commercial use of footpath areas refer to Council's relevant current outdoor dining policy.
16	Public realms strategy requirement is onerous.	5.3.14 on page 66	<p>It is suggested that the requirement to provide a public realm strategy will be an unnecessarily onerous requirement for the majority of development applications. Planning staff assessing applications should have the necessary skills to determine the suitability of an application with regard to public area impacts. Ideally such impacts would be discussed at pre-lodgement stage.</p> <p>Points made are agreed with.</p>	<p>Paragraphs 1 and 2 be amended to read:</p> <p>In order to create and maintain a consistent character for each town and village it is necessary to consider and demonstrate how the proposed development fits into the broader townscape and how it is compatible with the treatment of adjoining public spaces in terms of architectural style, landscape treatment and pedestrian and vehicular circulation</p> <p>Any public area enhancement programs and/or projects planned by Council would be considered when assessing the relationship of the proposed development with communal areas.</p>
17	Industrial area car parking should be more flexible	6.3.5.8 on page 77	The point is made that on large industrial sites it	Paragraphs 1,2 and 3 be edited so as to read:

	<p>regarding surfacing material, and access to main/arterial roads and more specific regarding drainage</p>		<p>will at times be impractical and uneconomic to seal the entire areas with concrete/bitumen etc. Also large sealed areas create other issues with stormwater management and prevent natural infiltration of water over a large area.</p> <p>Another argument in the submission suggests that this clause also provides that <i>“Drainage to paved surfaces is to be provided to the satisfaction of Council”</i> This term should not be used as previously determined in Land and Environment Court cases as the term does not specify or indicate any standard that would meet Council’s satisfaction. This term should be replaced with a reference to an applicable standard or design criteria.</p> <p>There is some merit to the points referenced in this section of the submission. It is however considered that in specific industrial zones all car parking areas, loading bays, vehicular entrances to public roads and internal driveways servicing car</p>	<p>All car parking areas, loading bays, vehicular entrances to public roads and internal driveways servicing car parking and loading areas must be drained and sealed with concrete, bitumen or similar impervious material and line marked.</p> <p>In respect of industries located in rural zones Council may consider utilising all-weather surfaces for car parking areas. In these circumstances:</p> <ul style="list-style-type: none"> • justification must be provided giving reasons as to why the car park should not be sealed • it needs to be demonstrated that the use of an all-weather surface would not detrimentally impact upon neighbours • drainage of the all-weather surface must be addressed <p>Developers are to refer to AS2890 for detailed specifications.</p> <p>Details of drainage of paved surfaces is to be provided. All trafficable surfaces should be bounded with a suitable kerb to assist in stormwater management and prevent the movement</p>
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			parking and loading areas should be drained and sealed with concrete, bitumen or similar impervious material and line marked. More flexibility could be considered for industries located in rural zones where it may be appropriate to consider all weather surfaces for car parks.	of vehicles on non-trafficable areas.
	18 Industrial development in rural areas may have no other option other to get access from a main or arterial road	6.3.12 on page 78	<p>An argument is put that industrial development will generally be better served if it does have access to a main or arterial road. Also in many rural locations these may be the only suitable roads to site industrial development In general terms where a development fronts a classified road it will require the concurrence of the RMS and as the recognised road authority it will assess the appropriateness of a development with regard to traffic safety.</p> <p>It is agreed that some flexibility should be allowed with regard to access onto classified roads.</p>	<p>Paragraph 1 be modified to read:</p> <p>Industrial development in rural areas must satisfy the following criteria for the site:</p> <ul style="list-style-type: none"> • sealed road access • avoid direct access from a main or arterial road where possible • adequate supporting infrastructure including legal drainage of stormwater and management for runoff, waste water disposal, electricity and sufficient water supply, and • adequate area within the site for buffers to adjoining properties and public areas
	1 The DCP only references Council's LEP but	1.3 on page 2	A DCP is not so much a strategic plan but one that	No change recommended.

