



# **SNOWY VALLEYS COUNCIL ORDINARY MEETING**

## **AGENDA**

**Thursday, 16 March 2023**

THE MEETING WILL BE HELD AT 2:00 PM  
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT AND  
VIA VIDEO LINK

## Statement of Ethical Obligations

Councillors are reminded of the oath or affirmation of office they made under section 233A of the Local Government Act 1993 and the obligation under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

## Disclosure of Pecuniary Interests at meetings (extract from the Code of Conduct – Section 4)

- 4.28** Councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29** The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30** In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31** Disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

## Disclosure of Political Donations and Gifts

The *Environmental Planning and Assessment Act 1979* places obligations on Councillors, staff, applicants and any person who makes a public submission, to disclose information relating to political donations and gifts during the environmental plan making or development assessment process.

The fact that political donations or gifts have been made by applicants / proponents of a planning application should not affect whether an application is approved or refused. Political donations or gifts should not be relevant in making a determination. The matter should be determined on its merits. Nor do they provide grounds for challenging the determination of any applications.

For further information, visit [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations)

Furthermore, for each planning decision made at a Council or Committee Meeting, the names of Councillors who supported the decision and those that oppose the decision must be recorded. (*Sec. 375A of the Local Government Act 1993*)

**Use of mobile phones and the unauthorised recording of meetings  
(extract from the Code of Meeting Practice – Section 15)**

- 15.21** Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22** A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23** Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24** If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

**Livestreaming of Meetings (extract from the Code of Meeting Practice – Section 5)**

This meeting is live streamed on Council's website to allow the community to follow Council debates and decisions without the need to attend meetings in person. Members of the public attending or speaking at a meeting agree to have their image, voice and personal information (including name and address) recorded and publicly broadcast. Snowy Valleys Council does not accept liability for any defamatory remarks or inappropriate comments that are made during the course of a meeting. Any part of the meeting that is held in closed session will not be streamed.

- 5.19** All meetings of the council and committees of the council are to be webcast on the council's website.

**Photography**

Flash photography is not permitted at a meeting of the Council or a Committee of the council without the consent of the General Manager.

**Public Forum (extract from the Code of Meeting Practice – Section 4)**

- 4.1** The Council may hold a public forum prior to each Ordinary Council meeting for the purpose of hearing oral submissions on items of business to be considered at the meeting.
- 4.2** Public forums are to be chaired by the mayor or their nominee.

Those attending must comply with the terms and conditions of the Code of Meeting Practice which can be viewed on Council's website;

<http://www.snowyvalleys.nsw.gov.au/Council/Governance/Policies>



Thursday, 16 March 2023

In the Council Chambers 76 Capper Street Tumut and Via Video Link

2:00 PM

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## **1. ACKNOWLEDGEMENT OF COUNTRY**

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*Snowy Valleys Council proudly acknowledges the traditional owners and custodians of this land and water and pay respects to their Elders past and present.*

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## **2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE**

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## **3. DECLARATIONS OF PECUNIARY INTEREST**

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*Pursuant to Section 4 of the Code of Conduct, Councillors are required to declare any direct or indirect pecuniary interest in any matters being considered by Council.*

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## **4. CONFIRMATION OF MINUTES**

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### **4.1. MINUTES - ORDINARY COUNCIL - 16 FEBRUARY 2023**

#### **RECOMMENDATION:**

That the Minutes of the Ordinary Council Meeting held on Thursday 16 February 2023 be received and confirmed as an accurate record.

**Attachment 1 - 20230216 - DRAFT Minutes - Ordinary Council**



**SNOWY VALLEYS COUNCIL  
ORDINARY MEETING**

**MINUTES**

**Thursday, 16 February 2023**

MEETING HELD AT 2:00 PM  
IN THE COUNCIL CHAMBERS 76 CAPPER STREET TUMUT

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

**PRESENT:** Mayor Ian Chaffey (Chair), Councillor Johanna (Hansie) Armour, Councillor Julia Ham, Councillor Sam Hughes, Councillor James Hayes, Councillor Mick Ivill, Councillor John Larter, Councillor Brent Livermore, Councillor Trina Thomson,.

**IN ATTENDANCE:** General Manager Ken Gouldthorp, Acting Director Infrastructure & Works Glen McGrath, Director Community & Corporate Jessica Quilty, Manager Finance Parthiv Parekh and Executive Assistant Jeannie Moran-Fahey.

## 1. ACKNOWLEDGEMENT OF COUNTRY

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An acknowledgement of the traditional custodians of the land was delivered by Cr Trina Thomson.

## 2. APOLOGIES, LEAVE OF ABSENCE AND REMOTE ATTENDANCE

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A Leave of Absence request has been received from Cr Mick Ivill for the 16 April 2023 Ordinary Meeting of Council.

**M01/23 RESOLVED** that the Leave of Absence request from Cr Mick Ivill for the 16 April Ordinary Meeting of Council be received and granted.

Cr Larter/Cr Ham

**CARRIED UNANIMOUSLY**

## 3. DECLARATIONS OF PECUNIARY INTEREST

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Cr Julia Ham declared a pecuniary interest in relation to report 11.2 Tumbarumba Start Strong Preschool Location - Community Feedback due to being the President of the Tumbarumba Preschool Committee and will leave the room during discussion.

Cr Julia Ham declared a non pecuniary interest in relation to report 11.8 Applications for Event Sponsorship due to being on the Tumbafest Committee and will remain in the room during discussion and participate in the voting.

Cr Hansie Armour declared a pecuniary interest in 11.5 Draft Tumut Town Centre Traffic and Parking Study 2023 - Public Exhibition due to being the Tumut Connection Director/Secretary and will leave the room during discussion.

Cr Brent Livermore declared a non-significant non-pecuniary interest in relation to report 11.8 Applications for Event Sponsorship due to membership of Tumbarumba Camp Draft and will leave the room during discussion.

## 4. PUBLIC FORUM

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Nil.



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## **5. CONFIRMATION OF MINUTES**

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### **5.1. MINUTES - ORDINARY COUNCIL - 8 DECEMBER 2022**

#### **M02/23 RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 8 December 2022 be received and confirmed as an accurate record.

Cr Trina Thomson/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

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## **6. CORRESPONDENCE/PETITIONS**

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Nil.

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## **7. NOTICE OF MOTION/NOTICE OF RESCISSION**

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### **7.1. NOTICE OF MOTION - RECENT AWARD RECIPIENTS**

#### **M03/23 RESOLVED:**

THAT COUNCIL:

1. Congratulate Tumbafest and Courabyra Wines for taking the NSW Tourism Awards.

Cr Julia Ham/Cr James Hayes

**CARRIED UNANIMOUSLY**

#### **M04/23 RESOLVED:**

THAT COUNCIL:

1. Congratulate the NSW Cross Border Commissioner, James McTavish for receiving his third National Award.

Cr James Hayes/Cr Julia Ham

**CARRIED UNANIMOUSLY**

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## **8. MAYORAL MINUTE**

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Nil.

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## **9. URGENT BUSINESS WITHOUT NOTICE**

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Nil.

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**10. GOVERNANCE AND FINANCIAL REPORTS**

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**10.1. 2024 ELECTIONS - COUNCIL DECISION REGARDING ADMINISTRATION****M05/23 RESOLVED:**

## THAT COUNCIL:

The Snowy Valleys Council ("the Council") resolves:

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

Cr Trina Thomson/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

**10.2. COUNCILLOR EXPENSES FOR THE SIX MONTHS PERIOD ENDING 31 DECEMBER 2022****M06/23 RESOLVED:**

## THAT COUNCIL:

1. Note the report on Councillor Expenses for the six months period ending 31 December 2022.

Cr James Hayes/Cr John Larter

**CARRIED UNANIMOUSLY**

**10.3. QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2022****M07/23 RESOLUTION:**

## THAT COUNCIL:

1. Receive and adopt the Quarterly Budget Review as at 31 December 2022; and
2. Adopt the Revenue, Expenditure and Capital Budget adjustments as noted in the December Quarterly Budget Review and with further amendment to incorporate the increased budget allocation (\$550,000) for Snow View Estate previously resolved.

Cr Brent Livermore/Cr Julia Ham

**CARRIED UNANIMOUSLY**

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Mayor

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General Manager

**10.4. SIX MONTHLY DELIVERY PROGRAM AND OPERATIONAL PLAN PROGRESS REPORT (JULY to DECEMBER 2022)****MOTION:**

THAT COUNCIL:

1. Endorse the 2022-2023 Six Monthly Delivery Program and Operational Plan Progress Report (July to December 2022).

Cr John Larter/Cr Julia Ham

**M08/23 RESOLVED** to move into Committee of the Whole.

Cr Julia Ham/Cr Johanna (Hansie) Armour

**CARRIED UNANIMOUSLY****M09/23 RESOLVED** to move out of Committee of the Whole.

Cr Julia Ham/Cr Johanna (Hansie) Armour

**CARRIED UNANIMOUSLY**

The motion was then put and carried.

**M10/23 RESOLVED:**

THAT COUNCIL:

1. Endorse the 2022-2023 Six Monthly Delivery Program and Operational Plan Progress Report (July to December 2022).

Cr John Larter/Cr Julia Ham

**CARRIED UNANIMOUSLY****10.5. STATEMENT OF INVESTMENTS - DECEMBER 2022****M11/23 RESOLVED:**

THAT COUNCIL:

1. Note the report on Statement of Investments - December 2022.

Cr John Larter/Cr Sam Hughes

**CARRIED UNANIMOUSLY****10.6. STATEMENT OF INVESTMENTS - JANUARY 2023****M12/23 RESOLVED:**

THAT COUNCIL:

1. Note the report on Statement of Investments - January 2023.

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\_\_\_\_\_  
Mayor\_\_\_\_\_  
General Manager

Cr Julia Ham/Cr Trina Thomson

**CARRIED UNANIMOUSLY**

## **11. MANAGEMENT REPORTS**

### **11.1. TUMUT AERODROME DRAFT MASTER PLAN - FOR PUBLIC EXHIBITION**

**M13/23 RESOLVED:**

THAT COUNCIL:

1. Endorse the Tumut Aerodrome Draft Master Plan for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition period, a further report will be provided to Council;
3. Adopt the Tumut Aerodrome Draft Master Plan if no submissions are received on the day after the completion of the public exhibition period;
4. Note the summary of the Civil Aviation Safety Authority (CASA) agreement for non-standard runway strip width and the overall positive outcomes for Tumut Aerodrome; and
5. Authorise the General Manager to negotiate with and accept the exemption as provided by CASA regarding a non-standard runway strip width at Tumut Aerodrome.

Cr Trina Thomson/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

Cr Julia Ham left the room at 2.27pm.

### **11.2. TUMBARUMBA START STRONG PRESCHOOL LOCATION - COMMUNITY FEEDBACK**

**M14/23 RESOLVED:**

THAT COUNCIL:

1. Note the public submissions received in response to the proposed lease of King Georges Park Tumbarumba for the purposes of a Preschool;
2. Request proponents of the proposed preschool enable community access to sections of King Georges Park Tumbarumba outside of Preschool operational hours;
3. Seeks that the proponents consider amendments to the existing proposed plan to include car parking along the road reserve to minimise impact on the natural environment, and preserve as many trees as possible; and
4. Seek the consent of the Minister for Local Government for lease of King Georges Park Tumbarumba for purpose of a preschool.

Cr James Hayes/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

Cr Julia Ham returned to the meeting at 2.29pm.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

**11.3. SNOWY VALLEYS COUNCIL CHILD SAFE POLICY - PUBLIC EXHIBITION****M15/23 RESOLVED:**

## THAT COUNCIL:

1. Endorse the Draft Child Safe Policy SVC-COR-PO-125-02 for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition, a further report will be provided to council; and
3. Adopt the Child Safe Organisational Policy if no submissions are received on the day after the completion of the public exhibition period.

Cr Sam Hughes/Cr James Hayes

**CARRIED UNANIMOUSLY**

**11.4. ESTABLISHMENT OF A FLOODPLAIN RISK MANAGEMENT COMMITTEE - TUMBARUMBA FLOODPLAIN****M16/23 RESOLVED:**

## THAT COUNCIL:

1. Formally establish a Floodplain Risk Management Committee- Tumbarumba being an advisory committee of Council;
2. Accept the funding offer from the Department of Planning and Environment in the amount of \$80,000 dated 1st December 2022;
3. Allocate funding in the amount of \$20,000 in the 2023/24 financial year budget to comply with its obligations to provide a 4:1 funding ratio contribution to the program; and
4. Appoint Councillor Brent Livermore and Councillor Julia Ham as representatives to the Tumbarumba Floodplain Risk Management Committee.

Cr Mick Ivill/Cr Julia Ham

**CARRIED UNANIMOUSLY**

Cr Armour left the room at 2.32pm.

**11.5. DRAFT TUMUT TOWN CENTRE TRAFFIC AND PARKING STUDY 2023 - PUBLIC EXHIBITION****M17/23 RESOLVED**

That the report be deferred pending a further workshop.

Cr Trina Thomson/Cr Julia Ham

**CARRIED UNANIMOUSLY**

Cr Armour returned to the room at 2.33pm.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

**11.6. DEVELOPMENT CONTROL PLAN 2019 - ADMINISTRATIVE AMENDMENTS****MOTION:**

## THAT COUNCIL:

1. Endorse the Draft administrative amendments to the Snowy Valleys Council Development Control Plan 2019 for public exhibition for a period of no less than 28 days;
2. Note if submissions are received during the exhibition period, a further report will be provided to council; and
3. Adopt the administrative amendments to the Snowy Valleys Development Control Plan 2019 if no submissions are received on the day after the completion of the public exhibition period.

Cr John Larter/Cr Sam Hughes

**M18/23 RESOLVED:**

That Item 11.6 be deferred to a future workshop.

Cr Brent Livermore/Cr Julia Ham

**CARRIED UNANIMOUSLY****11.7. DRAFT ONSITE SEWER MANAGEMENT STRATEGY 2023 - FOR PUBLIC EXHIBITION**

The item was withdrawn at the request of the General Manager and with the consent of Council in order to clarify financial (rating) implications and will be resubmitted to Council at a future meeting.

**11.8. APPLICATIONS FOR EVENT SPONSORSHIP**

Cr Livermore left the meeting at 2.35pm.

**M19/23 RESOLVED:**

## THAT COUNCIL:

1. Note the report on the Applications for Event Sponsorship;
2. Council allocate the following event sponsorship for 2022/23.

| Event name                   | Recommended Sponsorship Amount               |
|------------------------------|--|
| Falling Leaf Festival        | \$4,096                                      |
| Ciderfest                    | \$5,012                                      |
| Mosaic Multicultural Fest    | \$694  |
| Upper Murray Beef Forum      | \$1,500                                      |
| Blues, Brews and BBQs        | \$1,710                                      |
| Hume & Hovell Ultra Marathon | \$Up to 7,000 (based on available resources) |
| Tumbarumba Polocrosse        | \$1,020                                      |

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\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

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Thursday, 16 February 2023

| Event name  | Recommended Sponsorship Amount |
|---|--------------------------------|
| Tumbarumba Campdraft                                  | \$4,000                        |
| Tumut Pub 9s  | \$2,510                        |
| Tumbafest   | \$11,000                       |
| Tumut Art Society Traveling Exhibition:<br>RegenerART | \$1,201                        |

Cr James Hayes/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

Cr Livermore returned to the meeting at 2.38pm.

**12. MINUTES OF COMMITTEE MEETINGS**

Nil.

**13. CONFIDENTIAL****M20/23 RESOLVED:**

That Council move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10A(2) of the *Local Government Act 1993* for the reasons specified:

**13.1 CONFIDENTIAL - TUMUT AERODROME STAGE 2 PROJECT - LAND ISSUES**

*Item 13.1* is confidential under the *Local Government Act 1993* Section 10A (2) (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**13.2 CONFIDENTIAL - LATE REPORT - RURAL FIRE SERVICE AND FORESTRY CORPORATEION FACILITY - TUMUT AERODROME - HEADS OF AGREEMENT**

*Item 13.2* is confidential under the *Local Government Act 1993* Section 10A (2) (c) as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Cr Mick Ivill/Cr Sam Hughes

**CARRIED UNANIMOUSLY**

The meeting was closed to the public at 2.39pm.

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\_\_\_\_\_  
Mayor\_\_\_\_\_  
General Manager

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Snowy Valleys Council Ordinary Meeting Minutes

Thursday, 16 February 2023

**M21/23 RESOLVED** to return to open council.

Cr Trina Thomson/Cr Mick Ivill

**CARRIED UNANIMOUSLY**

At this stage, the time being 3.15pm the meeting was re-opened to the public.

The General Manager advised that during the closed session, Council made the following resolutions:

**13.1 CONFIDENTIAL - TUMUT AERODROME STAGE 2 PROJECT - LAND ISSUES**

**M22/23 RESOLVED:**

THAT COUNCIL:

1. Note the report and endorse the proposed process for land acquisition in accordance with the *Local Government Act 1993* and the *Land Acquisition (Just Terms Compensation) Act 1991*.

Cr Mick Ivill/Cr John Larter

**CARRIED UNANIMOUSLY**

**13.2 CONFIDENTIAL - LATE REPORT - RURAL FIRE SERVICE AND FORESTRY CORPORATION FACILITY - TUMUT AERODROME - HEADS OF AGREEMENT**

**M23/23 RESOLVED:**

THAT COUNCIL:

1. Accept the verbal report from the General Manager

Cr Trina Thomson/Cr Johanna (Hansie) Armour

**CARRIED UNANIMOUSLY**

There being no further business to discuss, the meeting closed at 3.16pm.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager



**5. CORRESPONDENCE/PETITIONS**

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**6. NOTICE OF MOTION/NOTICE OF RESCISSION**

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**7. MAYORAL MINUTE**

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**8. URGENT BUSINESS WITHOUT NOTICE**

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## **9. GOVERNANCE AND FINANCIAL REPORTS**

### **9.1. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - 2023 NATIONAL GENERAL ASSEMBLY - 13-16 JUNE 2023**

**REPORT AUTHOR: EXECUTIVE SUPPORT OFFICER**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

#### **EXECUTIVE SUMMARY:**

Details of the Australian Local Government Association's (ALGA) 2023 National General Assembly have been announced. The 2023 conference is a hybrid event, scheduled for Tuesday 13 June to Friday 16 June 2023.

These dates clash with the current June Council meeting schedule and it is proposed to put the June round of meetings back one week to remove the clash. The additional week will also assist with budget preparations.

Councillors are requested to review the attached discussion paper and nominate to attend the conference to fulfil their civic duties and as part of their professional development plan. This report will also confirm voting delegations for Snowy Valleys Council for motions raised at the Conference.

#### **RECOMMENDATION:**

##### **THAT COUNCIL:**

- 1. Note the report on Australian Local Government Association – 2023 National General Assembly – 13-16 June 2023 at the National Convention Centre;**
- 2. Propose the June Councillor Workshop be moved from the 1st to the 8th and the June Council meeting be moved from the 15th to the 22nd;**
- 3. Approve the in-person attendance of the Mayor and Deputy Mayor to the 2023 National General Assembly, provided there is sufficient funds within budget allocations at the time of registering attendance;**
- 4. Approve the in-person or remote attendance of additional Councillors to the 2023 National General Assembly, provided there is sufficient funds available in their Training Budget at the time of registering attendance;**
- 5. Confirm the Mayor as the voting delegate for Snowy Valleys Council, and in the event of the Mayor's absence, the Deputy Mayor as the alternate voting delegate;**
- 6. Submit any motions to Council by Friday 24 March 2023; and**
- 7. Approve the in-person attendance to the 2023 Australian Council of Local Government (ACLG) held on Friday 16 June immediately following the 2023 National General Assembly.**

#### **BACKGROUND:**

The National General Assembly (NGA) is the peak annual event for elected representatives and officials of Local Government. It provides the opportunity for Local Government to engage directly with the Federal Government, to develop national policy, and to influence the future direction of our councils and our communities.

**REPORT:**

The National General Assembly (NGA) will be held 13-16 June 2023, via virtual or in-person attendance at the National Convention Centre, Canberra. This conflicts with the June Council meeting scheduled for the 15th.

It has recently been announced that the 2023 Australian Council of Local Government (ACLG) will be held at the National Convention Centre in Canberra on Friday 16 June, immediately following the 2023 NGA. Registration fees are to be provided in the coming weeks. Following the resolution from this report will determine if a report will be presented at a future Council meeting for Councillors to register for the 2023 ACLG.

The theme for this year's Assembly, 'Our Communities, Our Future', conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work. Our communities are the reason that local governments exist, and it is the health and wellbeing of our communities that will shape Australia's future.

By the time of the 2023 NGA, the Government will have delivered its second Budget, which will provide further updates to the economic outlook and also refine its economic strategy going forward. The 2023 NGA will provide an opportunity to advocate for new or extended programs and policy initiatives that could strengthen local governments' capacity to deliver services and infrastructure to communities across the nation. This year's call for motions focuses on eight (8) priority areas:

- Productivity
- Local Government Infrastructure
- Community Wellbeing
- Local Government Workforce
- Data, Digital Technology and Cyber Security
- Climate Change and Renewable Energy
- Natural Disasters
- Housing.

The Conference Discussion Paper is attached for the information of Councillors. Amendments to the criteria for motions have been updated and can be found in the Discussion Paper. Motions are to be submitted by Friday 24 March 2023.

It is expected that, as a minimum, the Mayor and Deputy Mayor will attend in-person the full conference, with attendance by other Councillors (either in-person or remotely) to be confirmed by resolution during the March meeting.

Council is allocated one voting delegate for voting on motions raised, with one electronic voting device provided to Council at the commencement of the conference. There is no requirement to advise ALGA the details of the voting delegate, either before or during the conference. Traditionally the Mayor holds the voting delegate's rights, with the Deputy Mayor allocated as an alternate voting delegate in the absence of the Mayor.

## Conference Registration Rates:

| Registration Details                     | Early Bird Rate* | Standard Rate |
|--|------------------|---------------|
| NGA Registration - In Person - Tues-Fri  | \$895            | \$995         |
| Standard Virtual Registration - Tues-Fri | N/A              | \$689         |

| Registration Details                              | Early Bird Rate* | Standard Rate |
|---|------------------|---------------|
| NGA Registration - In Person & Remote – Wed only  | N/A              | \$489         |
| NGA Registration - In Person & Remote -Thurs only | N/A              | \$489         |
| Regional Forum Only                               | N/A              | \$425         |
| Regional Forum – NGA Delegate                     | N/A              | \$225         |
| Networking Dinner                                 | N/A              | TBA           |
| Conference Dinner                                 | N/A              | TBA           |

**\*Early bird registrations close Friday 19 May**

Accommodation Rates (when booked as part of the conference registration process):

| Hotel Details                               | Rate per Night |
|---|----------------|
| A by Adina – Studio Room                    | \$239          |
| A by Adina – 1 Bedroom Apartment            | \$269          |
| A by Adina – 2 Bedroom Apartment            | \$449          |
| Avenue Hotel – Superior King Room           | \$295          |
| Avenue Hotel – 1 Bedroom Apartment          | \$345          |
| Crowne Plaza – Superior Room                | \$350          |
| Crowne Plaza – Deluxe Room                  | \$395          |
| Mantra on Northbourne – 1 Bedroom Apartment | \$209          |
| Nesuto Apartments – Studio Apartment        | \$219          |
| Nesuto Apartments – 1 Bedroom Apartment     | \$239          |
| Peppers Gallery Hotel – Queen Room          | \$249          |
| Peppers Gallery Hotel – King Room           | \$269          |
| Qt Canberra – King Room                     | \$239          |
| Qt Canberra – Superior King Room            | \$259          |
| Sebel Canberra Civic – Superior Room        | \$199          |
| Sebel Canberra Civic – Executive Room       | \$199          |

Four nights' accommodation is required to allow full attendance at both the Regional Forum and the National General Assembly. Using the accommodation rates above, it is estimated that the total accommodation costs per delegate could range between \$796 and \$1796, subject to room availability at the time of registration.

An administration charge of \$110.00 will be made to any participant cancelling before Friday 19 May 2023. Cancellations received after Friday 19 May 2023 will be required to pay full registration fees. However, if those approved to attend are unable to attend, substitutes are welcome at no additional cost.

**LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

**Integrated Planning and Reporting Framework:**

**Community Strategic Plan Theme**

## Theme 1 - Our Community

**Community Strategic Plan Strategic Objectives**

CSP1 Our communities are connected and inclusive. Supported by services that nurture health, wellbeing and identity

**Delivery Program Principal Activities**

1.2 Provide and maintain community spaces that encourage activity and wellbeing

**FINANCIAL AND RESOURCES IMPLICATIONS:**

Provision within Council's 2022/23 Operational Budget have been made for the attendance at conferences and training courses by Councillors.