	should reference other matters & plans such as flood mitigation, erosion, the Destination Management Plan (DMP)		guides development providing greater detail than an LEP. Section 1.4 does mention the strategic links to five themes within the Community Strategic Plan. Matters such as flood mitigation & erosion are addressed in the DCP	
2	Statements such as 'Use the sites attributes to your advantage' are too open	1.2 on page 1	This is a specified general principle for development that also states: 'Take advantage of the attributes of the site; use its slope, its orientation, its established visual or landscape quality to enhance the development'. The general principles assist with the interpretation of the more detailed controls in the DCP.	No change recommended
3	Does 'Theme 2: Growth through innovation' fit into the Destination Management Plan (DMP) & other Council plans	1.4 on pages 2 & 3	It is made clear in the DCP that the themes are taken from the Community Strategic Plan	No change recommended.
4	The variation provision is too open to opinion in respect of interpretation and how does it align with other plans such as the DMP, documents and legislation.	1.6 on page 5	This provision is specific to the DCP only. It provides flexibility where the design of a proposed development in Council's opinion meets the stated objectives of the development controls.	No change recommended.

	<p>5 Swimming pools and alterations to strata buildings should be notified. Pools can create noise and erosion & changes to the external appearance of strata buildings could detrimentally affect aesthetic appearances.</p>	<p>1.7.2 on page 6</p>	<p>Potential erosion impacts associated with a pool would be dealt with as part of the assessment. Potential noise resulting from the use of a private pool would not constitute a valid reason for refusal.</p> <p>Strata subdivision applications normally do not involve changes to the building. If there were changes to the building the matter would need to be notified.</p>	<p>No change recommended.</p>
	<p>6 What if a development fits in with other plans such as the DMP? There is an element of delegation to Council's General Manager or his or her delegate in respect of determining that certain developments could be notified. This approach is too open for interpretation.</p>	<p>1.7.7 on page 8</p>	<p>The DCP does not have direct links to the DMP. Desirable tourist focussed developments still have to comply with the Environmental Planning & Assessment Act, Council's LEPs and the DCP.</p> <p>Delegation to the General Manager provides some flexibility to notify developments that may be considered to be of interest to the public that are otherwise not required to be notified.</p>	<p>No change recommended.</p>
	<p>7 The disclaimer would confuse the general public.</p>	<p>1.8 on page 9</p>	<p>The disclaimer is fairly standard. Parkes & Coolamon Shire Councils include an identical disclaimer in their DCPs. Many Councils do not include disclaimers in their DCPs.</p>	<p>No change recommended.</p>

	8	Few Councils in the acknowledgement have similarities to Snowy Valleys	1.9 on page 9	It is normal to research a wide variety of DCPs when preparing one.	No change recommended.
	9	How has the bushfire provision been altered?	3.2.2 on page 11	The bushfire clause is flexible so as any change to RFS guidelines are accommodated.	No change recommended.
	10	Erection of hoardings up and down main streets of Tumut and Batlow whilst Council is doing townscape improvements could impede businesses	3.2.4 on pages 19 & 20	Hoardings are required for public safety reasons. Work can be planned & managed to minimise impacts on existing businesses.	No change recommended.
	11	Cut & fill requirements on smaller blocks could result in loss of a large slice of land.	3.2.6 on pages 20-22	Cut and fill can be retained in a way that minimises the loss of land. It is also considered inappropriate to allow smaller blocks on steeper land	No change recommended.
	12	Landscaping provisions are very open to interpretation	3.2.12 on page 24	It is considered that the landscaping provisions are adequate and give sufficient flexibility for applicants to undertake good landscape design.	No change recommended.
	13	Telecommunications must be provided with access and is this appropriate for other than subdivisions as people are moving away from landlines.	3.2.14.4 on page 26	This is in part a misinterpretation. The clause does require fixed line telecommunication infrastructure for new subdivisions and real estate developments demonstrated by an agreement with a carrier. The clause also states that 'proponents are to have regard to other new technologies to	No change recommended.