At the commencement of this term, a pro-rata amount of \$39,500 was allocated for training and conference attendance by the Mayor and Councillors as per below:

Mayor \$6500

Deputy Mayor \$5000

Councillors \$4000 each

The current balance for each Councillor and the impact of the costs incurred through attending the conference are detailed below, noting that actual costs will be subject to attaining the early bird conference registration rate, confirmation on dinner events, and available accommodation:

| Councillor        | Opening Balance | Costs Proposed In This Report | Closing Balance  |
|-------------------|-----------------|-------------------------------|------------------|
| Mayor Chaffey     | \$4254          | Max \$2691<br>Min \$689       | \$1563<br>\$3565 |
| Dep Mayor Thomson | \$3402          | Max \$2691<br>Min \$689       | \$711<br>\$2713  |
| Cr Armour         | \$3801          | Max \$2691<br>Min \$689       | \$1110<br>\$3112 |
| Cr Ham            | \$1953          | Max \$2691<br>Min \$689       | -\$738<br>\$1264 |
| Cr Hayes          | \$3801          | Max \$2691<br>Min \$689       | \$1110<br>\$3112 |
| Cr Hughes         | \$1854          | Max \$2691<br>Min \$689       | -\$837<br>\$1165 |
| Cr Ivill          | \$4000          | Max \$2691<br>Min \$689       | \$1309<br>\$3311 |
| Cr Larter         | \$4000          | Max \$2691<br>Min \$689       | \$1309<br>\$3311 |
| Cr Livermore      | \$3801          | Max \$2691<br>Min \$689       | \$1110<br>\$3112 |

Council approval for conference attendance is conditional on adequate funds being available.

**Costs and Benefits:**

## Expected Benefits:

- provides an excellent opportunity for networking with other Councillors
- provides all Councillors an opportunity to increase their knowledge on issues and matters affecting local government
- provides Council the opportunity to advocate on issues and matters of local importance to other councils and organisations
- satisfies requirements for inclusion within Councillor's Professional Development Plans.

## Expected Costs:

- the direct costs are included in the Report and Financial sections and vary depending on in-person or remote attendance, and accommodation requirements.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Council's *Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy* requires Council to make resolution on conference attendance for those Councillors seeking Council's financial support to attend.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Councillors need to consider financial costs to attend, cancellation fees, and the remaining Councillor funds available to ensure Council stays within budget.

**OPTIONS:**

Council can confirm additional Councillors as voting delegates (in the absence of the Mayor and Deputy Mayor).

Council can opt not to attend the conference in any capacity i.e. no representation.

Council can limit the attendance to the Mayor and Deputy Mayor.

Council can approve other Councillors to attend, either in-person or remotely.

Councillors can opt to forfeit all or part of their training budget allocation to another Councillor.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Councillors' attendance at the conference requires a further report to Council which will document the learnings from the attendance in accordance with the *Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy*.

**ATTACHMENTS**

1. 2023 National General Assembly Discussion Paper (Under separate cover)

## 9.2. PECUNIARY INTEREST RETURNS FOR DESIGNATED STAFF

**REPORT AUTHOR: GOVERNANCE OFFICER**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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### **EXECUTIVE SUMMARY:**

To present to the Council the Pecuniary Interest Returns for designated persons in accordance with Section 4.21 of the Snowy Valleys Council Code of Conduct.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Note the following Declarations of Pecuniary Interest Returns from newly appointed Designated Persons as at 28 February 2023 as listed in accordance with the Code of Conduct:**

**Designated Persons:**

**General Manager; Director Community & Corporate; Acting Director Infrastructure & Works, Manager Growth & Activation; and**

- 2. Approve for the redacted Pecuniary Interest Returns Designated Staff to be placed on Council's website in accordance with the current Information and Privacy Commission Guideline**

### **BACKGROUND:**

The *Local Government Act 1993* (the Act) provides for the management of pecuniary interests. It places specific obligations on Councillors, council delegates, key council staff and other people involved in making decisions or giving advice on council matters to act honestly and responsibly in carrying out their functions.

Those obligations include the lodgement of disclosure of interest returns annually.

A pecuniary interest in a matter is one where there is a reasonable likelihood or expectation of appreciable financial loss or gain to the person, or to other persons as defined by section 443 of the Act. This calls for an objective judgement in each case as to whether a pecuniary interest exists.

Council also manages pecuniary interests through its application of the adopted Code of Conduct. This report is in compliance with Clause 4.21 of the Code of Conduct:

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 of this code, disclosing the council's or designated person's interest as specified in schedule 1 of this code within 3 months after:

- (a) becoming a councillor or designated person, and
- (b) 30 June of each year, and
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

### **REPORT:**

Pecuniary Interest Returns received as at 28 February 2022 for designated persons are tabled at this meeting in compliance with Clause 4.25 of the Code of Conduct:

4.25 Returns required to be lodged with the general manager under clause 4.21 (a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

The Council has issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The responsibility is with each individual to ensure their Pecuniary Interest Return is completed accurately and in compliance with the regulations and guidelines. The Code of Conduct prescribes the manner in which returns are completed, lodged and held.

Clause 4.27 states:

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

Information and Privacy Commission's, Guideline 1 Returns of Interests in association with Office of Local Government's Circular No 19/21 states that Councillors and designated persons returns of interest must be made publicly available free of charge on Council's website.

The combined effect of the GIPA Act 2009 and the GIPA Regulation 2018 is that the information in the returns needs to be disclosed on the website of each local council, unless to do so would impose unreasonable costs on the council, or if the council determines there was an overriding public interest against disclosing the information.

In order to decide whether there is an overriding public interest against disclosure, Council needs to apply the public interest test (See GIPA Act 2009 Section 14 attached) and weigh the public interest considerations in favour of and public interest considerations against disclosure.

Clause 3 in the Table in Section 14 of the GIPA Act 2009 lists as a consideration against disclosure the fact that information may reveal someone's personal information, or would contravene an information privacy principle under the *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act).

An individual has a right to protect the privacy of their personal information. Given the amount of personal information that may be contained in the returns, special care should be taken to protect this right.

The type of information which might be deleted from a return in these circumstances will vary depending on the public interest considerations applied. However, examples might include the signatures or residential address of the individual making the return.

Releasing the information contained in the returns of Councillors and designated persons in this manner facilitates the legitimate public interest in having access to the information, while respecting other considerations against disclosure including privacy.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 5 - Our Civic Leadership

#### **Community Strategic Plan Strategic Objectives**

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

#### **Delivery Program Principal Activities**

5.4 Maintain and deliver a governance framework that guides good decision making, accountability and legislative compliance

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

Nil



**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Snowy Valleys Councils Code of Conduct Clause 4.21-4.27

The NSW Information and Privacy Commissions Information Access Guideline 1

Snowy Valleys Council Completion of Disclosure of Pecuniary Interest Returns for Councillors and Designated Persons Procedure

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Compliance with obligations to declare pecuniary interests supports good governance and risk management.

Lack of redaction of some of the information contained within the returns could expose a person to a risk of harm or of serious harassment or serious intimidation.

**OPTIONS:**

1. Adopt as per recommendations set out in this report.
2. Amend recommendations set out in this report and release the Pecuniary Interest Returns in FULL for the Councillors and Designated Persons on Council website in accordance with the adopted Information and Privacy Commission's Guideline 1.
3. Decline the recommendations set out in this report.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Nil

**ATTACHMENTS**

1. 2023 - Disclosure of Pecuniary Interest Return - General Manager - Ken Gouldthorp - Redacted (under separate cover)
2. 2023 - Disclosure of Pecuniary Interest Return - Director Community & Corporate - Jessica Quilty - Redacted (under separate cover)
3. 2023 - Disclosure of Pecuniary Interest Return - Acting Director Infrastructure & Works - Glen McGrath - Redacted (under separate cover)
4. 2023 - Disclosure of Pecuniary Interest Return - Manager Growth & Activation - Nicholas Wilton - Redacted (under separate cover)
5. NSW Information and Privacy Commission Information Access Guideline 1 (under separate cover)

**9.3. STATEMENT OF INVESTMENTS - FEBRUARY 2023****REPORT AUTHOR: FINANCE OFFICER****RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE****EXECUTIVE SUMMARY:**

This report provides an overview of Council's cash and investment portfolio performance as at 28 February 2023.

**RECOMMENDATION:****THAT COUNCIL:**

1. Note the report on Statement of Investments - February 2023.

**BACKGROUND:**

In accordance with section 212 of the Local Government (General) Regulations 2021, a monthly report is required to be submitted to Council detailing all investments of Council.

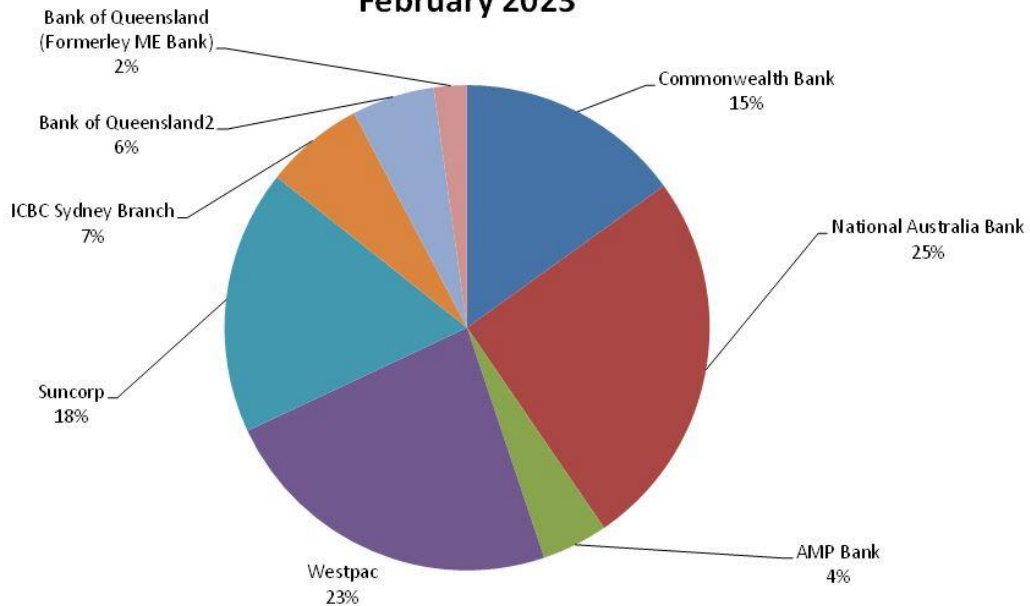
**REPORT:**

The following table contains a list of cash, at call investments and term deposits held by Council as at 28 February 2023.

| <b>Combined Cash &amp; Investments Table</b>       |        | 28/02/2023           |                      |                     |                |                |               |                      |               |        |
|--|--------|----------------------|----------------------|---------------------|----------------|----------------|---------------|----------------------|---------------|--------|
| Cash & 11am at call Accounts                       | Branch | Current Month        | Last Month           | Movement            | Type           | Interest Rate% | Maturity Date | % of Total Portfolio | % of Category | Rating |
| Commonwealth Bank                                  | Tumut  | \$ 868,429           | \$ 1,131,626         | -\$ 263,198         | W/Acct         | 0.10%          |               | 1.9%                 | 12.7%         | AA-    |
| Commonwealth Bank                                  | Tumut  | \$ 5,955,944         | \$ 3,142,092         | \$ 2,813,852        | At Call (BOS)  | 3.20%          |               | 13.1%                | 87.2%         | AA-    |
| Commonwealth Bank                                  | Tumut  | \$ 5,506             | \$ 4,083             | \$ 1,423            | Gen-Roth       | 0.10%          |               | 0.0%                 | 0.1%          | AA-    |
| <b>Sub Total Cash &amp; 11 am at Call Accounts</b> |        | <b>\$ 6,829,879</b>  | <b>\$ 4,277,801</b>  | <b>\$ 2,552,078</b> |                | <b>2.80%</b>   |               | <b>15.1%</b>         | <b>100.0%</b> |        |
| <b>Total Cash &amp; At Call Investments</b>        |        | <b>\$ 6,829,879</b>  | <b>\$ 4,277,801</b>  | <b>\$ 2,552,078</b> |                | <b>2.80%</b>   |               | <b>15.1%</b>         | <b>100.0%</b> |        |
| Term Deposits                                      | Branch | Current Month        | Last Month           | Movement            | Lodgement Date | Interest Rate% | Maturity Date | % of Portfolio       | % of Category | Rating |
| Bank of Queensland                                 | 335    | \$ -                 | \$ 2,000,000         | -\$ 2,000,000       | 21/02/2022     | 0.90%          | 21/02/2023    | 0.0%                 | 0.0%          | BBB+   |
| National Australia Bank                            | 375    | \$ -                 | \$ 1,000,000         | -\$ 1,000,000       | 30/08/2022     | 3.49%          | 28/02/2023    | 0.0%                 | 0.0%          | AA-    |
| Suncorp  | 484    | \$ 1,000,000         | \$ 1,000,000         | \$ -                | 15/06/2022     | 3.53%          | 15/03/2023    | 2.2%                 | 2.6%          | A+     |
| AMP Bank   | 939    | \$ 2,000,000         | \$ 2,000,000         | \$ -                | 18/03/2022     | 1.00%          | 20/03/2023    | 4.4%                 | 5.2%          | BBB    |
| ICBC Sydney Branch                                 | 336    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 08/04/2021     | 0.65%          | 11/04/2023    | 3.3%                 | 3.9%          | A      |
| Suncorp  | 484    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 27/10/2022     | 4.20%          | 27/04/2023    | 3.3%                 | 3.9%          | A+     |
| Westpac  | 916    | \$ 2,000,000         | \$ 2,000,000         | \$ -                | 27/04/2022     | 2.27%          | 27/04/2023    | 4.4%                 | 5.2%          | AA-    |
| Suncorp  | 484    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 31/10/2022     | 4.26%          | 28/04/2023    | 3.3%                 | 3.9%          | AA-    |
| Westpac  | 032    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 01/12/2021     | 0.88%          | 01/06/2023    | 3.3%                 | 3.9%          | AA-    |
| Bank of Queensland                                 | 001    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 01/06/2022     | 3.20%          | 01/06/2023    | 3.3%                 | 3.9%          | BBB+   |
| Suncorp  | 484    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 01/12/2022     | 4.20%          | 01/06/2023    | 3.3%                 | 3.9%          | A+     |
| Suncorp  | 484    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 01/12/2022     | 4.20%          | 01/06/2023    | 3.3%                 | 3.9%          | A+     |
| Bank of Queensland                                 | 001    | \$ 1,000,000         | \$ 1,000,000         | \$ -                | 22/12/2022     | 4.30%          | 22/06/2023    | 2.2%                 | 2.6%          | BBB+   |
| National Australia Bank                            | 375    | \$ 2,000,000         | \$ 2,000,000         | \$ -                | 28/06/2021     | 0.60%          | 28/06/2023    | 4.4%                 | 5.2%          | AA-    |
| National Australia Bank                            | 375    | \$ 1,000,000         | \$ 1,000,000         | \$ -                | 15/07/2021     | 0.65%          | 17/07/2023    | 2.2%                 | 2.6%          | AA-    |
| National Australia Bank                            | 375    | \$ 1,000,000         | \$ 1,000,000         | \$ -                | 18/01/2023     | 4.38%          | 18/07/2023    | 2.2%                 | 2.6%          | AA-    |
| National Australia Bank                            | 375    | \$ 2,000,000         | \$ 2,000,000         | \$ -                | 30/07/2021     | 0.65%          | 31/07/2023    | 4.4%                 | 5.2%          | AA-    |
| Westpac  | 32     | \$ 1,000,000         | \$ -                 | \$ 1,000,000        | 28/02/2023     | 4.62%          | 28/08/2023    | 2.2%                 | 2.6%          | AA-    |
| National Australia Bank                            | 375    | \$ 2,000,000         | \$ 2,000,000         | \$ -                | 07/09/2022     | 4.13%          | 07/09/2023    | 4.4%                 | 5.2%          | AA-    |
| Bank of Queensland (Formerly ME Bank)              | 010    | \$ 1,000,000         | \$ 1,000,000         | \$ -                | 27/04/2022     | 2.70%          | 27/10/2023    | 2.2%                 | 2.6%          | BBB+   |
| National Australia Bank                            | 375    | \$ 1,000,000         | \$ -                 | \$ 1,000,000        | 28/02/2023     | 4.80%          | 28/11/2023    | 2.2%                 | 2.6%          | AA-    |
| Suncorp  | 484    | \$ 1,000,000         | \$ 1,000,000         | \$ -                | 28/11/2022     | 4.48%          | 28/11/2023    | 2.2%                 | 2.6%          | AA-    |
| National Australia Bank                            | 375    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 30/01/2023     | 4.60%          | 30/01/2024    | 3.3%                 | 3.9%          | AA-    |
| Westpac  | 916    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 31/01/2023     | 4.60%          | 31/01/2024    | 3.3%                 | 3.9%          | AA-    |
| Westpac  | 916    | \$ 2,000,000         | \$ 2,000,000         | \$ -                | 31/01/2023     | 4.60%          | 31/01/2024    | 4.4%                 | 5.2%          | AA-    |
| Westpac  | 916    | \$ 1,000,000         | \$ 1,000,000         | \$ -                | 15/02/2022     | 1.75%          | 15/02/2024    | 2.2%                 | 2.6%          | AA-    |
| National Australia Bank                            | 375    | \$ 1,000,000         | \$ -                 | \$ 1,000,000        | 28/02/2023     | 5.00%          | 28/02/2024    | 2.2%                 | 2.6%          | aa-    |
| ICBC Sydney Branch                                 | 337    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 08/04/2021     | 0.85%          | 08/04/2024    | 3.3%                 | 3.9%          | A      |
| Westpac  | 916    | \$ 1,500,000         | \$ 1,500,000         | \$ -                | 07/09/2021     | 0.78%          | 09/09/2024    | 3.3%                 | 3.9%          | AA-    |
| <b>Total TD's</b>                                  |        | <b>\$ 38,500,000</b> | <b>\$ 38,500,000</b> | <b>\$ -</b>         |                | <b>2.89%</b>   |               | <b>84.93%</b>        | <b>100.0%</b> |        |
| <b>Total Cash &amp; Investments</b>                |        | <b>\$ 45,329,879</b> | <b>\$ 42,777,801</b> | <b>\$ 2,552,078</b> |                | <b>2.88%</b>   |               | <b>100.0%</b>        |               |        |

% of Portfolio

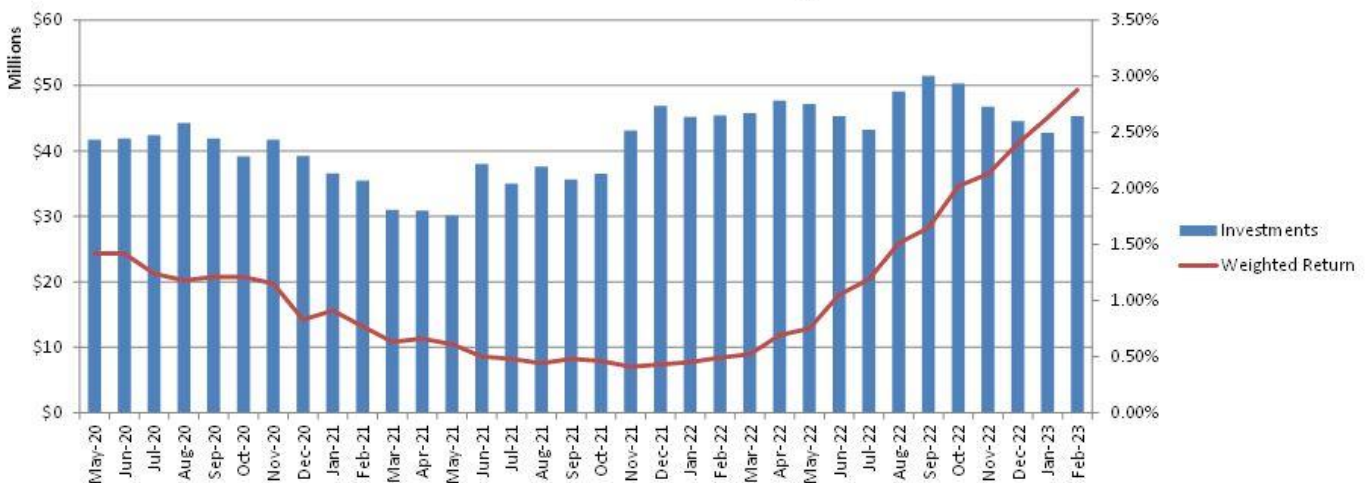
### Snowy Valleys Council Total Cash and Investments - February 2023



It is hereby certified that the above investments have been made in accordance with section 625 of the *Local Government Act 1993* and the regulations thereunder, and in accordance with the Snowy Valleys Council's *Investment Policy*. Cash and Investments increased \$2.5M in February 2023.

Cash and Investment rates are levelling out with the market factoring in forward expectations of increasing rates. Council's *Investment Policy* requires Council officers to minimise investment risk by spreading investments across several institutions (Institutional credit framework) as well as within its investment portfolio (overall portfolio credit framework). These risk minimisation measure impact the achievable rate of return. Council officers continue to monitor the investment market and regularly received updates from Council's financial advisors.

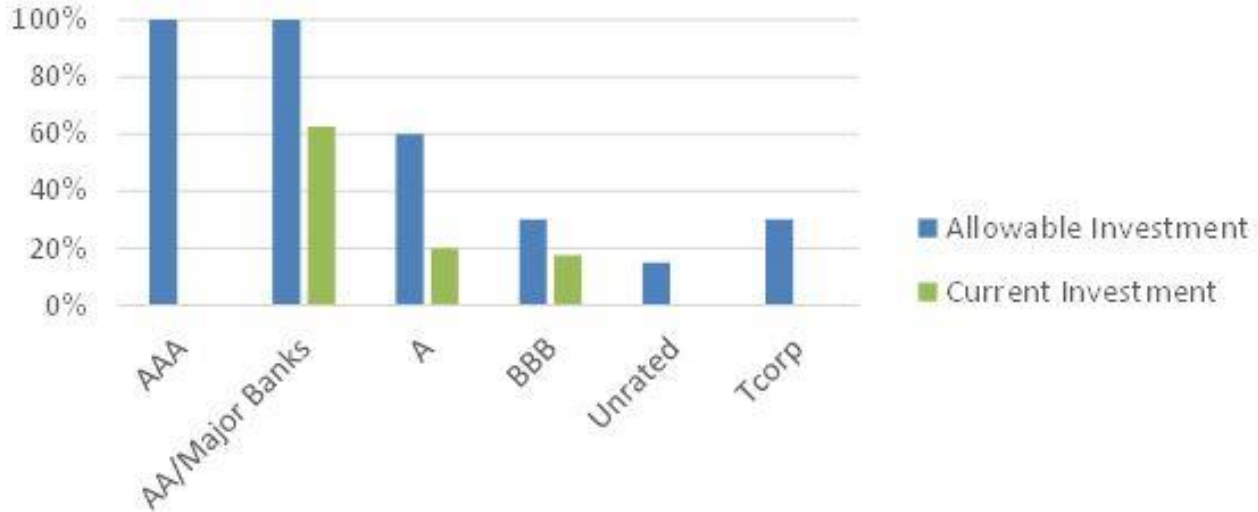
### SVC Cash Investments and Weighted Return



This month the report includes a focus on portfolio risk, one of the three risks identified in Council's Investment Policy. Portfolio risk refers to the overall risk of the portfolio of investments, this includes the combined risk of each individual investment. The different components of the portfolio and their weightings contribute to the extent to which the portfolio is exposed to risk. To control the credit quality

on the entire portfolio, Council limits the percentage of the portfolio exposed to any particular credit rating category. The maximum percentage of the total portfolio that can be held within any one credit rating category is outlined in the *Investment Policy*.

### SVC Investment Policy - Portfolio Risk



**LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

**Integrated Planning and Reporting Framework:**

**Community Strategic Plan Theme**

Theme 5 - Our Civic Leadership

**Community Strategic Plan Strategic Objectives**

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

**Delivery Program Principal Activities**

5.5 Provide effective short and long term financial management to deliver financial sustainability

**FINANCIAL AND RESOURCES IMPLICATIONS:**

Investments are undertaken based upon the best rate on the day and after consideration on spreading Council's Investment risk across various institutions as per the *Investment Policy* and section 625 of the *Local Government Act 1993*.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

The information provided complies with Council's *Investment Policy* and section 625 of the *Local Government Act 1993*.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Monthly reporting of investments keeps Council informed of current cash holdings and return on investments.

**OPTIONS:**

Nil.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Matters arising from this report that require further communication will be addressed at the meeting or taken on notice and a response will be provided.

**ATTACHMENTS**

Nil.

## 10. MANAGEMENT REPORTS

### 10.1. LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM FUNDING ROUND FOUR

**REPORT AUTHOR: ACTING DIRECTOR INFRASTRUCTURE & WORKS**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

#### **EXECUTIVE SUMMARY:**

The Australian Government announced further funding under the Local Roads and Community Infrastructure (LRCI) Program Round Four.

This program is designed to support local Councils to deliver priority local road and community infrastructure projects across Australia by supporting employment and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Snowy Valleys Council has been allocated an additional \$871,816. The funding will be available from 1 July 2023 with all projects to be completed by the end of 30 June 2025.

This report seeks the approval of Council to proceed with the delivery of the following high priority infrastructure projects funded through the LRCI Program, as detailed in the report:

- Tumut Pool - \$300,000
- Batlow Pool - \$150,000
- Tumbarumba Pool - \$321,816

These projects are all high priority infrastructure projects and based on the information provided to date, comply with the LRCI Program funding arrangements.

#### **RECOMMENDATION:**

##### **THAT COUNCIL:**

1. **Note the report on Local Roads and Community Infrastructure Program Round Four;**
2. **Note the allocation of \$871,816 to Snowy Valleys Council, through the Australian Governments Local Roads and Community Infrastructure Program;**
3. **Endorse proceeding with the delivery of the following high priority infrastructure projects funded through the Australian Governments Local Roads and Community Infrastructure Program:**
  - a. **Tumut pool works - \$300,000**
  - b. **Batlow pool works - \$150,000**
  - c. **Tumbarumba pool works - \$321,816; and**
4. **Authorise the General Manager to negotiate and/or amend the project list as described in Item 3 above, as required to comply with the Local Roads and Community Infrastructure Program funding arrangements.**

#### **BACKGROUND:**

The Local Roads and Community Infrastructure (LRCI) Program Funding is intended for local road and community infrastructure projects that involve the construction, maintenance and/or improvement of council-owned assets that are generally accessible to the public. Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits.



Councils are able to select the projects to be funded in their community according to priorities at the local level.

Similar to the Roads to Recovery Program, councils will need to submit a Work Schedule that outlines the project(s) they plan to undertake.

Noting that the guidelines for the funding program are still being finalised, the conditions that currently apply to the funding include:

- Councils will need to complete all project works by 30/06/2025 to receive their full nominal share of funding.

The Department of Infrastructure, Transport, Regional Development and Communications have finalised implementation arrangements for the LRCI Program Round Four. Council has now been asked to agree to the program arrangements and identify local projects in their area that meet the guidelines.

## REPORT:

In anticipation of the requirements of the LRCI is to identify local projects. The following proposed projects have been selected from Council's prioritised infrastructure list based on criticality and community need. Noting these projects are also part of Council's works program due to environmental compliance issues, Work Health Safety (WHS) issues identified and provision of all person accessible pools. Furthermore, the assets maintenance costs are trending upwards with the increased deterioration of the assets, and no meaningful revenue received from the operation of the facilities that can be used for capital works.

Along with being high priority projects, the projects listed below are also considered to be the best fit for the objectives of the LRCI funding program and can be realistically delivered within the required funding timeframe by Council.

| Project                   | Nominated Funding |
|---------------------------|-------------------|
| <b>Tumut Pool</b>         | <b>\$300,000</b>  |
| Work Health Safety Issues | \$150,000         |
| Environmental Compliance  | \$150,000         |
| <b>Batlow Pool</b>        | <b>\$150,000</b>  |
| Environmental Compliance  | \$150,000         |
| <b>Tumbarumba Pool</b>    | <b>\$321,816</b>  |
| Environmental Compliance  | \$150,000         |
| Disabled Access Ramp      | \$221,816         |

The Tumut, Tumbarumba and Batlow pools all have significant failures around retention and management of water as part of the backwash process of the pools. Environmental compliance has been raised by the Environment Protection Authority (EPA) as an issue needing to be addressed by Council. The proposed installation of suitable tanks and systems is aimed to deliver compliance for Council at these sites.

At the Tumut Pool Council have received a number of complaints regarding the sharpness of tiles due to the aging and wearing of the grout within the pool. The works proposed as part of the WHS Issues component of the submission are to regrout the tiles in the pool to remove the developing hazard.

The Tumbarumba main pool is the only pool within SVC without a disabled compliant access ramp. The works outlined for delivery under this funding are the construction of a compliant 1:14 access ramp on the northern side of the pool, outside of the current footprint, similar to that at Khancoban and Tumut.

This will provide a safe access point and remove the current access stairs that are located within the current pool footprint on this side of the pool.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 4 - Our Infrastructure

#### **Delivery Program Principal Activities**

4.2 Manage and plan for affordable infrastructure to meet current and future community needs

### **SUSTAINABILITY ASSESSMENT:**

The projects assessed for submission to Council for this program are compliance focussed with significant environmental and WHS issues identified. The targeted assets are either showing signs of failure or are at the end of their useful life. By acting on these assets now, we will continue to provide the service level expected by the community and will move to be ahead of the modelled infrastructure shortfall forecast in the next ten years.

### **FINANCIAL AND RESOURCES IMPLICATIONS:**

The LRCI Program Funding allows for these high priority projects to be brought forward for completion as other funding was not currently available.

### **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

The procurement process for the delivery of these projects will be undertaken in accordance with the provisions of, the NSW *Local Government Act 1993*, NSW Local Government (General) Regulation 2021 and Council's own procurement policy and procedures.

### **RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

#### **RISK MANAGEMENT – BUSINESS RISK/WHS/PUBLIC:**

Failure to deliver the funded works by 30 June 2025 could impact on both the reputation and business of the organisation and withdrawal of the funding.

To help reduce this risk, the delivery of these projects will be undertaken in accordance with Council's accredited Integrated Management System. This will ensure that the WHS, Quality and Environmental aspects of the work are managed in compliance with AS/NZS 4801:2001, ISO 9001:2008 and ISO 14001:2004 to achieve the best outcomes for Council and the community.

#### **Costs and Benefits:**

Securing funding through the LRCI and bringing these projects forward for delivery will assist in reducing part of the financial commitment that would otherwise need to be made by Council to facilitate the delivery of these projects in future financial years.

The projects identified are not subject to current pending grant applications and focus on the renewal of assets in line with Council's asset hierarchy. By undertaking these projects, there will be negligible impact on the whole of life costing.

Future strategic planning will include future opportunities and identification of funding opportunities for the renewal of assets within Council's portfolio.



**OPTIONS:**

The Council may determine not to proceed with the recommendations referred to in this report or alternatively amend the recommendations noting that this could impact on the timely delivery of these high priority projects.

**COUNCIL SEAL REQUIRED:**

No.

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Due to the timing of the grant funding, only limited consultation has been undertaken with the relevant stakeholders for the listed projects.

Further consultation will be undertaken as the project and funding arrangements are refined.

**ATTACHMENTS**

Nil.

## **10.2. APPLICATION TO ACQUIRE CROWN LAND FOR INFRASTRUCTURE PURPOSES - LOT 7026 AND LOT 7027 DP94611 TUMUT**

**REPORT AUTHOR: MANAGER UTILITIES AND WASTE BUSINESS**

**RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE & WORKS**

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### **EXECUTIVE SUMMARY:**

This report addresses some changes in Council's lands and rating database that became apparent following recent upgrades at the Tumut Hospital.

In order for Council to efficiently and effectively manage public drinking water supplies, land used for critical assets such as reservoirs and treatment plants is owned or managed and controlled by Council to ensure the land, the current uses, the current infrastructure and the future use of critical sites is secured and available for that use.

This report requests Council's approval to apply for the land on Lambie Street Tumut to be added to Council Managed Crown Reserve Plans of Management for the current and future purpose of drinking water reservoirs.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Apply to Crown Lands to adjust the property boundary of Lot 7026 and Lot 7027 of DP94611 Lambie Street in Tumut adjacent to Tumut Hospital including the balance of land between these two lots to form a single lot; and**
- 2. Apply to Crown Lands for the management of Lot 7026 and Lot 7027 of DP94611 Lambie Street in Tumut adjacent to Tumut Hospital including the balance of land between these two lots as operational land.**

### **BACKGROUND:**

Council operates and maintains a public drinking water reservoir and pump station on Lot 7027 DP94611 on Lambie Street in Tumut adjacent the Tumut Hospital. In and around this lot is numerous underground pipe networks and reticulation assets. The reservoir was built around 1956.

Lot 7027 DP94611 was noted as reserve for Reservoir in 1962.

Lot 7026 DP94611 was noted as reserve for Reservoir in 1955.

It was understood that Lot 7027 and the adjacent identically sized Lot 7026 DP94611 was Council property for use as reservoir and drinking water infrastructure, however Lot 7026 DP94611 was revoked as Reserve for Reservoir in the Gazette on 28 August 1970 and added to Reserve 27986 for Hospital in the Gazette 28 August 1970.

From discussion with Crown Lands, it also appears that both lots were originally not included as Council Managed Crown Reserve land and therefore remained under Crown Lands management.

Council has continued to register the Lot 7027 DP94611 land on the rates register and processed annual rates notices until 2020/2021 when the Tumut Hospital upgrades commenced.

### **REPORT:**

Council operates, maintains and plans for the future needs of the Tumut drinking water system. This includes reservoirs at strategic locations around Tumut.

One critical location is the Reservoir on Lambie Street at the Tumut Hospital. This reservoir supplies drinking water to a significant part of the Tumut township and is also a transfer point for all other

reservoirs in Tumut, supplies water to Adelong and Cloverdale and supports the treatment plant operations.

As these lots are not part of Council Managed Crown Reserve, Council is now required to make an application to Crown Lands to include the land in Council's Crown Lands Plans of Management or to acquire the land.

It is still unclear as to how and exactly when management of Lot 7027 was changed to Health Administration Corporation. It seems that as the land was not placed under Council management originally, the land has been absorbed into the Hospital plans during the design of the Hospital upgrades without requiring notification to Council. Lot 7026 is currently being utilised as temporary carpark and storage space during the Tumut Hospital upgrades.

As Council need to rectify this situation, it would be preferable to acquire the management of the two (2) lots (Lot 7026 and Lot 7027) including the balance of land between these lots (as shown in green below). Lot 7027 is clearly occupied by Council water infrastructure. Lot 7026 is critical for future expansion and renewals of the existing reservoir. The balance of land between these two (2) lots currently has various fittings, valves and pipework installed underground. Typically, land used for water infrastructure is owned by Council. Although, under the Local Government Act 1993 section 191A, Council have powers of entry to construct and maintain public works such as water supply infrastructure, it makes sense to become the land manager of the full area of land to improve operations and allow security measures to be introduced without separation, such as fencing, and makes management of the land much easier.



**LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:****Integrated Planning and Reporting Framework:****Community Strategic Plan Theme**

Theme 3 - Our Environment

**Community Strategic Plan Strategic Objectives**

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

**Delivery Program Principal Activities**

3.2 Deliver best practice water and wastewater services

**FINANCIAL AND RESOURCES IMPLICATIONS:**

The financial implications of the acquisition of management of this land are minimal with the proposal for the land to be included into the Council Managed Crown Reserve Plans of Management.

**POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Council is required to have a Drinking Water Management System (DWMS) under the Public Health Act 2010. This requires council to manage the risks associated with drinking water supply. Ownership of land helps to ensure that the land is available now and into the future and also provides the ability to manage risk by controlling activity, access and security.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

| <b>RISK CATEGORY</b>          | <b>RISK/REWARD DESCRIPTION</b>   | <b>COST/RISK</b>   | <b>BENEFIT/ REWARD</b>                                      |
|-------------------------------|--|--|---|
| Legal                         | Legal ownership or management of land.   | Legal complications around access and use of the land into the future.   | Land is secured for the required use.                       |
| Environmental & Public Health | Provision of adequate, safe and healthy water supply is provided to the community. | Not all areas of the community are able to be serviced by water supply systems.  | A healthy community that supports the local economy.        |
| Financial                     | Costs associated with the land.  | Without ownership or management of the land, there could be significant costs to Council if new land is required for reservoirs. | Limited impact with transfer of land management to Council. |
| People                        | Provision of adequate, safe and healthy water supply is provided to the community. | Not all areas of the community are able to be serviced by water supply systems.  | A healthy community that supports the local economy.        |
| Stakeholder                   | Stakeholder objections.  | Limited risk, the land was originally reserved for Reservoir. Currently only temporary use for the Tumut Hospital construction.  | Land use is clearly visible.                                |

| RISK CATEGORY    | RISK/REWARD DESCRIPTION                               | COST/RISK  | BENEFIT/ REWARD   |
|------------------|---|--|---|
| Service Delivery | Maintenance and operation of water supply facilities. | Complications to the ongoing maintenance and operation of the facility. Potential issues with new reservoir construction and renewal of existing. Difficulties with maintaining suitable level of service. | Maintenance and operations is easier to manage. Service levels can be maintained. |

**OPTIONS:**

The options available to Council regarding this land are shown below:

1. Do nothing

As the land is currently under Health Administration Corporation management, this option has the potential to cause ongoing issues with the operation and maintenance of Tumut's Public Water Supply. This is not the recommended option.

2. Acquire the land

The acquisition of this land will allow Council to better manage and control the risks associated with providing a Public Water Supply. **This is the recommended option.**

3. Add the land to Council Managed Crown Reserve Plans of Management

This option would change the management from Health Administration to Council. This has ongoing management implications, annual reporting requirements and any changes to the land would require approval from Crown Lands.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Nil

**ATTACHMENTS**

Nil.

### **10.3. TALBINGO LIBRARY ALTERNATIVE SERVICE ARRANGEMENT**

**REPORT AUTHOR: MANAGER COMMUNITY SERVICES**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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#### **EXECUTIVE SUMMARY:**

The purpose of this report is to outline the alternative service delivery model for Talbingo Library. The library is situated in the Talbingo Public School and operates on a Tuesday each week. Human resource issues have resulted in a temporary change of service delivery and delayed the reopening of the Library after the Christmas shutdown period. It is recommended that this model be continued on a trial basis and reported back to Council in 12 months.

#### **RECOMMENDATION:**

##### **THAT COUNCIL:**

- 1. Note the report on Talbingo Library alternative service arrangement.**
- 2. Endorse the alternate service delivery model outlined in the report.**
- 3. Receive a further report at the end of the 12-month trial on the results from the alternate service delivery model.**

#### **BACKGROUND:**

The Talbingo Public Library, formally named Miles Franklin Memorial Library, is a joint venture with the Talbingo Public School and is housed in the main school building on Lampe Street. It operates on Tuesdays from 9:00am to 5:00pm (Closed for lunch 12:30pm to 1:30pm).

The Talbingo Library provides services including:

- Lending of books, CDs and DVDs
- ADSL Internet access
- Photocopying and faxing service
- Community noticeboard
- Rates Payments

#### **REPORT:**

Snowy Valleys Council (SVC) has a robust history in providing Library services in the Local Government Area. SVC static Libraries are located at Adelong, Batlow, Talbingo, Tumbarumba and Tumut. Mobile Library services are provided through Riverina Regional Library (RRL) to the villages of Jingellic, Khancoban and Tooma on a monthly schedule. The Snowy Valleys Council Library Strategic Plan 2022 - 2026 outcomes and principles guide progression to a sustainable library system including assessing each branch library utilisation annually and consolidating services where necessary.

Talbingo Library is situated in the library in Talbingo Public School and operates on Tuesday each week. An agreement (which is due for renewal April 2023) exists between NSW Department of Education and Council for the use of this space. Council has an in-kind contribution, providing mowing of the lawns in lieu of the use of the space for a public library.

The main issues impacting the viability and sustainability of Talbingo Library are:

- 1. The long-term Librarian for Talbingo Library has tendered their resignation effective 12 July 2023, and has taken long service leave from 3 January 2023 until 12 July 2023. Replacing the Librarian for leave will draw on staffing from the Tumut Library as the closest in proximity to Talbingo.**

2. Utilisation of the Library is declining. In the 2021-22 financial year, Talbingo reported 371 library visits and 88 members. Approximately 10% of those members currently use the library service on a regular basis. Most of the recorded visits are children from the school and there has been little uptake on library programs and activities offered to the Community.
3. Riverina Regional Library (RRL) will be developing their budgets in January 2023. SVC membership to RRL is based on the number of operational libraries. For 2023-24, the current membership to RRL is \$423,465. This would be reduced to \$413,605 (minimal saving of \$9,860).
4. The total cost for delivering services at Talbingo library is \$35,978. This includes wages, lawn mowing and RRL contribution.

retirement of the Long term Librarian raises an opportunity for Council to implement an alternative service delivery model which would include offering a weekly outreach service to Talbingo residents from Tumut Library. The outreach service would be coordinated through Libraries in agreement with Tumut District Community Transport (TDCT), which has a vehicle garaged in Talbingo that travels to Tumut weekly.

Residents would be able to use this service to visit the Tumut Library weekly if needed. In addition, residents would also have the opportunity to have their books delivered to their home. Currently members can borrow up to 30 items at a time which can be renewed online and over the phone. Other services provided by the library can be accessed through the Tumut Library such as photocopying, internet and computer access etc. Affected members have already been consulted and alternative arrangements put in place.

It is proposed to trial this arrangement for 12 months to ensure it meets the needs and expectations of the community.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 1 - Our Community

#### **Community Strategic Plan Strategic Objectives**

CSP1 Our communities are connected and inclusive. Supported by services that nurture health, wellbeing and identity

#### **Delivery Program Principal Activities**

1.1 Provide services that support our community in all stages of life

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

Cost savings of around \$35,978 will be achieved including a reduction in RRL contribution, staff wages and lawn mowing. No additional budget is necessary for the use of Community transport vehicle for pickup and delivery of resources as this service is already in existence.

## **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Nil

## **RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

| <b>RISK CATEGORY</b> | <b>RISK/REWARD DESCRIPTION</b> | <b>COST/RISK</b> | <b>BENEFIT/ REWARD</b> |
|----------------------|--------------------------------|------------------|------------------------|
| Legal                | Nil                            |                  |                        |



| <b>RISK CATEGORY</b>          | <b>RISK/REWARD DESCRIPTION</b>                                | <b>COST/RISK</b>                           | <b>BENEFIT/ REWARD</b>  |
|-------------------------------|---|--|-------------------------|
| Environmental & Public Health | Nil   |  |                         |
| Financial                     | Savings of \$35,978   |  | \$35,978 cost savings   |
| People                        | Continued library service utilising different delivery model. | Dissatisfaction from residents with change | Satisfied Library users |
| Technology                    | Nil   |  |                         |
| Stakeholder                   | Nil   |  |                         |
| Service Delivery              | Nil   |  |                         |

**OPTIONS:**

1. Adopt as per recommendations set out in this report - alternative service model for Talbingo Library and strengthen alternative delivery service to Talbingo by Community Transport.
2. Decline the recommendations set out in this report.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:****Internal Consultation:**

Consultation was undertaken with the staff responsible for delivery of Library Services, Director Community and Corporate, Manager Community Services, Library Coordinator, Librarian Talbingo Library and the Coordinator Community Transport.

**External Consultation:**

The current users and carers of users of the library were contacted by email, phone and post about the current temporary closure and the alternate service available was explained and mechanisms put in place for residents to continue to borrow resources from Tumut Library whilst a decision is made regarding the future status of Talbingo Library.

The Principal of Talbingo Primary School was contacted prior to and after the temporary closure. Alternative arrangements were discussed including donation of children's library books to the school.

**ATTACHMENTS**

Nil.



## **10.4. WINTER BITES AND KHANCOBAN LONG LUNCH**

**REPORT AUTHOR: COORDINATOR PLACE ACTIVATION**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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### **EXECUTIVE SUMMARY:**

This report summarises the outcomes of the Winter Bites and Khancoban Long Lunch events that were delivered by Council in 2021 and 2022. For 2023, it is proposed that these events are delivered by community organisations following an Expression of Interest process.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Note the report on Winter Bites and Khancoban Long Lunch;**
- 2. Call for Expressions of Interest from the community to deliver the Winter Bites event at Adelong in 2023; and**
- 3. Call for Expressions of Interest from the community to deliver the Khancoban Long Lunch in Khancoban in 2023.**

### **BACKGROUND:**

Snowy Valleys Council received \$447,094 through Austrade's Regional Tourism Bushfire Recovery Grants (RTBR) Program to deliver three (3) Winter Bites events in Tumbarumba, Adelong and Batlow. This funding program supported bespoke events, concerts, festivals and/or other visitor attractions in fire affected regions to assist in the recovery effort, with the aim of supporting initiatives in fire affected areas that celebrate what's unique about that local community and to give international and/or domestic visitors a reason to visit and return, bringing the economic benefits of tourism, but also providing the community with a positive focus in the wake of the fires. Council also received \$20,625 for the Winter Bites project through Destination NSW - \$15,625 of this was for post-event research and \$5,000 was provided to ensure the events were held in a Covid safe way.

Under the initial funding agreement, the events were planned to be held in June 2021 at Tumbarumba, July 2021 at Adelong and August 2021 at Batlow. The Tumbarumba event was held on 5th June 2021 at Courabyra Wines and around 300 people attended. Due to Covid-19 and the associated Public Health Orders, Council was unable to deliver the Adelong and Batlow events in winter 2021 and applied for a project variation to hold the events at a later date. This project variation request was successful and Council held the Adelong event on 18th June 2022 at the Adelong Showground (1600 people attended) and the Batlow event at the Batlow Showground on 27th August 2022 (600 people attended). Each event featured live music, local and regional food and drinks and entertainment activities.

The Khancoban Long Lunch was also funded through Austrade's RTBR Program with Council receiving \$27,000 for delivery of the event. This project was also subject to a project variation due to Covid-19. The Long Lunch was held on 17th September 2022 with 94 tickets sold. This event was held in the centre of the Khancoban township and featured live music and locally sourced food and drinks.

Council contracted an event coordinator to lead delivery of the Winter Bites events and a separate event coordinator to lead delivery of the Khancoban Long Lunch.

### **REPORT:**

Snowy Valleys Council would like to see these events delivered again in 2023 in the form of one Winter Bites event held at Adelong and one Long Lunch event held at Khancoban. To enable and support delivery of the two events, Council is applying for \$150,000 through the NSW Local Government Recovery Grants Program.

Adelong is the proposed preferred location for future Winter Bites events due to the success of the initial event, the high levels of community support and collaboration received during delivery of the event and also due to Adelong being the largest town in the Snowy Valleys LGA without an established annual event. It is believed a winter event held in Adelong fills a gap in the market and would complement the existing Snowy Valleys events calendar.

Khancoban is also without an established annual event and the community supported the Long Lunch event throughout event planning and delivery.

This report proposes that the two (2) events delivered by separate community organisations. This proposal aligns with Council's strategic direction focusing on economy and the Delivery Program Principal Activities 2.1 - Support the development of diverse local tourism offerings and emerging markets and 2.3 - Provide and support a variety of events, festivals and visitor activities. Council has funds available to support delivery of the events, however successful community groups may be required to source additional funding such as sponsorship.

Both events utilised numerous local businesses and service providers. The community is best placed to ensure that future delivery of the event continues to support not only the tourism industry/visitor economy, but also local enterprise.

In order to engage community organisations to deliver these events in 2023, Council will call for expressions of interest from the community.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 2 - Our Economy

#### **Community Strategic Plan Strategic Objectives**

CSP2 Our diverse economy supports community longevity, vibrancy and a sustainable future

#### **Delivery Program Principal Activities**

2.3 Provide and support a variety of events, festivals and visitor activities

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

To enable and support delivery of the two events, Snowy Valleys Council is applying for \$150,000 through the NSW Local Government Recovery Grants Program. Successful community groups may be required to source additional funding such as sponsorship.

Actively implementing the events will be subject to approval of the funding application and community response to the Expression of Interest.

## **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Nil

## **RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Nil

## **OPTIONS:**

1. Adopt as per recommendations set out in this report - preferred option
2. Amend recommendations set out in this report
3. Decline the recommendations set out in this report

**COUNCIL SEAL REQUIRED:**

No.

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Communities were consulted in the lead up to the Winter Bites and Khancoban Long Lunch events.

**ATTACHMENTS**

Nil.

## **10.5. SNOWY VALLEYS REGIONAL TRACKS AND TRAILS MASTERPLAN - FOR ADOPTION**

**REPORT AUTHOR: COORDINATOR PLACE ACTIVATION**

**RESPONSIBLE DIRECTOR: DIRECTOR COMMUNITY & CORPORATE**

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### **EXECUTIVE SUMMARY:**

The purpose of this report is to present the Draft Snowy Valleys Tracks and Trails Masterplan including a Business Case, a priority list of projects and high-level cost estimates and draft design/concepts for Council adoption. The report also provides consideration of submissions received as a result of the public exhibition of Council's Draft Snowy Valleys Tracks and Trails Masterplan. Council approved the exhibition of the draft document at its meeting on 17 November 2022 and the public exhibition period ran from 24 November 2022 to 10 January 2023. Twenty-nine (29) submissions were received in total. These are addressed in the report. No major changes to the Snowy Valleys Tracks and Trails Masterplan are proposed. Some administrative changes were made as a result of submissions, including spelling and terminology corrections.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Note the report on the Snowy Valleys Regional Tracks and Trails Masterplan; and**
- 2. Adopt the Snowy Valleys Regional Tracks and Trails Masterplan.**

### **BACKGROUND:**

In 2021, Snowy Valleys Council (SVC) was awarded \$270,000 for the development of a Tracks and Trails Masterplan through Stream 2 of Resilience NSW's Bushfire Community Recovery and Resilience Fund. The funding program targeted Local Government Areas (LGAs) that were disaster declared during the 2019-20 bushfires and provided funding for medium and long-term projects that support community recovery and help build resilience and hope for the future.