			improve telecommunication s speeds for the internet and other computer based communication devices, and to facilitate new and evolving industries.'	
14	Will building design statements both favouring and discouraging certain styles and colours affect applications?	4.5.1 on page 31	Yes. The contents of the clause need to be taken into account.	No change recommended.
15	Does fencing require a DA?	4.5.5 on page 31 and 4.10.5.on page 45	4.5.5 refers to dwelling houses in residential and village zones and 4.10.5 refers to dual occupancies. Fencing heights and types would normally be specified on the dwellings/dual occupancy DA plans. If not it would be normal procedure to condition the matter. Fences are generally ancillary development and are exempt development in most instances.	No change recommended.
16	There are very few native deciduous trees.	4.5.9 on pages 36 and 37	Diagrams on page 37 regarding solar passive design show the use of deciduous trees for shading in summer. Whilst the DCP generally encourages the use of indigenous trees and plants for landscaping it does not rule out using appropriate non-native species in appropriate circumstances. For	No change recommended.

			example the list of street tree species in Appendix 1 contains both exotic and native species.	
17	A minimum 9 metres separation is to be provided between the windows of habitable rooms of facing units or adjacent existing dwellings in the case of medium density development. How can this standard be achieved on small lots?	4.11.14 on pages 51 and 52	Clause 4.11.1 states the minimum site area for multi-dwelling housing is 900m ² . Often lots would be amalgamated and be larger than 900m ² .	No change recommended.
18	A public forum should be held regarding the plan as few believe the DCP would result in investment or growth.	5.1 on page 54	An objective regarding commercial development is to 'encourage development that strengthens the economies of towns and villages that enhances their distinctive heritage streetscapes and characteristics.' A DCP is a tool giving detailed guidance concerning the design and form of development permitted under the relevant LEPS. It has been publicly exhibited. Also members of the local construction industry were specifically notified of the DCP exhibition.	No change recommended.
19	As the DCP provides provisions regarding signage for industrial development there	6.3.21 on pages 81 and 82	See paragraph 2 regarding 18 immediately above.	No change recommended.

	should be an open forum with the Chamber of Commerce			
	20 Riparian and erosion control works referred to in respect of the Goobarragandra Valley may affect current landowners so there should be a public forum	8.3.2 on pages 100 and 101	The key development controls relate to new development that requires development consent. See paragraph 2 regarding 18 above.	No change recommended.
	21 General considerations in respect of rural subdivision-dwelling houses are very open so there should be a public forum held.	9.8.1 on pages 114 and 115	It is considered that the general considerations are quite specific and provide a practical interpretation of the objective and provisions contained in the Tumbarumba and Tumut LEPs. Some or all of the considerations may apply to land proposed to be subdivided and would be normally considered for that type of application. Also see paragraph 2 regarding 18 above.	No change recommended.
	22 Council need to clarify its jurisdiction regarding agricultural aerial or ground bases spraying.	4.7.4 on page 39	It is submitted that the statement 'Council has no jurisdiction over aerial or ground based spraying of farm chemicals' included in Clause 4.7.4 may be an error in law. This is not agreed with as regulation of aerial or ground based spraying of farm chemicals comes under the Pesticides Act 1999 and associated	No change recommended.

			Regulations of which the EPA is the Authorised Regulatory Authority.		
Development and Environment; and, Survey and Design	1	<p>Council may as part of any assessment determine to vary the numerical provisions of the DCP. It is too onerous to advertise/notify variations. Requiring development to be of a superior standard to justify a numerical variation would be unreasonable.</p> <p>Delegations should not be referred to in the DCP. They need to be determined by Council and the General Manager and included in staff job descriptions and delegations</p>	1.6 on page 5	<p>All variations to the DCP should be assessed and either approved or refused. A register of approved variations should be kept by Council. Reasons for approved variations should be included in the register. This information should be utilised when the DCP is reviewed.</p>	<p>Paragraphs 2, 3 and 4 be altered to read as follows:</p> <p>Where a variation of a numerical standard is proposed this will be considered by Council.</p> <p>Council will keep a register of approved variations to the numerical standards of the DCP.</p> <p>Council will only consider a variation where it is justified in writing and where the design of the proposed development in Council's opinion meets the stated objectives of the development controls.</p>
	2	<p>Consideration of matters to be notified is too arduous and impractical.</p>	1.7.1 on pages 5 & 6	<p>The process virtually requires the application to be assessed prior to e notification occurring. The list of matters to be considered for notification is too long and many of the matters are things to be considered by professional staff in the assessment of the application. The list should be simplified.</p>	<p>Paragraph 2 be changed to read:</p> <p>Council will give notice of an application to affected persons where, in its opinion, the enjoyment of land may be detrimentally affected by:</p> <ul style="list-style-type: none"> • loss of views • overshadowing • privacy • noise • traffic generation • proposed fencing • the proximity of proposed commercial or industrial