The Snowy Valleys Tracks and Trails Masterplan is the development of a comprehensive post-bushfire masterplan to link towns and villages across the LGA to create a cohesive approach to harnessing opportunities including outdoor recreation, culture and heritage.

The Snowy Valleys region covers a large geographic area consisting of towns and villages. These locations have distinct attributes that contribute to their uniqueness and the community's sense of place and belonging. Despite this large area, there are several prominent linkages between people and places. This project aims to identify all of these linkages and create a masterplan that will provide a central planning reference for shaping the scope of connectivity of existing and proposed trails across the region.

Post-bushfire, through extensive community consultation and interaction with individuals, groups and industry, several opportunities were identified that could create the basis for long term growth, including road cycling, rail trails, mountain biking and art, culture and heritage trails. The masterplan process has allowed for community input into trail prioritisation and the ability for project scoping and feasibility reviews of existing and future trails to be undertaken and form an extensive knowledge base for a variety of trails.

Post-bushfire, there is a need to re-examine how we plan for the futureproofing of our towns and villages and not view them in isolation. We need to assess how we can use existing and potential trails to link them and create community benefits and economic stimulus as well as an element of ownership of the consultation and decision-making processes. This project is the culmination of an extensive review of bushfire information, stakeholder consultation with land managers and consultation with community groups and industry bodies.

The Draft Snowy Valleys Tracks and Trails Masterplan was presented to Council at its meeting on 17 November 2022. At this meeting, Council resolved to put the document on public exhibition and this period ran from 24 November 2022 to 10 January 2023. Twenty Nine (29) submissions were received in total.

## REPORT:

The Snowy Valleys Tracks and Trails Masterplan has been developed by Tredwell Management Services - a consultancy firm specialising in sport, recreation, open space and trail planning.

The project methodology included six (6) stages beginning with market research and a background review. This began with a Project Commencement Meeting between Tredwell and the SVC Project Team before Tredwell worked alongside SVC to develop a communication and consultation strategy. This process identified key stakeholders, analysed their level of input and guided the consultation process to ensure effective and timely communication between Tredwell, the Project Manager, stakeholders and the community throughout the project.

Tredwell conducted a background review, a demographic analysis and analysed the benefits of trails and recreational trends in the Snowy Valleys.

The Draft Snowy Valleys Tracks and Trails Masterplan was on public exhibition from 24 November 2022 to 10 January 2023 and 29 submissions were received in total. Comments and responses on the points raised in the submissions are summarised in the table below.

### Summary of submissions

| Theme                                  | Number of submissions | Response  |
|--|-----------------------|---|
| General comment in support of document | 16                    | Noted.<br><b>No changes made to document</b>  |
| Batlow-Tumut Rail Trail                | 7                     | The 32km stretch of disused rail line between Batlow and Tumut has been identified for its potential as a rail trail experience.<br><br>The Snowy Valleys Council Tracks and Trails Masterplan acknowledges the community interest and benefit in the formation of a Batlow to Tumut Rail Trail and has included Batlow to Tumut Rail Trail: Stage 1 (Batlow to Wybalena Railway Station) as one of the five priority trail projects.<br><br>The Batlow Tumut Rail Trail Association Inc. is currently completing a feasibility study on the Batlow Tumut Rail Trail in line with the NSW Rail Trails Framework. Council resolved in August 2022 to defer further consideration of the Batlow to Tumut Rail Trail project until consultation has occurred with the Gilmore community.<br><br><b>No changes made to document</b> |
| Various                                | 2                     | Administrative issues including spelling, terminology and reference to stakeholders.<br><br><b>Changes made as required</b>   |
| Sources of Data                        | 1                     | Tredwell has reviewed the ABS demographic information as a standard component for all studies. They also review the Australian Sports   |

| Theme               | Number of submissions | Response  |
|---------------------|-----------------------|---|
|                     |                       | <p>Commission reports and sports data, along with many other specialist reports such as "Mountain Biking in Australia: An Economic and Participation Analysis", AusCycling 2021, NSW Rail Trails Framework which outlines why the NSW Government supports Rail Trails etc. If they were to document all of the background documents and then review of all of them the SVRTTMP would be 'bulky'.</p> <p><b>No changes made to document</b></p>  |
| Accurate Costings   | 1                     | <p>Rider Levett Bucknall has provided costing estimates for each of the four concept options that require construction. The estimated costs are indicative of the current economic times and are subject to a number of variables.</p> <p>The preliminaries, professional fees and escalation comprise of around 30% of the total cost, however this amount can vary depending on whether the contingencies are required and the level of professional fees charged at the design stage.</p> <p>To date, the priority trail projects have completed Stage 1: Trail Proposal, Stage 2: Framework, Stage 3: Site Assessment, Stage 4: Concept Planning and Stage 5: Corridor Evaluation of the 8 stages of trail development.</p> <p>Trails are like any other asset or facility development and as such, are subject to a formal planning and approval process. A robust trail development process moves trail development away from a purely design and construction approach to a more considered and formal approach.</p> <p>The Stage 6 is the Detailed Design Stage, Stage 7 is Construction and Stage 8 is Management. The costing estimates are for the acquisition of funds from grants.</p> <p><b>No changes made to document</b></p> |
| Impacts on Talbingo | 1                     | <p>Talbingo Mountain Bike Trail Development is not on Council owned/managed land.</p> <p>Administrative issues including wording and naming conventions.</p> <p><b>Changes made as required</b></p>   |
| Concerned landowner | 1                     | <p>Tredwell contacted landowner directly to discuss concerns.</p> <p><b>No changes made to document</b></p>   |

A full copy of all submissions is available to councillors on request and will be available to councillors at the meeting.

Attached to this report is the Snowy Valleys Regional Tracks and Trails Masterplan and the Snowy Valleys Regional Tracks and Trails Masterplan - Summary Report.

Appendix 1 - Concept Designs, Appendix 2 - Costings, Appendix 3 - REF and Appendix 4 - Economic Assessment are available to councillors on request.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 2 - Our Economy

#### **Community Strategic Plan Strategic Objectives**

CSP2 Our diverse economy supports community longevity, vibrancy and a sustainable future

#### **Delivery Program Principal Activities**

2.1 Support the development of diverse local tourism offering and emerging markets

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

Snowy Valleys Council was awarded \$270,000 for the development of a Tracks and Trails Masterplan through Stream 2 of Resilience NSW's Bushfire Community Recovery and Resilience Fund.

## **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

Nil

## **RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Nil

## **OPTIONS:**

1. Adopt as per recommendations set out in this report.
2. Amend the document
3. Decline the recommendations set out in this report

## **COUNCIL SEAL REQUIRED:**

No

## **COMMUNITY ENGAGEMENT AND COMMUNICATION:**

The development of the Snowy Valleys Tracks and Trails Masterplan involved extensive community engagement and consultation. Tredwell worked alongside SVC to develop a communication and engagement strategy, identifying key stakeholders. The community and stakeholder engagement component of the project began with the development and distribution of an information flyer in April 2022. An online community survey was open through April and May and attracted 107 respondents.

Two virtual workshops were held on 9 and 10 May 2022 before community workshops were held in Tumut and Tumberumba on 17 and 18 May 2022, respectively. A councillor workshop was held on 23 June 2022. The project also had a page on the *YourVoice* component of SVC's website which acted as a hub for community engagement.

The draft masterplan went on public exhibition from 24 November 2022 to 10 January 2023 and 29 submissions were received in total.

## **ATTACHMENTS**

1. 20230228 - FINAL - Snowy Valleys Council Regional Tracks & Trails Masterplan (Under separate cover)
2. 20230228 - FINAL - Snowy Valleys Council Regional Tracks & Trails Masterplan - Summary Report (Under separate cover)



## **10.6. DRAFT ONSITE SEWER MANAGEMENT STRATEGY 2023 - FOR PUBLIC EXHIBITION**

**REPORT AUTHOR: COORDINATOR GROWTH & DEVELOPMENT**

**RESPONSIBLE OFFICER: GENERAL MANAGER**

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### **EXECUTIVE SUMMARY:**

The draft Onsite Sewer Management Strategy 2023 addresses specific on-site treatment systems, management practices, environmental monitoring, and regulatory regimes in complying with the environment and public health principles of the Local Government (General) Regulation 2021. Where cumulative effects from failing on-site sewage management systems result in degradation of the environment, this Strategy incorporates the principles of Ecologically Sustainable Development, Total Catchment Management, Water Cycle Management and protection of public health to mitigate the long-term impacts.

This report seeks to endorse the draft Onsite Sewer Management Strategy 2023 to enable commencement of public exhibition of the document for the required statutory period.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Endorse the Draft On-site Sewage Management Strategy 2023 - SVC-RP-STY-007-01 - for public exhibition for a period of not less than 28 days;**
- 2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to Council; and**
- 3. Adopt the Draft Onsite Sewer Management Strategy, if no submissions are received on the day after the completion of the public exhibition period.**

### **BACKGROUND:**

There are currently in excess of 5,000 onsite waste water systems in the Snowy Valleys Council Local Government Area. Council has an annual program for the progressive inspection of these systems to ensure that they are operated in accordance with best practice guidelines, are maintained regularly and do not pose a threat to the environment. The program also seeks to raise awareness within the community of benefits of systems that are maintained correctly and sanitary conditions that can be achieved.

### **REPORT:**

Council has operated this program in the absence of a formal strategy and is now seeking to provide an underpinning strategic direction to assist with development of the program and set clear parameters on the definition of high, medium and low risk settings and the frequency of inspections associated with such settings.

This strategy applies to all land within the Snowy Valleys Local Government Area that is not serviced by the reticulated sewerage infrastructure; this includes all existing and proposed installations of on-site sewage management systems.

Under the *Local Government Act 1993* and also the *Local Government General Regulation 2021*, Council is required to have a on site sewer management strategy to assist in providing direction to regulating on-site waste water systems throughout the local government area. This strategy seeks to comply with these obligations.

In approving the design, operation and maintenance of sustainable on-site sewage management systems and combining this with regular monitoring for early detection of failing systems it is expected

that this will assist in minimising contaminated water flows. Preservation and protection of catchment areas is a paramount consideration of the onsite sewage management strategy in developing sustainable environmental and good public health outcomes.

The study has adopted High, Medium and Low risk approach to onsite waste water systems and proposes a frequency of inspections and allocation of resourcing around these risk categories.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 3 - Our Environment

#### **Community Strategic Plan Strategic Objectives**

CSP3 - Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

Council outlines within its adopted fees and charges, a fee under the *Local Government Act 1993* for the inspection of an onsite sewer management inspection and other fees for approvals for installation and operation of an on-site sewer management system. These fees assist in cost recovery of statutory approvals and inspections of these systems.

Council currently charges through its adopted fees and charges policy for 2022/2023 - \$34 per rates assessment per year as an administrative charge where an on-site sewer management system has been identified. This fee assists in the administration of the program and also maintenance of Council's register of properties that have an on-site sewer management system. The fee is levied for all levels of risk including high / medium and low.

In addition to the registration fee, Council's fees and charges also provide for an inspection fee of \$164 in the case where Council performs a compliance inspection. For high risk properties, it is expected that this fee (in accordance with the fees and charges of the year in which the inspection would be undertaken) would be payable by invoice every 2 years, in the case of medium risk - every 5 years and low risk - every 10 years.

Where a new application is made for the installation of a new system including an inspection fee at time of installation is currently \$340 (22/23). The tank is categorised at that time and placed on a inspection regime dependent upon the level of risk in accordance with the strategy.

Any consideration of high, medium and low risk systems and their associated inspection regime will need to be considered in terms of Council's resource allocation to the program. The inspection regime as proposed within the strategy is expected to provide for sufficient resource capability for inspection of high risk systems however additional resources may be required for Council to complete its obligations outlined in the strategy for medium to low risk applications when combined with other environmental health resource allocations to food shop inspections, skin penetration and environmental investigations.

Council may consider increasing resource allocation towards the strategy on a cost recovery basis to increase the number of property inspections annually under the program. This could potentially be funded through a review of Council's fees and charges policy to identify the actual costs to Council of undertaking the inspections.

## **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

The following Acts, Regulations, Standards, Guidelines, Policies, and Strategies govern the installation, operation and maintenance of on-site sewage management systems:

- *Local Government Act 1993*
- Local Government (General) Regulation 2021

- *Protection of the Environment Operations Act 1997*
- Australian/New Zealand Standard AS/NZS) 1546.3:2017- Secondary Treatment Systems
- Australian/New Zealand Standard (AS/NZS) 1547:2012 – On-Site Domestic Wastewater Management
- NSW Department of Health Certificates of Accreditation for Septic Tanks
- NSW Department of Health Greywater Reuse in Sewered Single Domestic Premises.

Council currently has a *Tumut Shire Council On-site Sewer Management Code* that will be reviewed as a technical guideline following the adoption of the strategy. As the guideline is an internal document of Council and is not a policy statement, it will not be required to be adopted by Council once reviewed.

### **RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Nil

### **OPTIONS:**

#### OPTION 1

THAT COUNCIL:

1. Endorse the Draft On-site Sewage Management Strategy 2023 for public exhibition for a period of not less than 28 days.
2. Note that if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the Draft Onsite Sewer Management Strategy.
3. Adopt the Draft Onsite Sewer Management Strategy, if no submissions are received on the day after the completion of the public exhibition period.

#### OPTION 2

THAT Council not adopt the strategy and provide an alternate position for onsite sewer management.

**OPTION 1 is recommended**

### **COUNCIL SEAL REQUIRED:**

No

### **COMMUNITY ENGAGEMENT AND COMMUNICATION:**

The Strategy, as per the recommendation, shall be advertised for a minimum of 28 days seeking community comment. Any response or submission received will be considered in a future report to Council.

### **ATTACHMENTS**

1. Draft On-site Sewage Management Strategy SVC-RP-STY-007-01(Under separate cover)

## **10.7. DEVELOPMENT CONTROL PLAN 2019 - ADMINISTRATIVE AMENDMENTS**

**REPORT AUTHOR: MANAGER GROWTH AND ACTIVATION**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

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### **EXECUTIVE SUMMARY:**

The Snowy Valleys Council Development Control Plan was adopted in 2019 (DCP) and provides a policy position of the Council with respect to providing both prescriptive and performance-based standards for new development within the Local Government Area.

Council has identified a number of administrative issues in the current DCP 2019 that require amendment to ensure clarity in the controls and reduce uncertainty for both developers and the community.

### **RECOMMENDATION:**

#### **THAT COUNCIL:**

- 1. Endorse the Draft administrative amendments to the Snowy Valleys Council Development Control Plan 2019 for public exhibition for a period of no less than 28 days;**
- 2. Note if submissions are received during the exhibition period, a further report will be provided to council; and**
- 3. Adopt the administrative amendments to the Snowy Valleys Council Development Control Plan 2019 if no submissions are received on the day after the completion of the public exhibition period.**

### **BACKGROUND:**

Council adopted the Snowy Valleys Council Development Control Plan (DCP) in 2019 following the consolidation of both the Tumut and Tumbarumba DCPs. The plan has remained the primary guideline for both prescriptive and performance-based controls relating to development applications in the Local Government Area. A number of administrative changes were made to the development control plan in 2022 following changes required to repeal the notification provision and transfer the controls to Council's Community Participation Plan (CPP).

Council has identified a number of administrative issues in the current DCP 2019 that require amendment to ensure clarity in the controls and reduce uncertainty for both developers and the community. General housekeeping amendments have also been included to ensure the document remains relevant and responsive to changes in both legislation and best practice standards.

The business paper report - Draft Development Control Plan - Administrative Amendments was presented to the ordinary general meeting of the 16th February 2023, where the item was considered and further deferred pending a Councillor briefing session. The briefing session was held with Councillors on 2 March 2023 and a number of adjustments have been made to the draft as a result of the session.

### **REPORT:**

Following a review undertaken by staff in 2022, the following changes have been proposed to the Snowy Valleys Council Development Control Plan 2019:

| Item | Clause | Reference   | Summary details of administrative amendment(s)  | Intended Effect / Reason   |
|------|--------|---|---|--|
| 1    | 2.2    | Amendment to DCP                                  | <p>Amend legislation citation to Clause 14(4) Environmental Planning and Assessment Regulation 2021:</p> <p>A development control plan comes into effect on—</p> <p>(a) the day on which the notice of the council's decision to approve the plan is published on its website, or</p> <p>(b) a later day specified in the notice.</p>   | Amending legislation citation to refer to the correct clause in the legislation following statutory updates.   |
| 2    | 2.3    | Amendment to DCP                                  | <p>Amend legislation citation to Clause 13 of the Environmental Planning and Assessment Regulation 2021:</p> <p>After a draft development control plan is prepared, the council must publish the following on its website—</p> <p>(a) the draft development control plan,</p> <p>(b) the relevant local environmental plan or deemed environmental planning instrument,</p> <p>(c) the period during which submissions about the draft plan may be made to the council.</p> | Amending legislation citation to refer to the correct clause in the legislation following statutory updates.   |
| 3    | 2.4    | Amendment to DCP                                  | Update the amendments table to include the administrative amendments to the DCP   | Provide chronological / historical updates on administrative changes to the development control plan.  |
| 4    | 3.2    | Requirements applying to all types of development | Update document reference name to include correct details - In addition to this Chapter please refer to Development Application and Construction Certificate Application Lodgement Checklist for those information requirements needed to respond to the Development Controls contained in this section and elsewhere in this Plan.   | Amending the checklist name to refer to the correct document by title 'Development Application and Construction Certificate Application Lodgement Checklist' to ensure ease of identification. |
| 5    | 3.2.2  | Requirements applying to all types of development | Amend Bushfire Protection Guidelines provisions to include ' <i>Australian Standard</i> ] AS3959'   | Includes reference to the relevant Australian Standard for community / practitioner reference.   |

| Item | Clause  | Reference   | Summary details of administrative amendment(s)  | Intended Effect / Reason  |
|------|---------|---|---|---|
| 6    | 3.2.3.1 | Requirements applying to all types of development | Amend <i>Building Code of Australia</i> to refer to 'Part 1'  | Amends the reference from Part D to Part 1 to include the correct volume of the building code.  |
| 7    | 3.2.3.1 | Carparking  | Amend to include a note at the bottom of the table <i>'Where the land use is within the defined CBD area, Council will merit assess whether carparking is required within 'main street' areas, i.e. fronting the "main street" for change of use developments. In the case where an application cannot demonstrate the prescribed parking rate, Council staff may refer the application to full Council for determination to ensure new development is not discouraged.</i>   | Provides an additional note to the carparking requirements table to ensure that development is not inhibited through carparking requirements on a main street within the Central Business District subject to merit assessment. |
| 8    | 3.2.6   | Cut and Fill                                      | Amend to include <i>'amount of cut and fill is to be assessed on a merit basis for lots that have steep topography where cut and fill is expected to exceed one (1) metre.</i><br><br><i>Factors to be considered within the merit assessment include:</i><br><br>- <i>setback of retaining walls from boundaries</i><br><br>- <i>the number of retaining walls reducing the overall height of cut and fill i.e. terraced retaining walls or stepped retaining walls</i><br><br>- <i>the impact on the neighbouring property.</i><br><br><i>Note: maximum of 2m cut is permissible if the retaining wall is minimum of 300mm from any side or rear boundary to a property.</i><br><br><i>Note: Cut and fill provisions shall not apply to RU1, RU4 or C3 zoned land'.</i> | Provide additional guidance on merit assessment of cut and fill provisions on steep topography including acceptable solutions.<br><br>Seeks to clarify where the controls will apply and in what context.                       |
| 9    | 3.2.7   | Demolition  | Amend to include an additional dot point: <i>Dilapidation report is required for adjacent infrastructure to the site (kerbs,</i>  | Provides additional guidance on when a dilapidation report is required when demolition  |

| Item | Clause   | Reference                             | Summary details of administrative amendment(s)  | Intended Effect / Reason  |
|------|----------|---------------------------------------|---|---|
|      |          |                                       | <i>footpaths, driveways, roads and drainage.)</i>   | works are being undertaken.   |
| 10   | 3.2.8    | Development near electrical easements | Amend to include ' <i>Proponents need to include the distance from the structure to the electrical easement on any plan as outlined in clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021</i> '.  | Seeks to comply with the requirement of the amended legislation in 2021 and further provides additional guidance to applicants on Council's requirements.   |
| 11   | 3.2.14.1 | Sewer Supply (Provision of Services)  | Amend to include additional wording ' <i>Council may require connection to a sewer main located within 75 m of the property boundary</i> '.   | Seeks to comply with the requirements of the <i>Local Government Act 1993</i> for the connection of existing and new development to reticulated sewer.  |
| 12   | 3.2.14.1 | Water Supply                          | Amend to include additional wording ' <i>Council may require connection to a water main located within 225 m of the property/development boundary</i> '.  | Seeks to comply with the requirements of the <i>Local Government Act 1993</i> for the connection of existing and new development to reticulated water.  |
| 13   | 3.2.14.2 | Water Supply                          | Amend wording to include ' <i>as per the Rural Fire Service Planning for Bushfire Protection Guidelines (as amended)</i> '.   | Seeks to provide additional guidance on the standards for bushfire fighting water supplies.   |
| 14   | 3.2.14.3 | Electricity                           | Amend wording to include ' <i>Where no reticulated electricity is proposed to be supplied to an allotment, the proponent shall prepare, after approval by Council, a section 88B instrument under the Conveyancing Act 1919.</i><br><br><i>This instrument will be registered with Lands Registry Services and will provide notification to any potential purchaser that the land is not connected to the grid and alternate power sources will be required to supply the land and any future development</i> ' | Seeks to ensure that in the case where an allotment is either unable to be connected to the grid due to physical land issues or in the case where it is cost prohibitive, any future land purchaser is aware of the requirements prior to purchase of any affected lot. |
| 15   | 3.2.15   | Retaining Walls                       | Amend wording to reduce the height of a retaining wall structure from 800mm to 600mm in the case where a structural engineer is required to design the wall.  | Seeks to comply with the prescribed standards contained within the <i>State Environmental Planning Policy Exempt and Complying Development Codes 2008</i> .   |

| Item | Clause | Reference  | Summary details of administrative amendment(s)   | Intended Effect / Reason  |
|------|--------|--|--|---|
| 16   | 3.2.17 | Stormwater                                       | Amend wording to include <i>'another Council-approved drainage system'</i> .   | Seeks to ensure that any connection of a development to a stormwater management system is approved by the Council.  |
| 17   | 4.3    | Basix  | Removes last dot point: <i>'a list of plants suitable in the Snowy Valleys Region is available from Council's Customer Service Section.'</i>   | Removes redundant provisions from this section.   |
| 18   | 4.5    | Dwelling houses in residential and village zones | Amend to include the wording <i>'The following development controls relate to dwelling houses and ancillary residential buildings.'</i>  | Seeks to ensure that residential dwellings and also <i>'ancillary residential buildings'</i> are subject to the controls within the section.  |
| 19   | 4.5    | Dwelling houses in residential and village zones | Amend the table heading from Summary of dwelling house development to <i>'summary of residential development'</i> .<br><br>Amend the <i>side setbacks</i> section to include the wording <i>'Two-story stepped setback – To be assessed on merit'</i> .<br><br>Amend the <i>notes</i> section regarding site coverage to include <i>'excluding swimming pools'</i> . | Seeks to provide clarity on the types of development that the controls refer to.<br><br>Seeks to provide clarity on two-storey developments that seek to utilise a stepped side setback.<br><br>Also seeks to provide clarity on whether pools are included in the site coverage. |
| 20   | 4.5.1  | Building Design                                  | Amend <i>'Council encourages roofs, external walls and trim colours to be in neutral tones'</i> .  | Seeks to dilute the requirements for mandated neutral tones.  |
| 21   | 4.5.1  | Building Design                                  | Delete the words <i>'Unnecessarily complicated roof forms should be avoided and Council discourages flat or low-pitched roofs'</i> .   | Removes redundant provisions from the clause to enable a variety of roof pitches to be encouraged.  |
| 22   | 4.5.2  | Building Design                                  | Amend to include additional wording <i>'Council shall require a boundary survey by a registered surveyor to support this'</i> .  | Seeks to provide clarity of Council's requirements when development is occurring on a property boundary without a setback, ie. zero lot line sited.   |
| 23   | 4.5.3  | Carparking                                       | Remove wording <i>'refer to Section 3 Requirements Applying to all Types of Development'</i> .   | Seeks to ensure consistency between residential parking controls and other controls by removing the reference within the clause.  |



| Item | Clause | Reference   | Summary details of administrative amendment(s)  | Intended Effect / Reason   |
|------|--------|---|---|--|
| 24   | 4.6.1  | Second hand / Relocatable Dwellings General Requirements. | Amend wording to replace <i>'Council has specific information requirements that must be provided with a development application for a second hand or relocatable dwelling. These requirements are identified in Council DA Matrix' with 'Photographs of the external appearance are to be provided with any DA application'.</i>  | Seeks to ensure that the proponent is aware of current Council submission requirements.  |
| 25   | 4.7.5  | Farm sheds and outbuildings                               | Amend wording to state: <i>'Farm sheds and outbuildings are not to be constructed of highly-reflective material'.</i>   | Seeks to permit cladding materials that are non reflective.  |
| 26   | 4.8.4  | Building Design and Siting                                | Delete the words 'No additional parking is required for the secondary dwelling'.  | Seeks to ensure appropriate parking is available for a secondary dwelling based on merit.  |
| 27   | 4.10   | Dual Occupancy  | Amend wording to include - Notes to table: Site coverage means the percentage of site area covered by buildings <i>'excluding swimming pools'.</i>  | Seeks to provide clarity that pools are excluded from the site coverage calculations.  |
| 28   | 4.10.3 | Car parking   | Amend wording to include parking space for <i>studios</i> or one or two-bedroom dwellings.  | Seeks to include 'studios' within the clause for the purposes of provision of parking.   |
| 29   | 4.10.3 | Car parking   | Delete wording <i>'refer to Section 3 Requirements Applying to all Types of Development'.</i>   | Seeks to ensure consistency between residential parking controls and other controls by removing the reference within the clause. |
| 30   | 4.11.3 | Building Setbacks   | Amend to include additional wording:<br><i>For regular-shaped and sited lots, the front setbacks are to be six (6) metres. The side setbacks are to be three (3) metres for single-storey development and 3.75 metres for two-storey development. The rear setbacks are to be 4.5 metres.</i><br><i>Irregular-shaped and sited lots will be assessed on merit (i.e. site specific).</i> | Seeks to provide clarity on setback requirements for battle-axe and irregular-shaped allotments.                                 |
| 31   | 4.14.4 | Car Parking   | Amend to include the following word:  | Seeks to provide carparking requirements for studios.  |

| Item | Clause  | Reference                        | Summary details of administrative amendment(s)  | Intended Effect / Reason   |
|------|---------|----------------------------------|---|--|
|      |         |                                  | The following car parking requirements apply:<br><br>· <i>One car parking space for 'studios' or one-bedroom dwellings;</i>   |  |
| 32   | 4.11.6  | Clothes Drying Facilities        | Delete the words ' <i>or a mechanical dryer</i> '   | Seeks to provide clarity on Council's requirements to provide clotheslines as a minimum requirement.   |
| 33   | 4.11.11 | Landscaping                      | Amend wording to include - <i>Appropriate vegetation 'shall be used'</i>  | Seeks to provide Council's position on use of appropriate vegetation to promote shade and solar access.  |
| 34   | 4.11.15 | Private Open Space               | Amend to include the words 'square metre'   | Seeks to address a typographical error in the clause.  |
| 35   | 5.2     | Definitions                      | Amend wording to include - ' <i>This Chapter applies to types of commercial development permitted in the E1 Local Centre Zone, MU1 Mixed Use Zone and the RU5 Village Zones.</i> '  | Seeks to amend the zones to comply with recent legislation changes in the last quarter of 2022, providing the correct one titles.  |
| 36   | 6.3.20  | Sex Services Premises            | Amend wording to include: ' <i>Sex workers and brothel owners/proprietors must comply with 'Section 79' of the Public Health Act 2010.</i> '  | Seeks to address the correct legislation citation in the clause.   |
| 37   | 8.3.1   | Goobarragandra Valley Background | Amend the wording to state: ' <i>The section of the valley that the clause applies to, identified in figure 1' is regarded by the community as an area of high environmental value.</i><br><br>Amend Figure 1 to show the location of the Goobarragandra Valley | Seeks to clarify the location of the Goobarragandra Valley and to the extent to which the controls exist.<br><br>Seeks to clarify the location of the Goobarragandra Valley and to the extent to which the controls exist in graphical form. |
| 38   | 8.3.2   | Key Development Controls         | <i>Any septic tanks proposed to be located within 100 metres of the Goobarragandra River shall be considered by Council to be high risk on-site wastewater management systems and shall be inspected by Council not later than every two (2) years.</i>         | Seeks to ensure any proposed septic tanks in the location of the Goobarragandra Valley are inspected not later than every 2 years.   |
| 39   | 9.3.2   | Road layout and design           | Amend to include the words ' <i>Provision must be made for both a primary and a secondary</i>   | Seeks to ensure that there is provision for emergency  |

| Item | Clause | Reference                                  | Summary details of administrative amendment(s)  | Intended Effect / Reason  |
|------|--------|--|---|---|
|      |        |  | <i>access to greenfield developments.'</i>  | access in any greenfield subdivisions.  |
| 40   | 9.3.5  | Landscaping and Street Trees               | Amend wording to include - <i>'Advanced street shade trees, based on the ratio of at least one tree per new lot, are to be provided in accordance with Council's recommended Street Tree species list (see Appendix 1) and in consultation with Council staff to ensure both appropriateness for location and also to ensure that there are no conflicts with infrastructure including streetlighting, driveways and also stormwater management systems'.</i> | Seeks to ensure that appropriate shade trees are selected for the location and that street trees do not impact on local infrastructure. |
| 41   | 9.8.1  | Rural Subdivision - General Considerations | Amend wording to include <i>C3 Environmental Management.</i>  | Seeks to amend the zoning to comply with recent changes in legislation from E3 Environmental Management to C3 Environmental Management. |

## LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

### Integrated Planning and Reporting Framework:

#### Community Strategic Plan Theme

Theme 3 - Our Environment

#### Community Strategic Plan Strategic Objectives

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

#### Delivery Program Principal Activities

3.3 Provide a planning and development framework that enhances local amenity through sustainable growth

## FINANCIAL AND RESOURCES IMPLICATIONS:

The administrative amendments are expected to be undertaken in accordance with existing adopted operational plan budgets for 2022/23.

## POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The proposed administrative amendments to the Snowy Valleys Council Development Control Plan will be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* and associated Regulation (2021). Any proposed exhibition of the administrative amendments will be undertaken in

accordance with the *Local Government Act 1993* and Council's adopted Community Participation Plan 2022.

### RISK MANAGEMENT / COST BENEFIT ANALYSIS:

| RISK CATEGORY                 | RISK/REWARD DESCRIPTION   | COST/RISK   | BENEFIT/ REWARD  |
|-------------------------------|---|---|--|
| Legal                         | Uncertainties within the current DCP are likely to lead to adverse development outcomes and in some cases litigation due to uncertainty surrounding particular provisions within the DCP inviting third party legal challenges. | Third party litigation  | Reduction in risk profile.   |
| Environmental & Public Health | Ensuring regular review and best practice of development control plan provisions will provide higher standards of development assessment outcomes.  | Nil   | Achieve best practice development control plan provisions                      |
| Financial                     | Uncertainty in the application of DCP controls are likely to lead to legal challenge by either applicants or third parties.   | Applicant or Third-Party litigation leading to financial costs of defence and potential claims. | Reduction in risk profile to litigation and subsequent legal costs and claims. |

### OPTIONS:

#### 1. Option 1

THAT Council:

1. Endorse the proposed draft administrative amendments to the Snowy Valleys Council Development Control Plan 2019;
2. Publicly exhibit the proposed administrative amendments to the Draft Snowy Valleys Council Development Control Plan 2019 in accordance with the requirements of the *Local Government Act 1993* and Council's Community Participation Plan for a period not less than 28 days.
3. Adopt the administrative amendments to the Snowy Valleys Council Development Control Plan 2019 should no submissions be received within the exhibition period. In the case where submissions are received, those submissions shall be considered in a future report to Council prior to consideration for final adoption.

#### 2. Option 2

THAT Council not adopt the proposed administrative amendments to Snowy Valleys Development Control Plan.

Option 1 is recommended.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

In accordance with Council's adopted Community Participation Plan 2022 and the *Local Government Act 1993*, the proposed administrative amendments to the Snowy Valleys Council Development Control Plan will be exhibited for a period of not less than 28 days.

**ATTACHMENTS**

1. DRAFT Development Control Plan 2019 (Under separate cover)

## 10.8. DEVELOPMENT APPLICATION DA 2022/0163 -PROPOSED ARTISAN FOOD AND DRINK PREMISES - MICRODISTILLERY

**REPORT AUTHOR: INDEPENDENT PLANNING ASSESSMENT PARTNER**

**RESPONSIBLE DIRECTOR: GENERAL MANAGER**

### EXECUTIVE SUMMARY:

A development application (DA2022/0163) was lodged with Council on 25 October 2022 seeking development consent for the purposes of a 'Artisan Food and Drink Industry' at Lot 26, DP 1018407, known as 2-722 Little River Road, Little River.

The applicant describes the development as construction of a micro distillery building for the purpose of making boutique drink products, including gin, Australian native liquors and whiskey. The building will contain a facility for tasting and retail sales of drinks made on premises, a café component, the distillery room and a packaging / pre room. An appointment system will be used through the business website. Hours for bookings will be 10am to 8pm seven days a week.

An independent DA assessment has been carried out by an independent external assessment partner. The DA is considered nominated integrated development in that it requires an activity approval to carry out a controlled activity pursuant to the *Water Management Act 2000* from the Department of Planning and Environment – Water (DPIE- Water). The DA was referred to DPIE-Water and they have issued their General Terms of Approval subject to conditions of consent which are included in the recommended conditions.

The proposal has been reported to Council because of the public interest given the 24 submissions received during the notification period.

The merits of the application have been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and accordingly it has been recommended that the application be determined by way of approval subject to conditions.

|                                 |   |
|---------------------------------|---|
| <b>Applicant</b>                | <b>Ellen Webb c/o MJM Solutions</b>   |
| Land owner                      | Ellen Webb and David McDougall  |
| Zoning Context                  | RU1 – Tumut Local Environmental Plan 2012   |
| Cost of Work (\$)               | \$200,000   |
| Notification Period             | The application was notified in accordance with Council's Community Participation Plan between 25th October and 11th November 2022 and 1 February – 1 March 2023. |
| Number of submissions           | Twenty-Four (24)  |
| Political Donations declaration | Nil   |
| Reasons for referral to Council | Public interest matter – (number of submissions that have been received during the notification period > 10)  |

### RECOMMENDATION:

#### THAT COUNCIL:

- Determine the determination application DA2022/0163 for an Artisan Food and Drink Industry at Lot 26, DP 1018407, known as 2-722 Little River Road, Little River by way of APPROVAL subject to the conditions listed in the draft Notice of Determination at Attachment 1.**

**BACKGROUND:**

On 30 March 2020 Council received a development application for a distillery under DA2020/0138. The proposal sought to locate the proposed activity within an existing shed approximately 63m from the Goobarragandra River and to the immediate east of the existing dwelling. Council considered the proposal in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and noted that the application did not provide the required level of information to support the proposal at that time. Subsequently, the development application was formally withdrawn by the applicant on the 5th November 2020.

In order to proceed with the proposal a revised development application was prepared and lodged with Council on the 24th November 2021 under DA 2021/0268. The application sought to address the limitations of the previous application and also sought to obtain consent for a food and drink industry – micro distillery.

Councillors resolved at the ordinary general meeting of the Council on the 19th May 2022 under vide minute number MN 155/22 - *That DA 2021/0268 Food and Drink Distillery Industry – Micro distillery – Lot 26 DP 1018407 be deferred to a future meeting until further information is obtained.*

The application was deferred in accordance with the standing resolution of Council and a site inspection was undertaken on Thursday 2nd June 2022 to enable the elected Council to review the subject site and further consider the merits of the application.

On 16 June 2022, Council determined DA 2021/0268 by way of approval. Following this approval, a third party commenced a Class 4 Appeal in the Land and Environment Court. DA 2021/0268 was formally surrendered on 27 September 2022. The subject DA was lodged on 25 October 2022.

**Subject Site and Locality**

The development site is located about 12km to the east of Tumut (refer **Figure 1**). The development site is known as 2-722 Little River Road, Little River, 2720, and is legally described as Lot 26, DP 1018407.

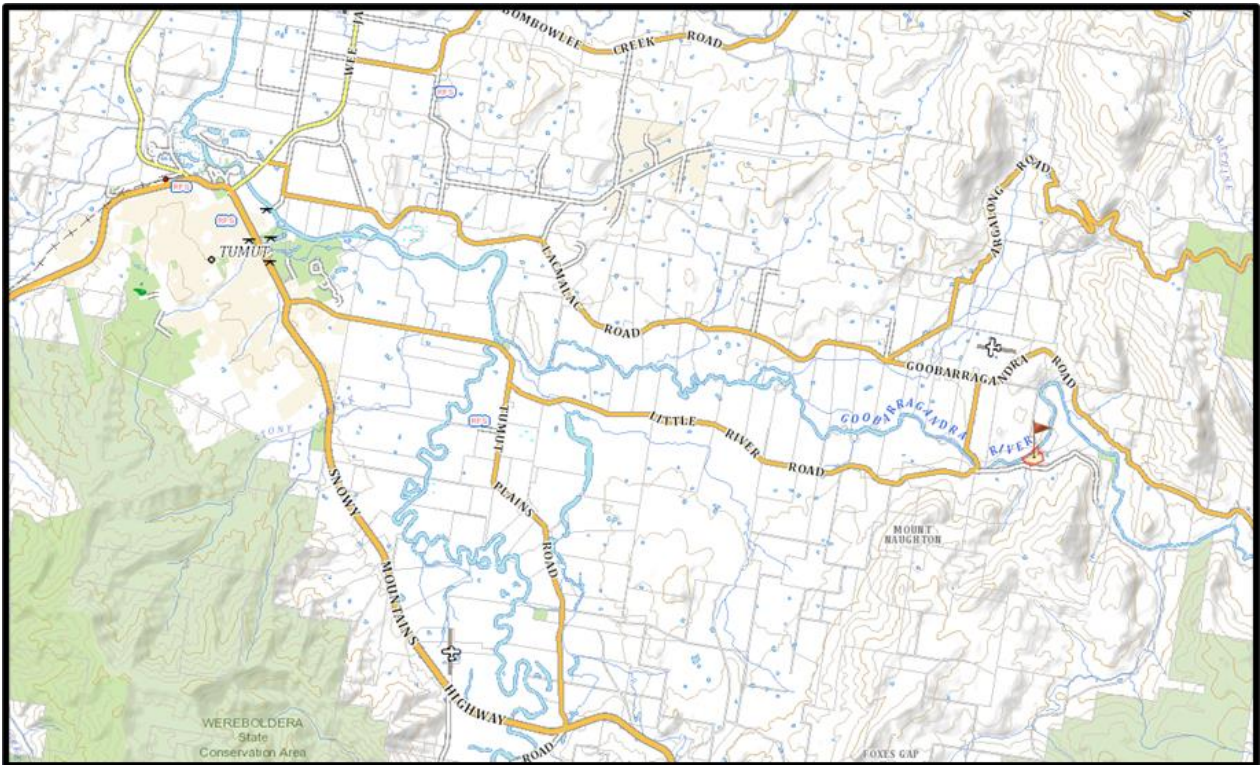
The land is approximately 3.9 hectares in area and forms an irregular rectangle in shape. The northern boundary has direct frontage to the Goobarragandra River. The top bank of the river is approximately 296m AHD, with the finished level of the dwelling at RL 304.68m AHD, some 8m higher. The level across the front boundary is approximately RL 310m AHD, and the land falls toward the river in a north-westerly direction. A contour survey is included with the DA documents.

The land is encumbered by an easement for water supply 3, 5 & 10 metres wide (DP1018407) that runs close to the eastern property boundary, and by a right of carriageway 15 metres wide and variable, which crosses the south-western corner of the property. An electricity line runs across the front of the property and then generally runs north, parallel to the easement for water supply.

Improvements on the property include a brick dwelling house, brick garage, water tanks, metal shed, gravel driveway, a former tennis court on the property frontage, and a fenced area where the micro distillery will be located, at approximately RL 306m AHD – location indicated on **Figure 2**.

The land incorporates what was the original homestead block of the property known as Little River. The tennis court and a few farm buildings are all that remain, as the homestead burnt down in 2005.





**Figure 1:** Location of development site in relation to Tumut. Source: SIX MAPS



**Figure 2:** Aerial photograph showing location of dwelling and development site. The red square denotes the area of the proposed distillery building. Source: NSW Planning Portal

The locality features undulating rural grazing land, with remnant vegetation of varying density along drainage lines, leading to more contiguous vegetation on steeper slopes to the south and east. Previous subdivisions and excisions have resulted in some fragmentation of land, with dwellings situated off Little River Road to take advantage of the Goobarragandra River aspect.



The planning intent of the locality is to partly preserve rural productivity, with the minimum lot size for a new dwelling house set at 150 hectares. There are a number of tourist accommodation businesses in the locality, including holiday cabins to the east and west (Little River Log Cabins and Elm Cottages).

The immediate locality has tourist accommodation, shown in **Figure 3** below (development site in red, north at top of image). There is a tourist accommodation cottage 80m to the north (blue), with the business operators dwelling 250m to the north-east (green) and a tourist accommodation dwelling 500m to the east (blue). Mature vegetation north of the development site effectively screens the development from the closest tourist cottage.



**Figure 3:** Aerial of immediate locality with development site and surrounding dwellings. Source: NSW Planning Portal.

### Proposed Development

This DA proposes an ‘Artisan Food and Drink Industry’ at 2-722 Little River Road, Little River.

Specifically, the development will consist of:

- The construction and fit out of a new single storey building with a total area of 161 m<sup>2</sup>. The building will comprise of:
  - Provision of a tasting and retail sales area for drinks made on premises;
  - Provision of an ancillary café component.
  - Provision of a distillery room;
  - Provision of a preparations room and packaging room;
  - Provision of a concrete verandah vernacular;
  - Provision of a fire rated wall and windows separating the distillery and packaging area; and
  - Provision of an accessible bathroom and airlock.
- The proposed development comprises of associated works supporting the development, this includes:
  - Provision of stormwater infrastructure such as the provision drainage pipes and two 8000L rainwater tanks;

- Provision of sewer infrastructure depositing sewerage and liquid waste. Specifically, the development will be connected to an existing bio septic via gravity sewer lines and supported by a proposed emergency spill tank.
- Provision of a new compact gravel driveway & parking area to the front of the development to comprise of 7 carparking spaces;
- Provision of 1 accessible parking space with an accessible path along the side of the building; and
- Earthworks facilitating the development.
- The proposed operation of the facility comprises of:
  - The available hours for bookings are between 10 am to 8 pm, seven days a week.
  - A maximum of 12 guests/patrons at any one time through an appointment system; and
  - A café area component will provide 3-4 tables and up to 12 chairs. The café will serve light food generally prepared off-site and for booked customers only.
  - Two full time staff.

The materials selected for the single storey development comprise of a timber frame, colorbond walls and roofing, aluminium windows, concrete floors throughout, and brick verandah columns.

It is noted that ethanol base alcohol is not made on the premises. Ethanol is purchased, under excise bond, and is stored within an 800 litre drums and delivered. The ethanol is then put through a still to rectify it, to produce a clean base spirit.

Furthermore, If the proposal receives development consent an application must be made by the business to NSW Liquor and Gaming for a Liquor Licence.

The DA is considered nominated integrated development in that it requires an activity approval to carry out a controlled activity pursuant to the *Water Management Act 2000* from the Department of Planning and Environment – Water (DPIE-Water).