				undertakings to residential development
	3 To give a complete picture additional development types should be added.	1.7.4 on page 7	Local development is covered in terms of exhibition period but other types specifically mentioned in legislation such as integrated, threatened species, designated and State significant developments are proposed to be addressed in this clause.	<p>The clause be rewritten as follows:</p> <p>A person may inspect a plan/s and make a submission relating to a development application type as follows:</p> <ul style="list-style-type: none"> • Local development within 14 calendar days of the date of the notification of that application. • Nominated integrated development, threatened species development, designated development and State significant development within 28 calendar days of the date of the notification of that application <p>A copy of the notification plan will be made available for inspection at the relevant Council Office during the notification period.</p> <p>Note: Integrated, threatened species, designated and State significant development are defined in the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning</i></p>

				<i>and Assessment Regulation 2000.</i>
	4 The use of the term 'excluding personal information' is unclear.	1.7.6 on page 8	It should be noted that submissions may be made available to the applicant and the public, in accordance with Schedule 1 clause 3 of the <i>Government Information (Public Access) Regulation 2018</i> including both the contents of the submission and the identity of the submitter.	Paragraph 2 be reworded as follows: Any submissions and the identity of the submitter received by Council during notification may be made available to the general public.
	5 Due to changes to 1.7.4 as recommended above this clause needs to be altered.	1.7.7 on page 8		Paragraph 1 and the first three dot points be deleted so that the wording be as follows: Development for purposes other than those listed in Clause 1.7.4 which, in the opinion of the Council's General Manager or his/her delegate, requires public comment. Where a development application is amended post neighbour notification/public advertising and at any time prior to determination, the development application will be renotified/re-advertised in accordance with the time periods specified. If, in the opinion of Council, or its delegated officers, the likely environmental impact is the same or will be reduced as a result of the amendments, the development application will not need to be re-notified/re-advertised.

				<p>If a development application is withdrawn by the applicant and a subsequent development application is made, the new development application will need to be notified/publicly advertised, as if the previous application had not been made.</p> <p>Where a development application is subject to a review under the <i>Environmental Planning and Assessment Act 1979</i> – and where plans are amended as part of the request to review, the plans will be re-notified/re-advertised if the application was originally notified/advertised.</p> <p>Note – Refer to Council’s fees and charges to determine whether fees for advertising apply to your development.</p>
6	Car parking layout should refer to Australian Standard.	3.2.3.2 on page 19	It is appropriate to refer to Australian Standards rather than Council’s adopted Engineering Planning and Design Manual	<p>Replace paragraph 2 with the following:</p> <p>The layout and dimensions of car parking areas are to be provided in accordance with AS/NZ 2890.1, AS/NZ 2890.6 and AS 2890.2</p>
7	The provision relating to heights of retaining walls needs to be altered to be consistent with the provisions of the Building Code of Australia.	3.2.15 on page 26	The reference to 900mm in the first paragraph needs to be corrected to 800mm to be consistent with recent changes to the Building Code of Australia.	<p>Paragraphs 1 and 3 be revised to read:</p> <p>Any retaining wall that is not complying or exempt development, and is higher than 800mm must be designed by a structural engineer and made from appropriate material.</p>

	8 Car parking standard should refer to Australian Standard.	4.11.4 on page 47	It is appropriate to refer to Australian Standards rather than Council's adopted Engineering Planning and Design Manual	All vehicular parking spaces shall be sealed (bitumen, concrete or paving) in accordance with AS/NZ 2890.1.
	9 Car parking standard should refer to Council's adopted Urban Driveway Construction Specification.	4.11.18 on page 53		Paragraph 1 be modified to read: Vehicular access, including driveways, cross overs and layback, to the site is to be located and constructed in accordance with Council's adopted Urban Driveway Construction Specification.
	10 References to Council's Engineering Planning and Design Manual need a minor change.	4.11.20 on page 53	An Engineering Planning and Design Manual does not exist but the Tumut Shire Council Planning and Design Manual is being updated to apply to Snowy Valleys Council.	Paragraph 2 be changed to state: The size of the water service will be in accordance with Council's adopted Planning and Design Manual.
	11 Internal road design should refer to the Australian Standard.	5.3.4.7 on page 57		Paragraph 2 be adjusted as follows: Details of internal road design standards are specified in AS 2890.2
	12 Construction standards should refer to Council's adopted Urban Driveway Construction Specification.	5.3.4.12 on page 60		Paragraph 2 be amended to read: The standard of construction is dependent on the type of vehicles that will use the parking facility as well as the level of vehicular activity associated with the development and shall be in accordance with Council's adopted Urban Driveway Construction Specification.