**Figures 4 through 7** show the main building elevations, floor plan and site plan.



**Figure 4:** West Elevation and Entry To Micro Distillery Building. Source: Applicant

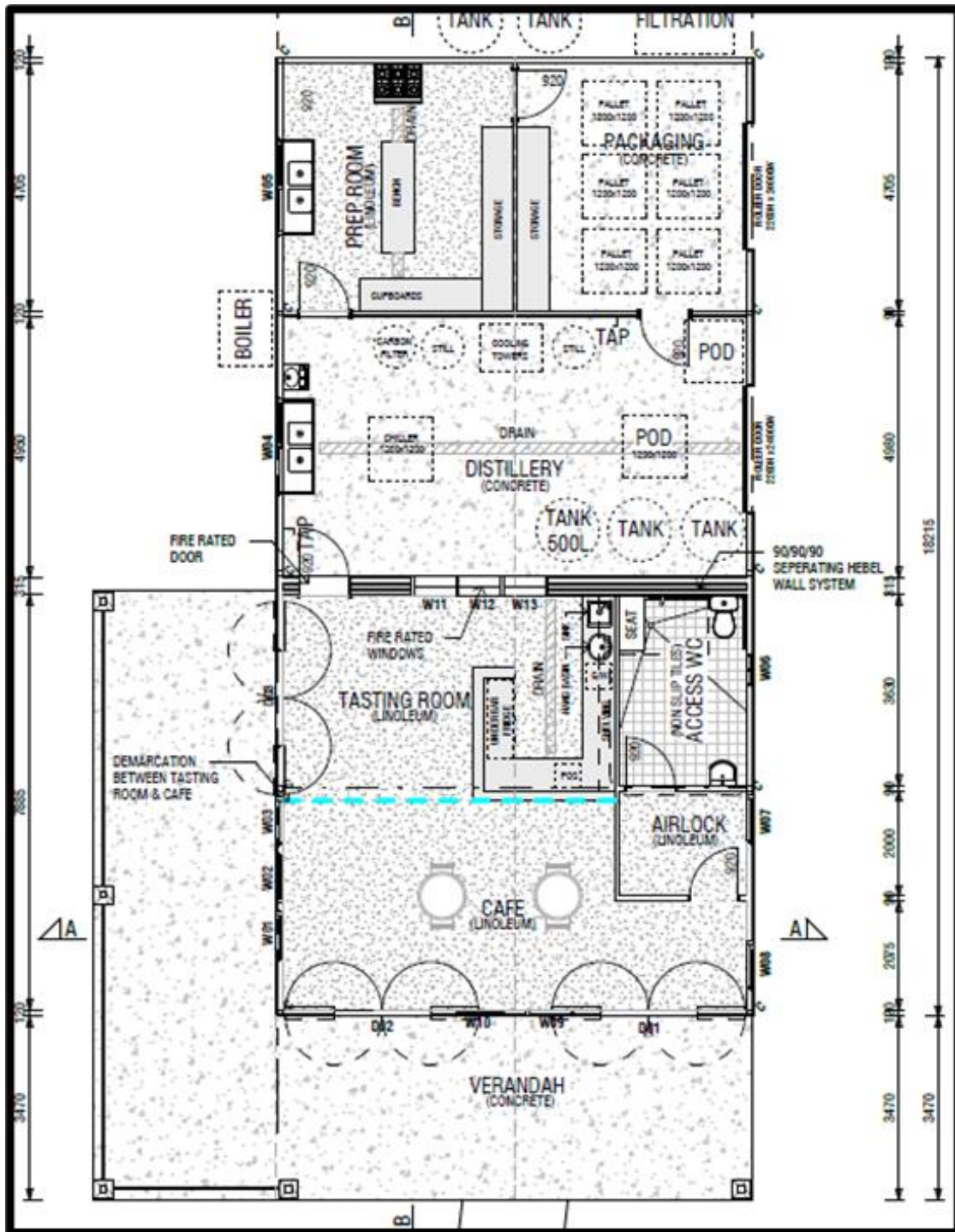


Figure 5: Building Floor Plan. Source: Applicant

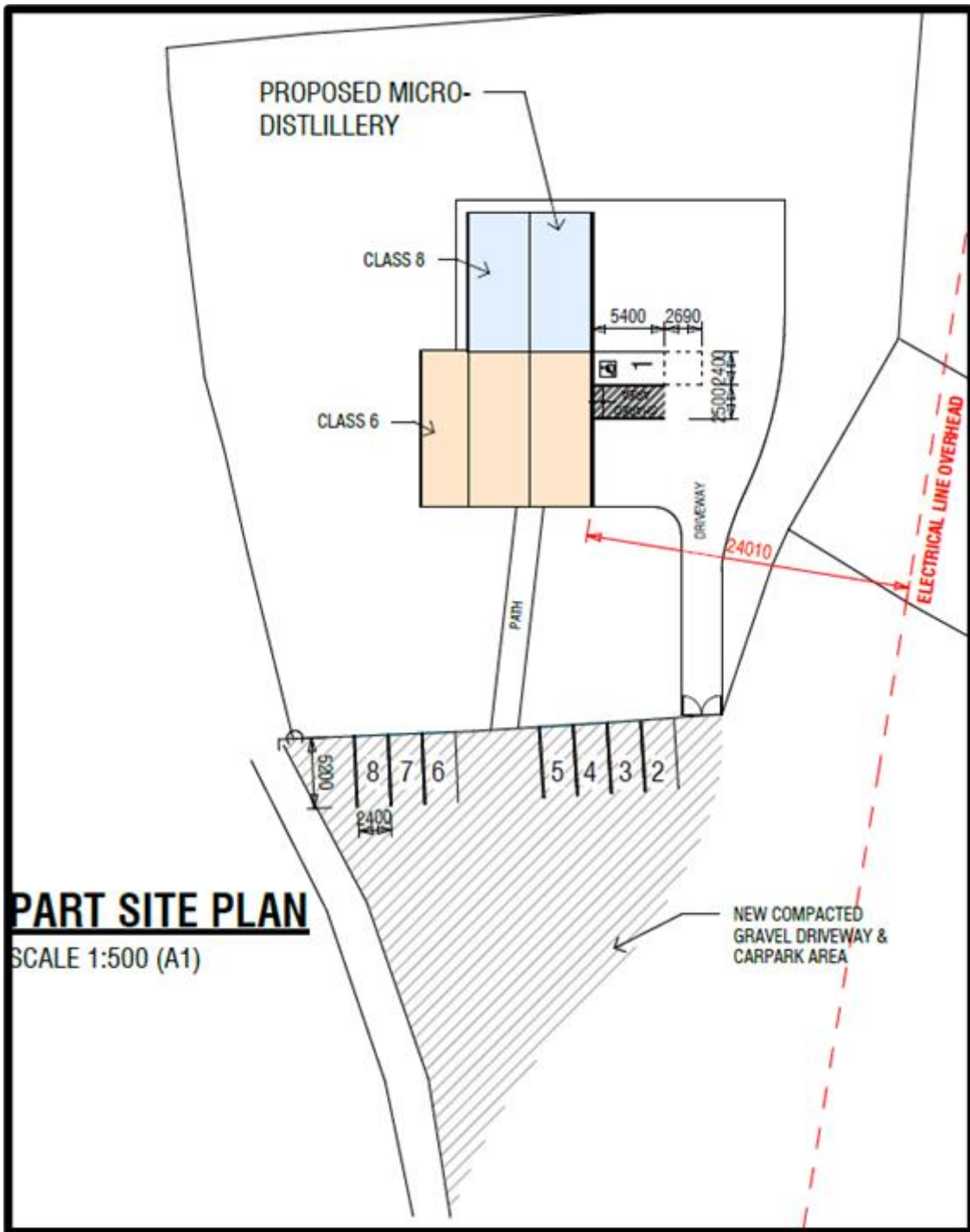


Figure 6: Site Plan. Source: Applicant



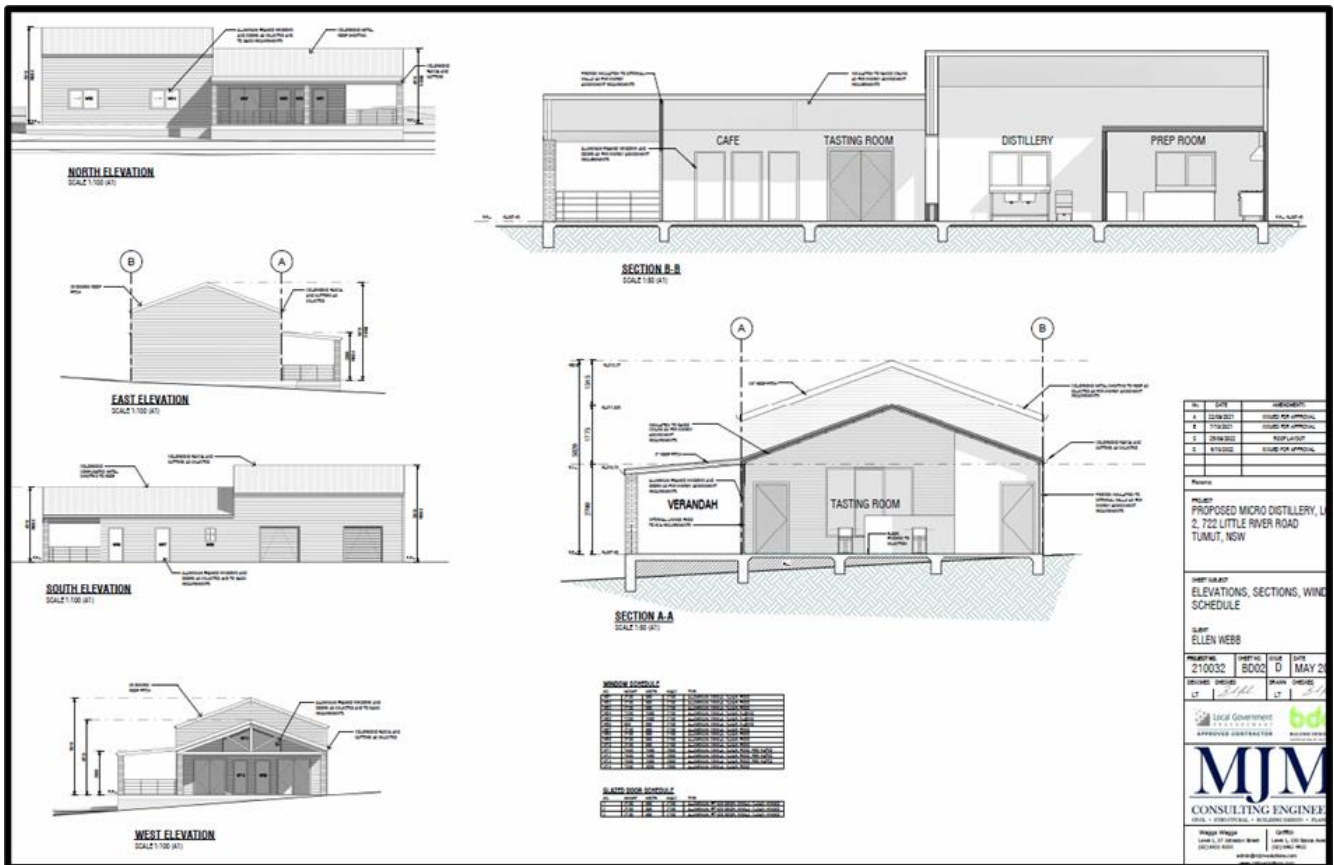


Figure 7: Elevations and Sections. Source: Applicant

**REPORT:**

**4.15 Evaluation – Environmental Planning and Assessment Act 1979**

Pursuant to Section 4.15 (1)(a)(i) and (ii) Any Environmental Planning Instrument / Draft Environmental Planning Instruments applying to the land.

**State Environmental Planning Policies**

The application has been considered with regards to the relevant provisions of applicable state environmental planning policies (SEPPs) as outlined and discussed below:

**State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards 2021)**

Chapter 3 - Hazardous and Offensive Development

Clause 3.11 Preparation of preliminary hazard analysis: A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.

The relevant publication is the January 2011 Hazardous and Offensive Development Application Guidelines - Applying SEPP 33 - State of New South Wales through the Department of Planning. The SEPP 33 Guidelines adopt a threshold screening approach by volume and traffic movements to determine if a development is potentially hazardous, and therefore if a Preliminary Hazard Analysis (PHA) is required. With respect to risk screening, the ethanol (Ethyl Alcohol) bought to the site is a Class 3 Packing Group II (3PGII) Dangerous Good. Packing Group II refers to medium risk. **Table 1** (below) of the Guidelines applies.

## Storage and Processing

With respect to risk screening, the ethanol (Ethyl Alcohol) bought to the site is a Class 3 Packing Group II (3PGII) Dangerous Good. Packing Group II refers to medium risk. **Figure 8** (below) of the Guidelines applies.

Applying SEPP 33 | January 2011

| <b>Table 1: Screening Method to be Used</b> |  |
|---|--|
| <b>Class</b>                                | <b>Method to Use/Minimum Quantity</b>        |
| 1.1   | Use graph at Figure 5 if greater than 100 kg |
| 1.2-1.3                                     | Table 3                                      |
| 2.1 — pressurised (excluding LPG)           | Figure 6 graph if greater than 100 kg        |
| 2.1 — liquefied (pressure) (excluding LPG)  | Figure 7 graph if greater than 500 kg        |
| LPG (above ground)                          | table 3                                      |
| LPG (underground)                           | table 3                                      |
| 2.3   | table 3                                      |
| 3PGI  | Figure 8 graph if greater than 2 tonne       |
| 3PGII                                       | Figure 9 graph if greater than 5 tonne       |
| 3PGIII                                      | Figure 9 graph if greater than 5 tonne       |
| 4   | table 3                                      |
| 5   | table 3                                      |
| 6   | table 3                                      |
| 7   | table 3                                      |
| 8   | table 3                                      |

**Note:** Classes 1.4, 1.5, 1.6, 2.2, 7 and 9 are excluded from the risk screening. Classes used are those referred to in the Dangerous Goods Code and are explained in appendix 6.

If Table 1 indicates that a graph is to be used: If the quantity is below the minimum quantity in Table 1, then it is not potentially hazardous and there is no need to use the graph.

Using the appropriate graph, plot the group total quantity against the distance from the nearest boundary. If the point lies below the screening threshold line, the proposed development is potentially hazardous.

For class 3 materials only, if storage is underground, the capacity of the tank should be divided by five prior to assessing it against the screening threshold.

If Table 1 indicates that Table 3 is to be used: If the quantity is in excess of the quantity listed in Table 3, the development is potentially hazardous.

Repeat this procedure until all hazardous materials have been assessed.

**Consider Transportation Issues**

The proposed development may be potentially hazardous if the number of generated traffic movements (for significant quantities of hazardous materials entering or leaving the site) is above the annual or weekly cumulative vehicle movements shown in Table 2.

If the proposal is found to be potentially hazardous with respect to transportation, a route evaluation study should be completed in accordance with the Department of Planning's *HIPAP 11: Route Selection*.

**Figure 8:** Applying SEPP 33 - Table 1. Source: [Microsoft Word - Applying SEPP 33 Final 2011.doc \(nsw.gov.au\)](#) (pg. 17)

If the quantity is below the minimum quantity, then the amount is unlikely to represent a significant risk and therefore is not potentially hazardous. The total volume of ethanol and finished product expected to be on site at any one time is 4,000 litres (see Table 9). Therefore, the amount is unlikely to represent a significant risk and therefore is not potentially hazardous.

| Room                                  | Product         | Source  | Volume in litres |
|---------------------------------------|-----------------|---|------------------|
| <b>Distillery room</b>                | Ethanol         | 2 stills @ 300 litres each  | 600              |
|                                       | Ethanol         | Pod (full)  | 800              |
|                                       | Ethanol         | Pod (approx. 10% remaining)   | 100              |
|                                       | Blended product | Blended product during production, 3 tanks @ 500 litres each        | 1,500            |
| <b>Preparation &amp; packing room</b> | Gin & liquor    | 6 pallets, each holding 150 litres of finished product              | 900              |
| <b>Tasting room retail area</b>       | Gin & liquor    | Display shelving and under bench storage (estimated maximum amount) | 100              |
|                                       |                 |   | <b>4,000</b>     |

**Figure 9:** Storage and Processing Volumes. Source: Applicant

For the purposes of SEPP Resilience & Hazard 2021, a hazardous storage establishment is included in the definition of potentially hazardous industry. SEPP Resilience and Hazards 2021 will apply if a proposal for an industrial development requires consent, and it is either potentially hazardous industry or potentially offensive industry (or both). As the stored materials are not potentially hazardous the proposal is not potentially hazardous and does not require the preparation of a Preliminary Hazardous Analysis.

**Transportation**

The proposed development may be potentially hazardous if the number of traffic movements generated (for significant quantities of dangerous goods entering or leaving the site) is above the annual or weekly cumulative vehicle movements shown in **Figure 10** (below) of the Guidelines. The threshold for 3PGII/3GIII goods is more than 45 weekly trips of bulk goods of three tonnes. The SEE states that for the subject development, less than two deliveries per fortnight, each of less than 1 tonne, are expected.

The SEE also states that transport of finished product from the site will be less than two deliveries per fortnight, each of less than one tonne. Transportation of the ethanol and finished product is below the screening threshold. Regarding transportation, the proposal is not potentially hazardous and does not require the preparation of a Preliminary Hazardous Analysis.



Applying SEPP 33 | January 2011

**Table 2: Transportation Screening Thresholds**

| Class  | Vehicle Movements |                | Minimum quantity*     |          |
|--------|-------------------|----------------|-----------------------|----------|
|        | Cumulative Annual | Peak or Weekly | Bulk per load (tonne) | Packages |
| 1      | see note          | see note       | see note              |          |
| 2.1    | >500              | >30            | 2                     | 5        |
| 2.3    | >100              | >6             | 1                     | 2        |
| 3PGI   | >500              | >30            | 1                     | 1        |
| 3PGII  | >750              | >45            | 3                     | 10       |
| 3PGIII | >1000             | >60            | 10                    | no limit |
| 4.1    | >200              | >12            | 1                     | 2        |
| 4.2    | >100              | >3             | 2                     | 5        |
| 4.3    | >200              | >12            | 5                     | 10       |
| 5      | >500              | >30            | 2                     | 5        |
| 6.1    | all               | all            | 1                     | 3        |
| 6.2    | see note          | see note       | see note              |          |
| 7      | see note          | see note       | see note              |          |
| 8      | >500              | >30            | 2                     | 5        |
| 9      | >1000             | >60            | no limit              |          |

**Note:** Where proposals include materials of class 1, 6.2 or 7, the Department of Planning should be contacted for advice. Classes used are those referred to in the Dangerous Goods Code and are explained in Appendix 7.

\* If quantities are below this level, the potential risk is unlikely to be significant unless the number of traffic movements is high.

#### Determine Whether SEPP 33 Applies

If any of the above tests result in a screening threshold being exceeded, the proposed development should be considered potentially hazardous and SEPP 33 will apply. In such cases, a preliminary hazard analysis (PHA) must be submitted with the development application. The PHA should be prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 6 — Hazard Analysis*. An outline of the requirements for the preparation and assessment of a PHA is given in Appendix 5.

**Figure 10:** Applying SEPP 33 - Table 2. Source: [Microsoft Word - Applying SEPP 33 Final 2011.doc \(nsw.gov.au\)](#) (pg. 18)



### Chapter 4 Remediation of Land

Chapter 4 of the Resilience and Hazard SEPP 2021 requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

Council has undertaken a desktop review of the previous uses of the land and also has conducted a site inspection of the premises to ensure that there are no contamination issues present. The former use of the site includes agricultural purposes.

From a site inspection, no evidence of animal dips or chemicals or hazardous waste could be identified. The land is not considered to be contaminated, nor does it require remediation for the purposes of the development.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### Chapter 3 - Koala Habitat Protection 2020

Chapter 3 of the SEPP Biodiversity and Conservation 2021 requires Council to be satisfied as to whether or not the land is a potential koala habitat.

Given the vegetation types observed on the land and also the location of any vegetation, the land is not considered to be potential Koala Habitat as defined within the SEPP.

### **Local Environmental Plans**

The *Tumut Local Environmental Plan 2012* as amended applies to the subject site.

- **Clause 1.2 Aims of the Plan**

The aims of the Tumut Local Environment Plan 2012 are:

- to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- to protect the agricultural production of rural land, particularly where land is designated as being of prime crop and pasture potential,
- to provide for the continued needs of tourism,
- to encourage the provision of employment opportunities for local residents,
- to provide a variety of residential environments to cater for differing lifestyles and needs,
- to promote and enhance the viability of existing commercial and industrial centres within Tumut,
- to recognise the financial constraints likely to be encountered by the Council in the provision, maintenance and augmentation of additional and existing services required for an expanding and relocating population,
- to ensure that the Council gives due regard to the effect of natural hazards upon development,
- to protect environmentally sensitive land and important fauna and flora habitat,
- to protect, conserve and enhance Tumut's rich indigenous and non-indigenous cultural heritage.

The proposal is considered to be generally consistent with the overall aims of the Tumut LEP 2012.

- **Clause 1.4 - Definitions**

The proposed development is best defined as an Artisan food and drink industry in accordance with the Tumut LEP 2012 and also comprises of a café and facilities for holding tastings.

The definition of an 'Artisan food and drink industry' is produced below.

**Artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

The use is permissible with consent.

- **Clause 2.3 - Zone objectives and Land Use Table**

The subject site is zoned RU1 Primary Production under the provisions of the Tumut LEP 2012 (LEP) (see **Figure 11** below).

**Objectives of zone**

*To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

*To encourage diversity in primary industry enterprises and systems appropriate for the area.*

*To minimise the fragmentation and alienation of resource lands.*

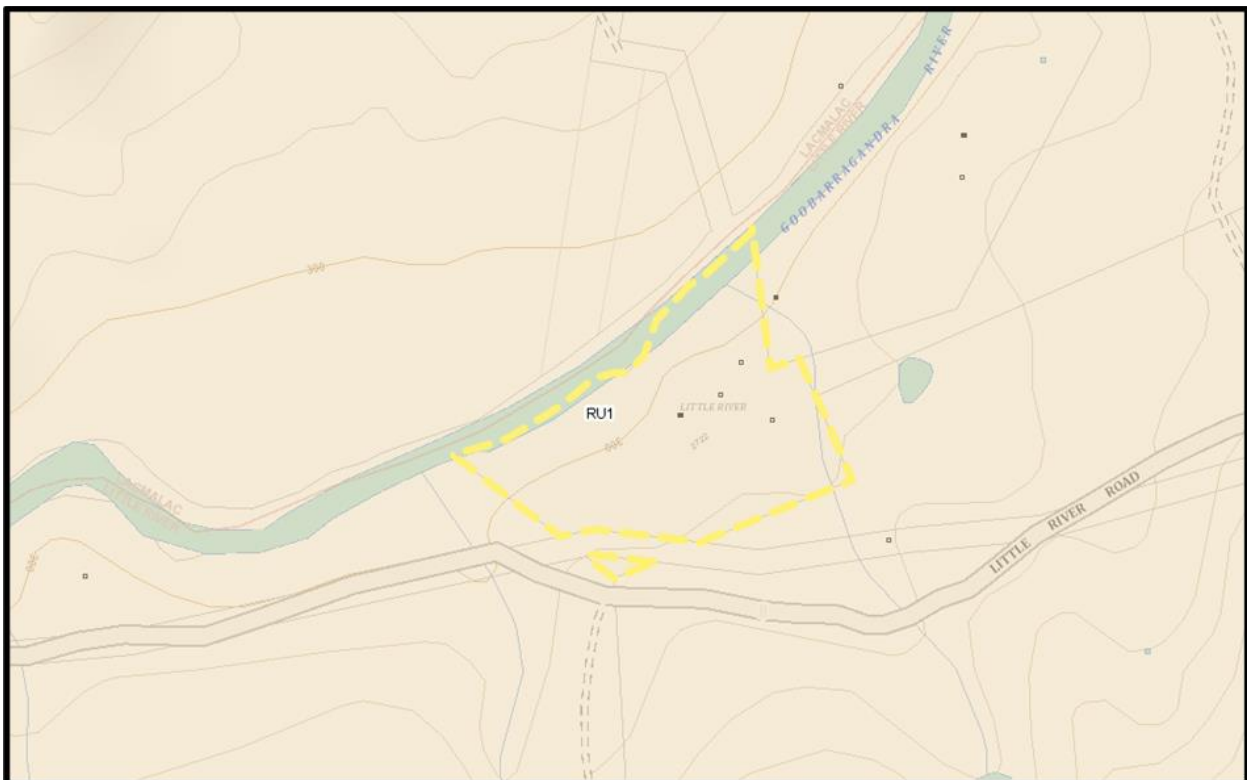
*To minimise conflict between land uses within this zone and land uses within adjoining zones.*

*To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.*

*To ensure development prevents or mitigates land degradation.*

*To protect significant scenic landscapes.*

The proposal is generally consistent with the overall objectives of the zone.



**Figure 11: Zoning Map of Subject Site and Locality. Source: Spatial Viewer**

- **Clause 5.4 - Controls relating to miscellaneous permissible uses**

If development for the purposes of an artisan food and drink industry is permitted under this Plan in ... a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- 25% of the gross floor area of the industry, or
- 400 square metres,

whichever is the lesser.

Within this development proposal, the gross floor area of the industry is 161m<sup>2</sup>. The tasting/retail product sales area is 26m<sup>2</sup>, or 16% of the industry. The proposal therefore meets the prescriptive standards under this clause. A breakdown of floor area is provided below in **Figure 12**.

| Room                             | Approximate area m <sup>2</sup> (rounded) | % total area (rounded) |
|----------------------------------|---|------------------------|
| Café                             | 31  | 19                     |
| Toilet & airlock                 | 15  | 9                      |
| Tasting and retail product sales | 26  | 16                     |
| Distillery                       | 46  | 29                     |
| Packaging/prep room              | 43  | 27                     |
| <b>Total</b>                     | <b>161m<sup>2</sup></b>                   | <b>100%</b>            |

**Figure 12:** Floor Area Breakdown. Source: Applicant

### Clause 6.1 – Earthworks

- Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
- *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- *the effect of the development on the likely future use or redevelopment of the land,*
- *the quality of the fill or the soil to be excavated, or both,*
- *the effect of the development on the existing and likely amenity of adjoining properties,*
- *the source of any fill material and the destination of any excavated material,*
- *the likelihood of disturbing relics,*
- *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Minor earthworks are proposed to facilitate the footings for the proposed development. The proposed works are unlikely to impact on drainage patterns and soil stability, the future use or redevelopment of the site, waterways, environmentally sensitive areas or relics.

Furthermore, a condition is imposed requiring fill material to be of virgin excavated natural material (VENM) or any other Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

**Clause 6.4 - Groundwater Vulnerability and Wastewater**

(2) This clause applies to land identified as “Groundwater Vulnerability” on the LEP Groundwater Vulnerability Map (refer **Figure 13** below). Part of the land adjoining the river is mapped for groundwater vulnerability. This has implications for the treatment of wastewater on site from the development.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,
- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

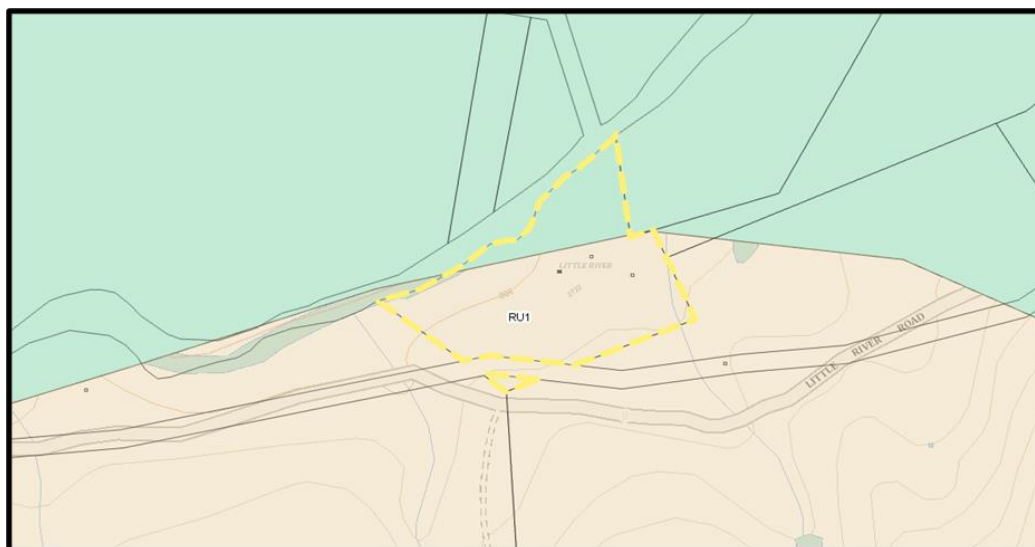
Sewerage and Liquid waste are proposed to be disposed of via onsite gravity sewer lines to the existing bio-septic tanks for processing to grey water. The bio-septic then discharges via a pumped treated sewer line to an effluent disposal area to the south as identified in concept sewer plan within the application. The existing septic tank and effluent will also be pumped to this disposal. The disposal area is required to be a minimum of 265m2 to dispose of the discharge effectively and safely. A geotechnical land capability report and proposed sewer plans for the development have been provided in support of the application. The bio-septic manufacturer identifies that the existing system retains the capacity for the additional loading from the development.

Spill containment within the process area is proposed to be managed on site by an emergency spill tank which is located downhill of the proposed building and has a min capacity of 110% of the proposed max tank. The tank is to be monitored for level and PH and will be balanced to a neutral pH before discharge to the surrounding gardens or by pump-out by waste disposal company.

Stormwater on the site is to be connected to rainwater tanks for use after filtering in the distillation process and any excess to this process is proposed to be used to water the surrounding gardens.

The cumulative impact on the ground water is considered to be minimal, considering the surrounding catchments and there is no proposed extraction of ground water as part of this application.

Development consent may be considered to development on land to which this clause applies because the consent authority is satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact. It is noted that all sewage works will be assessed under Section 68 of the Local Government Act 1993 for any associated sewerage works.



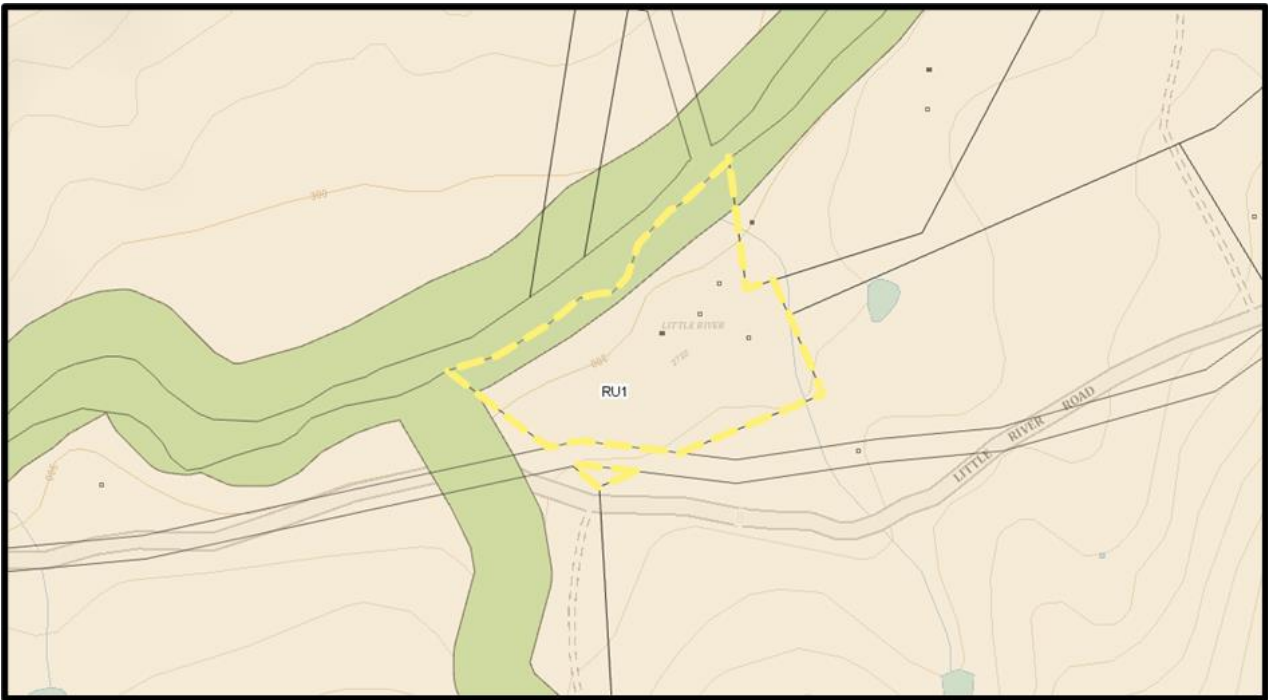
**Figure 13:** Groundwater Vulnerability Mapping. Source: NSW Planning Portal

### Clause 6.5 - Riparian Lands and Watercourses

This clause applies to all of the following—

- (a) land identified as “Watercourse” on the Riparian Lands and Watercourses Map (refer **Figure 14** below),
- (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.

The proposed development and associated work are sited greater than 40 metres from land identified as “Watercourse” on the Riparian Lands and Watercourses Map. Therefore, this clause does not apply.



**Figure 14:** Riparian Lands and Watercourses Mapping. Source: NSW Planning Portal

### Clause 6.8 - Landslide Risk Land and Earthworks

This clause applies to land identified as “Landslide risk land” on the [Landslide Risk Map](#) (refer **Figure 15** below).

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account the risk of landslide:

- site layout, including access,
- the development’s design and construction methods,
- the amount of cut and fill that will be required for the development,
- waste water management, stormwater and drainage across the land,
- the geotechnical constraints of the site,
- any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The land is shown upon the landslide risk land layer; however, this is a landscape wide indicator, and the slope of the subject land is not excessive, there is a gradual fall to the northwest. The site layout including access is considered to be suitable and responsive to the slope of the site and existing site conditions.



This application is accompanied by geotechnical information which establishes that the site is classified M-D: - Moderately reactive clay or silt sites (deep drying), which may experience moderate ground movement from moisture changes by reference to AS2870:2011.

The development proposal requires earthworks to establish the platform for the proposed building. The earthworks (existing site cut and fill) are not excessive, and the existing gradient of the building location is not steep. The slab for the new building will be engineered to suit these conditions and the site classification. As such, the development demonstrates that it has been designed and is capable of being constructed in a suitable manner.

Site drainage will be diverted around the building and roof-water diverted to water tanks to ensure stable ground conditions. The application is accompanied by a drainage plan which indicates the treatment of stormwater to meet these requirements. Additionally, the proposed earthworks are not considered to be excessive and have been designed in accordance with relevant provisions of the Snowy Valleys DCP.

In accordance with the above, the development has taken appropriate measures to avoid, minimise or mitigate the impacts of the development. A recommended condition has been imposed requiring a geotechnical analysis of the land to be completed to ensure structural stability of the land.



**Figure 15:** Landslide Risk Land Mapping. Source: NSW Planning Portal

- **Clause 6.11 – Essential Services**

This clause details that a Council must not grant Development consent satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- *the supply of water,*
- *the supply of electricity,*
- *the disposal and management of sewage,*
- *stormwater drainage or on-site conservation,*
- *suitable vehicular access.*

The proposed development is capable of being serviced by adequate arrangements of essential services.

## Development Control Plans

*Pursuant to section 4.15 (1)(a)(iii) – any development control plans applying to the land.*

The application has been assessed in accordance with provisions of the Snowy Valleys Council Development Control Plan 2019 (SVC DCP 2019) that applies to the land.

| Clause  | Prescriptive Control / Performance Standard  | Commentary   | Compliance  |
|---|--|--|---|
| 3.0 Requirements Applying to all Types of Development |  |  |   |
| 3.2 Development controls                              |  |  |   |
| 3.2.1 Vehicle access standards                        | Vehicle access to all development is to be designed to be safe.  | The existing vehicle access to the site will continue to be utilised. This arrangement is considered to be suitable for the proposed development and has been reviewed by Councils Development Engineers who raised no objections.   | <b>Yes</b>  |
| 3.2.2 Bushfire  | n/a  | The subject site is not mapped as being bushfire prone.  | <b>Yes</b>  |
| 3.2.3 Carparking                                      | <p><b>Car Parking Requirements</b></p> <p>The demand for car parking generated by any development should be provided for on-site (on the development site).</p> <p>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> <p>The Building Code of Australia Part D prescribes the minimum requirements for the provision of parking spaces for people with disabilities. This Plan does not relieve an applicant of any obligation to comply with the Building Code of Australia.</p> | <p>8 parking spaces (including 1 disabled) are provided wholly within the boundaries of the site.</p> <p>The proposed development will not generate excessive parking and traffic. As such, the proposed development does not warrant a traffic and parking study.</p> <p>The proposed development incorporates sufficient parking for people with disabilities and in accordance with the BCA.</p> <p>There is no specific land use car parking rate that can be applied to the development. Where this is the case, Council can apply a like category which is considered to be appropriate. It is considered that applying the same rate as a cellar door premises in this instance is appropriate.</p> <p>The total area that is accessible to the public is indicated as 72 sqm and includes the tasting room, the café, the airlock, and</p> | <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Considered acceptable</b></p> |

| Clause   | Prescriptive Control / Performance Standard   | Commentary  | Compliance   |
|--|---|---|--|
|  | <p>Parking requirement rates included in the following Car Parking Requirements Table 1 are to be calculated in accordance with proposed gross floor area (GFA) and rounded-up to the next highest whole number.</p> <p>-1 space per 6.5 m2 of GFA accessible to public and staff parking</p> | <p>the accessible WC. The required amount of parking spaces for the proposed development is calculated at 12 (11.07) spaces.</p> <p>The development proposes a maximum of 8 spaces, including 1 accessible space. 2 staff members are proposed to be employed at the site, staff carparking can be accommodated in other areas of the site. It is also provided for 2 minibuses to be accommodated on the site, potentially reducing the need for additional car spaces. There is sufficient room for any overflow parking on the site.</p> <p>It is considered that the amount of formed, marked carparking provided onsite is suitable for the proposed development and a variation of 4 spaces to that required by the DCP can be supported.</p> |  |
| <p><b>Car parking layout</b></p> <p>Car parking must be clearly defined to scale on a site plan lodged with the Development Application.</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> <p>The location of on-site car parking should have regard to the following criteria:</p> <ul style="list-style-type: none"> <li>• site conditions, including slope and drainage</li> <li>• visual amenity and adjacent sites</li> </ul> |   | <p>Car parking layout has been clearly identified in the plans accompanying the development application.</p> <p>The proposed car parking configuration has been designed in accordance with relevant Australian Standards.</p> <p>Proposed parking has been designed in manner that responds to the site conditions.</p> <p>The proposed parking is adequately setback from adjoining properties and will not have an adverse visual impact.</p> <p>The proposed parking responds to the design and orientation of the building.</p> <p>The proposed parking will not have any adverse impacts on car parking to the street, including any footpaths.</p>   | <p><b>Yes.</b></p> <p><b>Yes.</b></p> <p><b>Yes.</b></p> <p><b>Yes.</b></p> <p><b>Yes.</b></p> <p><b>Yes.</b></p> <p><b>Yes.</b></p> |



| Clause   | Prescriptive Control / Performance Standard  | Commentary   | Compliance               |
|--|--|--|--------------------------|
| <ul style="list-style-type: none"> <li>• relationship of car parking to the building layout</li> <li>• relationship of car parking to the street, including any footpaths, and</li> <li>• ease of access.</li> </ul> |  | The proposed car parking will be accessible from an existing driveway which has been deemed to be adequate.  |                          |
| 3.2.4 Construction over Council land and services  | <p>Approval must be obtained from Council, prior to the commencement of any construction, works, activities on public land.</p> <p>The construction of buildings and other structures is prohibited over easements.</p>  | No construction over Council land or services are proposed.  | <b>Yes</b>               |
| 3.2.5 Contaminated land  | 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.   | The site is considered to be suitable in its current state for the proposed development.   | <b>Yes</b>               |
| 3.2.6 Cut and fill   | <p>For any development the maximum level of cut must not exceed 1.0 metre below the ground level (existing) and the maximum level of fill must not exceed 1.0 metre above ground level (existing).</p> <p>No fill is to be deposited in the vicinity of native vegetation.</p> | <p>A maximum of 1m of cut and fill is proposed to facilitate the development. The proposed earthworks comply with the provisions of this section.</p> <p>The proposed fill will not have an adverse impact on native vegetation.</p> | <b>Yes</b><br><b>Yes</b> |
| 3.2.7 Demolition   | All demolition work is required to comply with AS2601-2001 - The Demolition of Structures (as amended) in accordance with a detailed work plan prepared by a suitably qualified person.  | No demolition is required to facilitate the development.   | <b>Yes</b>               |
| 3.2.8 Development near electrical easements  | All proposed activities within and immediately adjacent to electricity easements and infrastructure require  | An electrical easement is located on the subject land in proximity to the development site. A recommended condition will be applied to the consent to  | <b>Yes</b>               |

| Clause                                      | Prescriptive Control / Performance Standard   | Commentary  | Compliance |
|---|---|---|------------|
|   | approval from the relevant utility providers.   | maintain the easement requirements.   |            |
| 3.2.9 Erosion & sediment control            | Runoff is to be managed to prevent any land degradation including offsite sedimentation. Arrangements are to be implemented to instigate revegetation of earthworks to minimise erosion.<br><br>Site activities must be planned and managed to minimise soil disturbance.   | Erosion and sediment control measures will be required as part of any issued consent.   | <b>Yes</b> |
| 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 main stream, local creek or overland flow. | The development is outside of the flood planning area and the AHD level is above the known historical flood levels for the proposed development.  | <b>Yes</b> |
| 3.2.11 Heritage                             | New development, additions and alterations are proposals which have the potential to significantly affect the heritage significance of a heritage item or the character of a Heritage Conservation Area.  | There are no known heritage items on or near the site. Historically the site is highly disturbed, with the likelihood of artefacts being located on the site being low.   | <b>Yes</b> |
| 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.   | Existing landscaping on the site is considered suitable and contributory to the aesthetic and visual character of the development. In addition, existing vegetation complement the design/use of spaces within and adjacent to the site.  | <b>Yes</b> |
| 3.1.13 On-site Wastewater Management (OSSM) | Where a site is not serviced by a reticulated sewerage system an approved wastewater management system is to be installed.  | The site provides for an onsite sewer management system. Supporting documentation has been provided in support of the application. Some concerns exist around the capacity of the current system however a section 68 application will be | <b>Yes</b> |

| Clause                                    | Prescriptive Control / Performance Standard   | Commentary  | Compliance   |
|---|---|---|--|
|   |   | required prior to any commencement of the proposed development.   |  |
| 3.1.14 Provision of services              | <p>Where access to reticulated sewer is not available, arrangements must meet Council requirements in relation to OSSM.</p> <p>Where connection to the reticulated water supply system is not available, new development is to be provided with sufficient water storage.</p> <p>Development must be provided with an adequate connection to grid supplied electricity services or its equivalent.</p> <p>Development must be provided with access to the telecommunications network.</p> | <p>There is no reticulated gas, water or sewer in this location. The development provides for onsite sewer management on the land and capacity will be assessed as part of any section 68 application.</p> <p>Collected rainwater is proposed to be utilised for the provision of water to the site.</p> <p>The proposed development is capable of being serviced by adequate supply of electricity services or its equivalent.</p> <p>The proposed development is capable of being serviced by an adequate electricity supply of telecommunication services.</p> | <p><b>Yes</b><br/><b>Yes.</b><br/><b>Yes.</b><br/><b>Yes</b></p> |
| 3.1.15 Retaining walls                    | 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.   | No significant retaining walls are proposed as part of this development.  | <b>Yes</b>   |
| 3.1.16 Safer by design                    | <p>Crime Prevention Legislative Guidelines requires that Council ensure developments provide safety and security to users and the community.</p> <p>If a development presents a crime risk, the Crime Prevention Guidelines are to be used to justify modification of the development to minimise crime risk.</p>   | <p>The proposed development has been designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles.</p> <p>The proposed development does not present a significant crime risk.</p>   | <p><b>Yes</b><br/><b>Yes</b></p>                                 |
| 3.2.17 Stormwater / roof water Management | Stormwater, roof water and rainwater tank overflow must be collected and disposed of (under gravity) directly to a road or street, to another Council drainage  | The development proposes the capture of rainwater for reuse during the proposed distillation process and/or watering of surrounding gardens. The development includes the   | <b>Yes</b>   |

| Clause                            | Prescriptive Control / Performance Standard   | Commentary  | Compliance   |
|-----------------------------------|---|---|--|
|                                   | system/ device or where Lot size is of sufficient size (i.e. rural areas) managed and retained within the site.   | installation of two rainwater tanks for re-use on the subject site. The application has been reviewed by Councils Design Engineer who raised no objection subject to recommended conditions imposed.  |  |
| <b>6.0 Industrial Development</b> |   |   |  |
| <b>6.2 Definition</b>             |   |   |  |
| Definitions                       | This Chapter applies to types of industrial development permitted with Council's consent in the IN1 General Industrial Zone, IN2 Light Industrial Zone, RU1 Primary Production Zone and the RU5 Village Zone.   | Artisan food and drink industries are a type of light industry in accordance with the Tumut LEP 2012. Furthermore, the subject site is zoned RU1 Primary Production.  | <b>Yes</b>   |
| 6.3.1 Air Quality                 | <p>The emission of air impurities is to be controlled and limited to the standards allowed by the relevant legislation.</p> <p>An air quality impact assessment may be required for proposals with the potential to generate significant impacts on local air quality such as odour or dust.</p>  | <p>The proposed development will not admit excessive emission of air impurities and will be in accordance with relevant legislation.</p> <p>The proposed development includes the use of Ethanol which is a clear colourless liquid with a slight odour. It is satisfied that odours from the production and bottling process will not have an adverse impact on any neighbouring properties, particularly given the separation distances involved.</p> | <b>Yes</b><br><b>Yes</b>                             |
| 6.3.2 Building Design             | <p>Building elevations to the street frontage or where visible from a public road, reserve, railway or adjoining residential area must incorporate variations in facade treatments, roof lines and building materials.</p> <p>All walls fronting a road or street are to be of brick, masonry, tilt up concrete or of a colorbond material. Any raw concrete or block work surfaces must be appropriately coloured. The</p> | <p>The proposed development incorporates variations in facade treatments, roof lines and building materials.</p> <p>The proposed frontage orientated towards Little River Road incorporates a timber frame, Colorbond walls and roofing. Materials selected are considered acceptable for a rural landscape.</p> <p>Second hand wall sheeting is not proposed.</p>  | <b>Yes</b><br><b>Yes</b><br><b>Yes</b><br><b>Yes</b> |

| Clause                       | Prescriptive Control / Performance Standard   | Commentary   | Compliance                                       |
|------------------------------|---|--|--|
|                              | <p>implementation of composite building materials is encouraged.</p> <p>Second hand wall sheeting must not be used.</p> <p>Paint colours chosen for external finishes are not to reflect excessive light and create undue glare.</p> <p>Low scale building elements such as display area, offices and staff amenities are to be located at the front of the premises.</p>           | <p>A condition is imposed requiring a Materials and finishes schedule.</p> <p>Low scale building areas including amenities, café and the tasting room is located at the front of the premises.</p>   |  |
| 6.3.3 Building Heights       | <p>Building heights are considered on a merit basis depending on the nature of the proposed industrial development.</p> <p>Building heights for industrial development adjacent to residential areas should generally take into account the scale of the adjoining residential development. Privacy and overlooking of adjoining residential developments are to be considered.</p> | <p>The proposed development contains a building height of approximately 6.10m measured from existing ground level. Considering the site is appropriately setback from adjoining development, the scale of the proposed development is considered appropriate in that it will not arise adverse Privacy and overlooking impacts.</p> <p>As above.</p> | <p><b>Yes</b><br/><b>Yes.</b></p>                |
| 6.3.4 Building Setback       | <p>A minimum building line of 20 metres is to be provided along the frontage of any road in rural area.</p> <p>Side and rear setbacks must meet Building Code of Australia (BCA) requirements. Despite these requirements a minimum preferred setback of 3m to the side and rear boundaries wherever possible.</p>  | <p>The proposed development is setback more than 20m along the frontage of Little River Road.</p> <p>The proposed development is consistent with the relevant provisions of the BCA. Furthermore, side and rear setbacks exceed 3m.</p>  | <p><b>Yes</b><br/><b>Yes.</b></p>                |
| 6.3.5 Car Parking and Access | <p><b>Accessible Industrial Car Parking</b></p> <p>Accessible car parking must be located as close as practicable to the main entrance to the building and comply with the</p>  | <p>Accessible parking has been located as close as practicable to the main entrance and is consistent with the requirements of AS/NZ 2890.6.</p> <p>An accessible parking space has been provided.</p>   | <p><b>Yes</b><br/><b>Yes</b><br/><b>Yes.</b></p> |

| Clause  | Prescriptive Control / Performance Standard   | Commentary  | Compliance           |
|---|---|---|----------------------|
|   | <p>requirements of AS/NZ 2890.6.</p> <p>At least one accessible parking space is to be provided at each development. More spaces may be required in accordance with the Building Code of Australia (BCA).</p> <p>There will be some high employment generating industrial developments that will need to provide bicycle parking facilities. The level of parking provision for these developments will be determined using the following ratios:</p> <ul style="list-style-type: none"> <li>-developments generating less than 10 car parking spaces - N/A.</li> </ul> | <p>The proposed development is small scale and will not generate high levels of employment. Furthermore, the proposed development generates 8 car parking spaces. As such, bicycle parking facilities are unnecessary.</p>    |                      |
| <p><b>Location of Industrial Car Parking Areas</b></p> <p>Off-street parking areas should be located so that they are readily accessible to principal staff and/or customer entrances and where possible be located behind the front building line.</p> |   | <p>Parking has been appropriately sited so that they are readily accessible to customer entrances. As previously discussed, staff carparking can be accommodated in other areas of the site which are readily accessible.</p> | <b>Yes.</b>          |
| <p><b>Layout</b></p> <p>The turning paths and general manoeuvring requirements for cars, trucks and semi-trailers are to be designed with reference to AS 2890.2.</p>   |   | <p>Sufficient space has been provided for turning</p>   | <b>Yes</b>           |
| <p><b>Fencing and Lighting</b></p> <p>Where parking areas utilised at night are located adjacent to residential development, consideration should be given to the positioning</p>   |   | <p>Lighting is not proposed under this application.</p> <p>The proposed development will not have an adverse amenity impact on any residential areas.</p>   | <b>Yes.<br/>Yes.</b> |

| Clause  | Prescriptive Control / Performance Standard | Commentary  | Compliance                            |
|---|---|---|---------------------------------------|
| <p>of lighting and location of driveways to minimise head light glare and traffic noise.</p> <p>In such cases fencing and/or landscaping may be necessary to avoid loss of amenity to residential areas</p>   |   |   |                                       |
| <p><b>Internal Road Design</b></p> <p>All internal roads and driveways are to be designed for low speed environments.</p> <p>The width of internal driveways will depend on the manoeuvring characteristics of the largest vehicle anticipated to use the site.</p>   |   | <p>The proposed development will utilise the existing gravel driveway that facilitates for a low-speed environments.</p> <p>The width of the driveway has been assessed as sufficient.</p>  | <p><b>Yes.</b></p> <p><b>Yes.</b></p> |
| <p><b>Landscaping of Industrial Car Parking Areas</b></p> <p>Parking areas are to be landscaped to provide shade, improve the visual amenity of large all weather surfaces and to provide a buffer from neighbouring areas.</p> <p>Adequate provision of landscaping is required around the perimeter of car parking areas.</p>                               |   | <p>Existing landscaping onsite is considered sufficient in improving the visual amenity of large all weather surfaces and to provide a buffer from neighbouring areas.</p> <p>Existing landscaping on onsite is considered sufficient in softening areas surrounding the carpark.</p> | <p><b>Yes.</b></p> <p><b>Yes.</b></p> |
| <p><b>Bicycle Parking</b></p> <p>There will be some high employment generating industrial developments that will need to provide bicycle parking facilities. The level of parking provision for these developments will be determined using the following ratios:</p> <ul style="list-style-type: none"> <li>-developments generating less than 10</li> </ul> |   | <p>The proposed development generates 8 car parking spaces. As such, bicycle parking facilities are unnecessary.</p>  | <p><b>Yes</b></p>                     |

| Clause   | Prescriptive Control / Performance Standard | Commentary  | Compliance                            |
|--|---|---|---------------------------------------|
| car parking spaces - N/A.  |   |   |                                       |
| <p><b>Construction</b></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"> <li>• Justification must be provided giving reasons as to why the car park should not be sealed.</li> <li>• It needs to be demonstrated that the use of an all-weather surface would not detrimentally impact upon neighbours.</li> <li>• Drainage of the all-weather surface must be addressed.</li> </ul> <p>Developers are to refer to Council's adopted Urban Driveway Construction Specification.</p> |   | <p>The proposed car parking areas and associated driveway is intended to be of a new compacted gravel material.</p> <p>As above.</p>  | <p><b>Yes.</b></p> <p><b>Yes.</b></p> |
| <p><b>Service Vehicles and Loading Docks</b></p> <p>Adequate provision is made for the loading and unloading of materials and goods.</p> <p>All loading and unloading is to take place within the curtilage of the site.</p>   |   | <p>Roller doors have been sited to the side of the development to permit unloading of materials and goods.</p> <p>All loading and unloading are proposed to be undertaken within the curtilage of the site.</p> | <p><b>Yes</b></p> <p><b>Yes</b></p>   |
| <p><b>Internal Car Parking Signage</b></p> <p>Parking spaces shall be grouped into distinct parking areas and signposted to ensure safe and convenient</p>   |   | <p>Appropriate signage is capable of being provided on site.</p>  | <p><b>Yes</b></p>                     |



| Clause   | Prescriptive Control / Performance Standard  | Commentary  | Compliance               |
|--|--|---|--------------------------|
| parking and pedestrian movement.   |  |   |                          |
| <b>Vehicular Access</b><br>Vehicles are to enter and leave the site in a forward direction.<br>The number of driveways to be provided from any site to any one street frontage is to be generally limited to one ingress and one egress. |  | Vehicles are capable of leaving the site in a forward direction.<br>Alterations are not proposed to the number of ingresses and egresses.   | <b>Yes</b><br><b>Yes</b> |
| 6.3.7 Erosion and Sediment Control   | Refer to Section 3 Requirements Applying to all Types of Development.  | Refer to above.   | <b>Yes</b>               |
| 6.3.7 Fencing  | In general Council encourages the use of mesh fencing around the perimeter of the site. Ornamental fencing will be allowed along the front property boundary. There may also be the need to provide solid fencing in some circumstances to screen open storage areas.  | Alterations are not proposed to existing boundary fencing which is considered appropriate. Furthermore, the development does not warrant the need for solid fencing to screen any open storage areas. | <b>Yes</b>               |
| 6.3.9 Flooding   | Any industrial development must not adversely affect flood behaviour on-site or on adjoining properties.   | The subject site is not flood prone.  | <b>Yes</b>               |
| 6.3.10 Hazardous goods and site Contamination  | The storage and/or use of hazardous goods or chemicals must comply with the relevant legislation and policy relevant to the type of goods and chemicals. This includes relevant hazardous materials policy, contaminated land policy and fire safety provisions.<br>Details of materials and management are to be provided with the development application. | Storage and/or use of hazardous goods or chemicals complies with relevant legislation and policy relevant.<br>Details of materials and management have been provided with the application.            | <b>Yes</b><br><b>Yes</b> |
| 6.3.11 Industrial Retail Outlet  | Only goods manufactured, processed or warehoused on the site are permitted to  | The proposed development relates to an Artisan food and   | <b>n/a</b>               |