	13 Reference to Council's adopted Engineering Planning and Design Manual should be deleted.	5.3.4.14 on page 60		Paragraph 3 be deleted.
	14 Access standards should refer to Council's adopted Urban Driveway Construction Specification.	5.3.4.15 on page 61		Paragraph 7 be transformed to state: Access is to be designed in accordance with Council's adopted Urban Driveway Construction Specification.
	15 References to Council's Engineering Planning and Design Manual need a minor change.	5.3.15 on pages 66 and 67		Paragraphs 5 and 6 be adjusted to state: Water and sewer mains structures are to be located in accordance with Council's adopted Planning and Design Manual. Where feasible development is to be connected to Council's reticulated water supply and sewerage system in accordance with Council's adopted Planning and Design Manual.
	16 Accessible parking should refer to the specific Australian Standard.	6.3.5.1 on page 74		Paragraph 1 be varied as follows: Accessible car parking must be located as close as practicable to the main entrance to the building and comply with the requirements of AS/NZ 2890.6.
	17 Parking layouts for industrial development need to refer to the Australian Standard	6.3.5.3 on page 75		Paragraph 1 be improved to read: The turning paths and general manoeuvring requirements for cars, trucks and semi-trailers are to be designed with reference to AS 2890.2.
	18 Construction standards should refer to Council's	6.5.3.8 on page 77		Paragraph 2 be modified to read:

	adopted Urban Driveway Construction Specification.			Developers are to refer to Council's adopted Urban Driveway Construction Specification.
19	Access standards should refer to Council's adopted Urban Driveway Construction Specification.	6.3.5.11 on page 77		Paragraph 8 be changed to state: Access is to be designed in accordance with Council's adopted Urban Driveway Construction Specification.
20	References to Council's Engineering Planning and Design Manual need a minor change.	6.3.19 on page 80	An Engineering Planning and Design Manual does not exist but the Tumut Shire Council Planning and Design Manual is being updated to apply to Snowy Valleys Council.	Paragraph 1 be varied to read: Industrial developments will be required to connect to Council's water and sewerage system in accordance with Council's adopted Planning and Design Manual unless it can be demonstrated that the development does not require effluent disposal facilities on the site.
21	References to Council's Engineering Planning and Design Manual need a minor change.	9.8.7 on pages 116 and 117		Paragraphs 1 and 3 be altered to read: New rural roads are to be designed and constructed in accordance with Council's Planning and Design Manual. These roads are to be dedicated to Council as public roads. Where new lots gain access from a Crown road, the road is to be upgraded and constructed to meet the minimum standards specified in Council's Planning and Design Manual.
22	References to Council's Engineering Planning and Design Manual	9.3.1 on pages 104 and 105		Paragraphs 2 and 6 be changed as follows: Footpaths are to be provided in accordance

	need a minor change.			with Council's Planning and Design Manual. Street networks are to provide good external connections for local vehicle, pedestrian and cycle movement. Their design is to promote functional movement of vehicles while limiting speed and avoiding any detours to through traffic in accordance with Council's Planning and Design Manual.
	23 References to Council's Engineering Planning and Design Manual need a minor change.	9.3.7 on page 108		Paragraph 4 be modified to read: Stormwater design and works are to be undertaken in accordance with Council's adopted Planning and Design Manual.
	24 References to Council's Engineering Planning and Design Manual need a minor change.	9.6.4 on page 111		Paragraph 4 be adjusted to read: Stormwater design and works are to be undertaken in accordance with Council's adopted Planning and Design Manual.