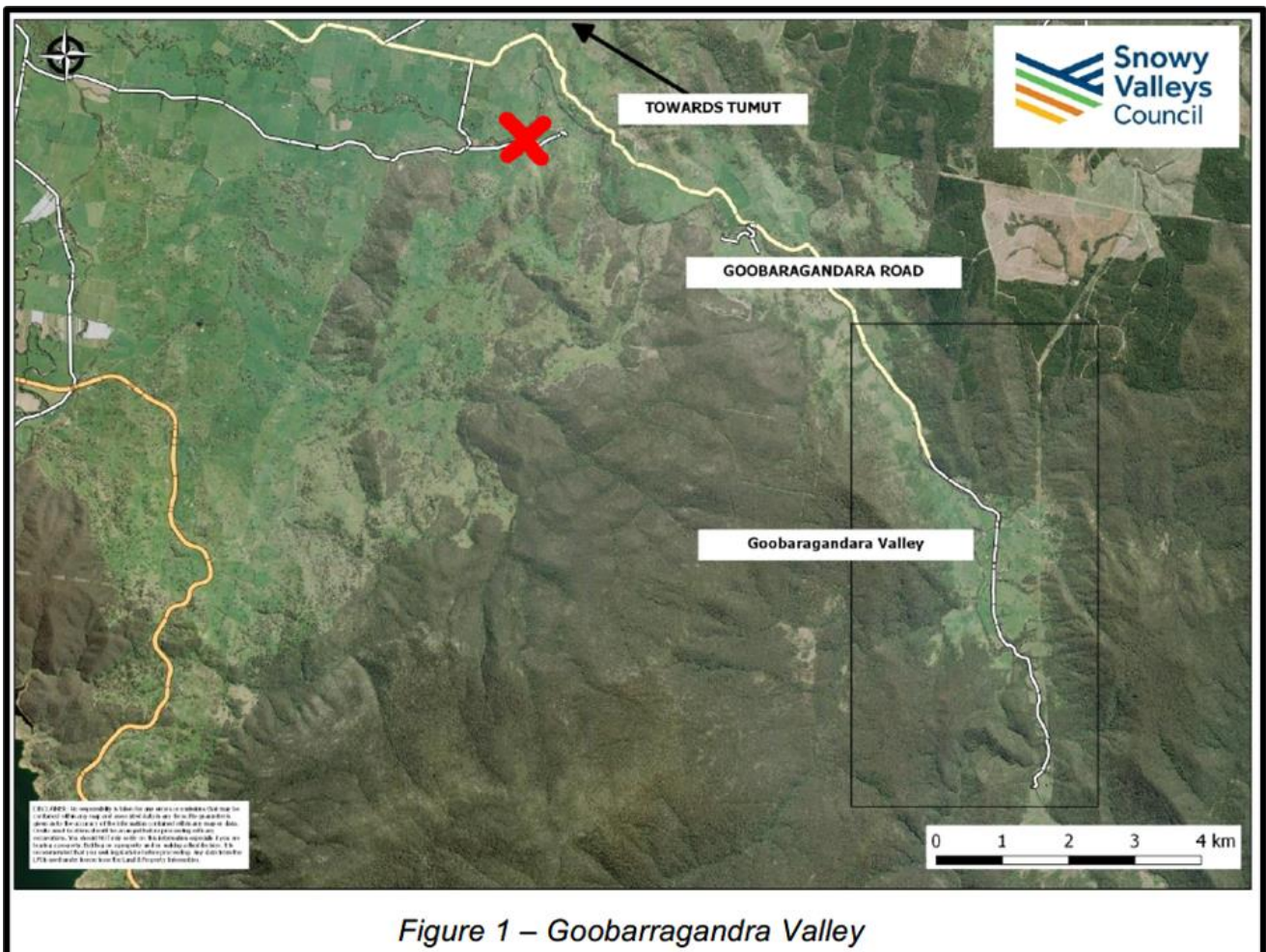
| Clause   | Prescriptive Control / Performance Standard   | Commentary   | Compliance  |
|--|---|--|---|
|  | be sold from an industrial retail outlet as part of the overall development.  | drink industry'. As such, this provision do not apply.   |   |
| 6.3.12 Industrial Development in Rural Areas   | <p>Industrial development in rural areas must satisfy the following criteria for the site:</p> <ul style="list-style-type: none"> <li>• sealed road access</li> <li>• avoid direct access from a main or arterial road where possible</li> <li>• adequate supporting infrastructure including legal drainage of stormwater and management for runoff, waste water disposal, electricity and sufficient water supply, and</li> <li>• adequate area within the site for buffers to adjoining properties and public areas</li> </ul> | <p>Access to the site is considered acceptable.</p> <p>Access to the site is considered acceptable</p> <p>The subject site is capable of being serviced by adequate provisions of legal drainage, waste water disposal, electricity, and water supply.</p> <p>The proposed development is adequately setback from adjoining properties and public areas. The subject site contains adequate areas for buffers.</p> | <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> |
| 6.3.13 Industrial Development in Village Areas | Industrial developments within the villages of the Snowy Valleys Council area must not compromise the amenity of village living areas and other surrounding land uses   | The subject is not located within a village living areas.  | <b>Yes</b>  |
| 6.3.14 Landscaping                             | Adequate landscaping is to be provided along street elevations and public reserves and around the perimeter of open storage areas. Advanced planting is required along street elevations.   | The site currently contains adequate provisions of landscaping along street elevations and public reserves.  | <b>Yes</b>  |
| 6.3.15 Noise                                   | All industries should be conducted so as to avoid unreasonable noise and interference to adjacent or adjoining land use. Special precautions must be taken to avoid nuisance in neighbouring residences.  | The proposed development will not arise adverse acoustic impacts upon neighbouring residences. Specifically, the proposed development is adequately setback from adjoining properties and the small scale nature of the proposed operation is unlikely to generate a nuisance.   | <b>Yes.</b>   |

| Clause                    | Prescriptive Control / Performance Standard  | Commentary   | Compliance                 |
|---------------------------|--|--|----------------------------|
| 6.3.16 Open Space         | Where an individual premise or an industrial complex (or equivalent) is employing 5 or more staff in total, an area of open space must be provided which is readily accessible, and contains seating, solar access and shade. The open space area can be included as part of any landscaped area of the site.  | The proposed development will only employ 2 staff at any one time and does not exceed 5. As such, these provisions do not apply.   | <b>Yes</b>                 |
| 6.3.17 Open Storage Areas | Land between any road and the façade of any building or visible from a public road, must not be used for the storage, sale or display of goods. Areas used for storage must be suitably screened.<br><br>Dedicated open storage areas must be appropriately drained and constructed in suitable materials to prevent soil disturbance and dust nuisance. | Storage areas, sale or display of goods are not proposed between any road and the façade of any building or areas visible from a public road.<br><br>Open storage areas are not proposed.  | <b>Yes.</b><br><b>Yes.</b> |
| 6.3.18 Outdoor Lighting   | Lighting should not be obtrusive especially with regard to adjoining residential development and residential zones.  | Outdoor lighting is not proposed under this development application.   | <b>Yes</b>                 |
| 6.3.19 Services           | 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.   | The proposed development will be connected to an effluent disposal area. Some concerns exist around the capacity of the current system, however a section 68 application will be required prior to any commencement of the proposed development. | <b>Yes</b>                 |
| 6.3.21 Signage            | The maximum size of business and company signage is 10m <sup>2</sup> . Any advertising sign or structure in excess of 10m <sup>2</sup> or not specified as exempt will require separate approval from Council  | Signage is not proposed under this development application.  | <b>Yes</b>                 |

| Clause                                     | Prescriptive Control / Performance Standard   | Commentary  | Compliance   |
|--|---|---|--|
| 6.3.22 Site Coverage                       | No building/s is to occupy more than 60% of the total site area.  | The total number of buildings on site will not occupy more than 60% of the total site area.   | <b>Yes</b>   |
| 6.3.23 Small Scale Industrial Developments | Council considers these developments on their individual merit having regard to the specific controls in this Chapter. All of the relevant controls in the DCP must be addressed in the statement of environmental effects.   | The proposed development is considered to be a small-scale industrial development. All of the relevant controls in the DCP have been addressed as part of this assessment.  | <b>Yes</b>   |
| 6.3.24 Stormwater Management               | Stormwater shall be conveyed to Council's stormwater management system.   | The development proposes the capture of rainwater for reuse during the proposed distillation process and/or watering of surrounding gardens. The development includes the installation of two rainwater tanks for re-use on the subject site.   |  |
| 6.3.25 Waste Management                    | <p>For new developments, including demolition, the capacity, size, construction and placement of solid waste, liquid waste and recyclable storage facilities are to be determined according to estimated amounts supplied by the applicant of waste and recyclables generated, safe means of collection, cleanliness and unobtrusive effects on the building and immediate adjoining areas.</p> <p>Refuse and trade waste material should be stored in the one area to await regular collection.</p> <p>External storage areas are to be located behind the building line and screened from any public road, reserve or nearby residence. Chemical storage areas may need to provide perimeter bunding to safeguard against spillage and contamination of surface waters.</p> | <p>Waste is to be removed from the site to an approved waste management facility by a waste contractor. Excess waste is not anticipated to be generated by the activities on the site.</p> <p>A condition is imposed requiring the preparation of a waste management plan.</p> <p>A condition is imposed requiring the preparation of a waste management plan.</p> <p>External storage areas are not proposed. Chemical storage is located wholly within the proposed building.</p> <p>Minimal waste is required to be disposed of, this can occur at local facility,</p> <p>The proposed development incorporates an emergency spill tank that will support in maintaining all liquid waste and spillage wholly within the site. The spill tank will be monitored and will be emptied regularly by</p> | <p><b>Yes</b></p> <p><b>Yes.</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> |

| Clause                             | Prescriptive Control / Performance Standard   | Commentary  | Compliance  |
|------------------------------------|---|---|---|
|                                    | <p>Sites for disposal of excavated material, demolition and builder's waste are to be identified.</p> <p>Developments are to be designed so that all liquid waste and spillage are contained and properly disposed of.</p>  | <p>naturalization and watering or by pump out by waste disposal company.</p>  |   |
| <b>8.0 Locality Based Controls</b> |   |   |   |
| <b>8.3 Goobarragandra Valley</b>   |   |   |   |
| 8.3.2 Key Development Controls     | <p>In addition to requiring that new development minimise any adverse impacts in the Valley, Council requires that any new development achieves an overall positive environmental impact.</p> <p>This is to be achieved by off-setting the unavoidable adverse impact by adding creating environmental improvements, including as applicable to the development site:</p> <ul style="list-style-type: none"> <li>• creation of riparian zones along the banks of waterways</li> <li>• planting of indigenous trees</li> <li>• erosion control works</li> <li>• fencing off remaining trees from stock, including remnant native vegetation.</li> </ul> <p>In designing a development proposal to address bushfire, apart from meeting relevant bushfire planning guidelines, Council requires that adequate provision is made for the safety of the community and emergency</p> | <p>The proposed development is located outside the existing riparian zones along the banks of waterways.</p> <p>Environmental improvements through planting are considered unnecessary in this instance given existing trees are retained and will continue to positively contribute to the landscape.</p> <p>Erosion and sediment control measures will be required as part of any issued consent.</p> <p>The proposed development will not impact on remnant native vegetation. As such, fencing off remaining trees is considered unnecessary.</p> <p>The proposed development is not located on bushfire prone land.</p> <p>It is satisfied that the proposed development has been designed and sited to avoid adverse impacts on biodiversity located within the site and in the surrounding area.</p> | <p><b>Yes</b><br/><b>Yes</b><br/><b>Yes</b><br/><b>Yes</b><br/><b>Yes</b></p> |

| Clause | Prescriptive Control / Performance Standard   | Commentary | Compliance |
|--------|---|------------|------------|
|        | personnel, as well as the protection of property.<br><br>In addition to developers undertaking assessments of the impacts of development on biodiversity, Council seeks to retain all potential habitats of threatened fauna in the Valley. |            |            |



**Figure 16:** Location of Goobarragandra Valley - with development site marked in red. Source: SVC DCP 2019 (pg. 98).

It is considered that the proposal is consistent with all relevant controls of the Snowy Valleys Council DCP 2019. It is considered that the development is compliant with all other relevant controls of the DCP.

**Planning Agreements**

*Pursuant to section 4.15(1)(a)(iia) - any planning agreement that has been entered into under section 7.4 of the Environmental Planning and Assessment Act 1979.*

Council records indicate that no planning agreements have been entered into in relation to this development.

## **Regulations**

*Pursuant to section 4.15(1)(a)(iv) any regulation that applies to the development for the purposes of this paragraph.*

There are no Regulations that are considered to be applicable to the subject land or the proposed development.

## **Impacts of the Development**

*Pursuant to section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.*

## **Context and Setting**

The proposed development is not expected to have adverse impacts on the localities context and setting with particular regard to existing and desired scenic qualities and features, the character and amenity of locality and the character and density of the development in the locality. The development as proposed is not considered to be out of context of the rural setting with regards to the construction of the micro-distillery building and associated infrastructure.

## **Site Design and Internal Design**

The overall site design and layout is considered to be adequate, responding to the challenges of the site including the topography. The proposal has been located to the South West of the existing dwelling to create additional area between the building and the Goobarragandra River.

## **Heritage**

The site is not identified as an item of heritage in accordance with schedule 5 of the Tumut Local Environment Plan 2012 nor is the site listed on the State Heritage Register. No heritage significance has been identified on the subject site as part of the assessment of this application.

## **Flooding**

The land is adjacent to the Goobarragandra River and accordingly is susceptible to flooding impacts. It is noted that the area nominated for the purposes of the construction of a Gin Distillery is outside of the flood planning area on the subject land and is located above the Australian Height Datum (AHD) of known historical flood heights in the area. No additional controls are required in terms of flood planning for behaviour or storage on the land.

## **Suitability of the Site for the Development**

*Pursuant to section 4.15(1)(c) the suitability of the site for the development*

Council's statutory controls permit artisan food and drink industry in the RU1 zone. The boutique low scale development is well suited to the proposed location being in a rural setting and being adjacent to other accommodation offerings. Whilst there are constraints associated with the site including geotechnical constraints and also environmental sensitivities, these constraints can be overcome through effective building placement and also operational controls being imposed through conditions of development consent.

The nature of the business being a low scale, light industry with low visitation rates is considered to be suitable for the rural context in which the activity is proposed to be located. It is not expected that there is likely to be any unmanageable impacts associated with the development that make the development unsuitable for the area.

## **Submissions Made in Accordance with the Act or Regulations**

*Pursuant to section 4.15(1)(d) any submissions made in accordance with the Act or Regs.*

Discussion surrounding any submissions made is outlined in the Community Participation Plan / Notification section of this report.

## **Public Interest**

*Pursuant to section 4.15 (1)(e) whether the proposal is within the public interest.*



The provision of additional agritourism and light industry options within the rural setting with appropriate controls to manage any associated impacts of the development is considered to be in the public interest. The development is likely to contribute to Council's place activation overall aims and objectives to facilitate new business opportunity and add to the local government area's economic mix.

Environmental sensitivities of the area can be appropriately managed through appropriate site design and conditions of development consent.

## CONSULTATION

### Pre-lodgement Meetings

There is no record of any pre-lodgement meetings having been undertaken with Council staff in relation to this proposal.

### Internal & External Referral

The application was referred to a number of internal and external agencies, these are outlined in the below table.

| Internal Referrals                                    | Advice / Response / Conditions   |
|---|--|
| Development Engineer                                  | Acceptable subject to conditions.  |
| <b>External Referral</b>                              |  |
| <b>EPA</b>  | No comments in relation to the subject application.  |
| <b>Department of Planning and Environment – Water</b> | <p>The DA is considered nominated integrated development in that it requires an activity approval to carry out a controlled activity pursuant to the <i>Water Management Act 2000</i> from the Department of Planning and Environment – Water (DPIE- Water).</p> <p>The DA was referred to DPIE- Water and they have issued their General Terms of Approval subject to conditions of consent which are included in the recommended conditions.</p> |

### Community Participation Plan – Notification

The application was notified in accordance with the Council's Community Participation Plan between 25 October and 11 November 2022 and between 1 February and 1 March 2023. A total of 24 submissions from individuals were received by Council, noting that multiple submissions were received from some submitters, all of which have been taken into consideration in the assessment of this DA.

The submission received have been summarised and a response provided in the below table.

### Submission Summary

| Summary of Submission   | Council's Response   |
|---|--|
| The proposed distillery being out of character, place and value of the locality.                      | The development is permissible within the zone and any environmental impacts have been considered as part of the assessment of the development application.  |
| Concerns about how this development will impact on the environment, with specific regard to waterway. | A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the environment. |
| The development proximity to Goobarrandra River.  | The proposed development is located an appropriate distance from the Goobarrandra River.   |



| Summary of Submission   | Council's Response  |
|---|---|
|   | <p>The DA is considered nominated integrated development in that it requires an activity approval to carry out a controlled activity pursuant to the <i>Water Management Act 2000</i> from the Department of Planning and Environment – Water (DPIE-Water).</p> <p>The DA was referred to DPIE- Water and they have issued their General Terms of Approval subject to conditions of consent which are included in the recommended conditions.</p> |
| Proposed micro-distillery being used for large scale commercial quantities.   | The assessment of this development application has considered the operation details as proposed. The development in its current state is considered to be appropriate for site conditions and in accordance with relevant legislation. Any alterations to the consent or operating details would need to be assessed under a separate development application or modification application.  |
| Amenity impacts on adjoining properties in terms of noise, fumes and traffic generation.  | A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the environment.  |
| Concerns expressed over the adverse impact the distillery will have to the Goobarragandra River in relation to environment, wildlife and tourism. | A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the environment.  |
| Independent assessment of the application.  | An independent assessment has been carried out by an external town planning consultant.   |
| Existing access road not being sealed in accordance with the DCP and adequate lighting being provide.   | The current road infrastructure and access is considered acceptable for the expected traffic numbers servicing / attending the development. It is not expected that this development would trigger any road upgrades.   |
| Fragile Environment of Goobarragandra not being suitable for industrial development.  | A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the environment.  |
| Adequate water supply.  | The subject site is capable of being serviced by adequate provisions of water supply.   |
| The proposed developments use of local water and the release of contaminants into local water catchment   | A comprehensive assessment of the application has been undertaken under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which has taken into account any potential impacts on the environment.  |
| Concerns regarding operating hours and appointment system.  | The development proposes a booking system to limit guest / patrons of the facility to a maximum of 12 people. Available hours for bookings are between 10 am to 8 pm, seven days a week. The operating details form part of the recommended conditions of consent.  |
| Concerns regarding operation of the proposed development, with specific regard to security, age restrictions, crime and drink driving.            | The proposed development is not expected to give rise to these issues.  |

| Summary of Submission   | Council's Response   |
|---|--|
| Concerns regarding large commercial volumes being sent off-site and the proposed use being an artisan food and drink industry as defined in the Tumut LEP 2012. | In accordance with the Tumut LEP 2012, the definition of Artisan food and drink industry does prohibit the sale of manufactured products off-site.<br><br>A condition of consent will be imposed ensuring that the use is consistent with the definition as an "artisan food and drink industry".  |
| Concerns regarding an individual's previous breach of the NSW Office of State Water regulations.  | Any compliance issues are a separate issue to the assessment of the merits of the current proposal.  |
| Concerns regarding inadequate consideration of submissions received and conditions associated with a previous development application.                          | This assessment has considered submissions received in relation to this development application ( <b>DA2022/0163</b> ).<br><br>The consent granted under a previous development application has been surrendered and no longer applies to the development site. Consent is now sought under this development application.  |
| The subject site being high bushfire hazard classification and concerns regarding flammability for ethanol.   | The subject site is not bushfire prone in accordance with Councils Mapping. Furthermore, the storage of flammable liquids have been appropriately bunded in accordance with the relevant standards. Irrigation of treated sewerage is only proposed on the subject land. This will be undertaken in accordance with the standards for onsite sewer management and regulated by Council.  |
| Concerns regarding fumes and odours emitted from the development  | Due to the nature of the production process, it is not expected that there will be any fumes or odour emitted. However, conditions will be applied to manage this.   |
| Existing road conditions and their ability to cater increased traffic movement and heavy vehicles.  | The current road infrastructure and access is considered acceptable for the expected traffic numbers servicing / attending the development. It is not expected that this development would trigger any road upgrades.  |
| Concerns regarding engagement with the EPA and relevant water authorities.  | The DA is considered nominated integrated development in that it requires an activity approval to carry out a controlled activity pursuant to the <i>Water Management Act 2000</i> from the Department of Planning and Environment – Water (DPIE-Water).<br><br>The DA was referred to DPIE- Water and they have issued their General Terms of Approval subject to conditions of consent which are included in the recommended conditions.   |
| Concerns regarding the notification of the development.   | Notification of the application was undertaken in accordance with Council's adopted CPP.   |
| Spillage of contaminants to Goobarragandra River.   | The sewerage and Liquid waste generated by the proposed development is intended to be disposed of via onsite gravity sewer lines to the existing bio-septic tanks for processing to grey water. The bio-septic then discharges via a pumped treated sewer line to an effluent disposal area to the south as identified in concept sewer plan within the application. Any spill containment within the process area is proposed to be managed on site by an emergency spill tank which is located downhill of the proposed building and has a min capacity of 110% of the proposed max tank. The tank is to be monitored for level and PH and will be balanced to a neutral pH before |

| Summary of Submission | Council's Response   |
|-----------------------|--|
|                       | <p>discharge to the surrounding gardens or by pump-out by waste disposal company.</p> <p>The consent authority is satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact.</p> |

## LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:

### Integrated Planning and Reporting Framework:

#### Delivery Program and Operation Plan Strategic Directions

Theme 3 - Our Environment

#### Community Strategic Plan Objectives

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

#### Delivery Program Principal Activities

3.3 Provide a planning and development framework that enhances local amenity through sustainable growth

## FINANCIAL AND RESOURCES IMPLICATIONS:

The financial implications of Council's decision in this matter are directly related to the legal implications. The possibilities are detailed below:

- Should the applicant choose to appeal a determination by way of refusal or pursue a deemed refusal by Council through the NSW Land and Environment Court and lose, the question of cost with regard to Council's Legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or deemed refusal by Council through the NSW Land and Environment Court and win the question of costs be dependent on the extent of the reasons for refusal;
- Should any person choose to pursue Class 4 proceedings against Council to the Land and Environment Court and lose, the question of costs with regards to Council's legal representation would be calculated at the appropriate time by either costs incurred or by costs assessment in favour of Council.
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win the costs would be calculated at the appropriate time by either costs incurred or by costs assessment against Council.
- Should the applicant make no appeal, or proceedings not to be taken out by another part to the NSW Land and Environment Court regardless of determination, the application would result in no further financial implication on the Council.

## POLICY, LEGAL AND STATUTORY IMPLICATIONS:

The assessment of the proposal has been carried out in accordance with the relevant provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

N/A

**OPTIONS:**

Council has the following options with respect to the Determination of DA2022/0163:

**OPTION 1:** THAT the Council determine development application DA2022/0163 for an Artisan Food and Drink Industry at Lot 26, DP 1018407 known as 2-722 Little River Road, Little River **by way of APPROVAL** subject to the draft conditions contained in Attachment 1.

**This option is recommended.**

**OPTION 2:** THAT the Council determine development application DA2022/0163 for an Artisan Food and Drink Industry at Lot 26, DP 1018407 known as 2-722 Little River Road, Little River **by way of REFUSAL** with Council providing reasons for refusal.

This option is not recommended.

**OPTION 3:** THAT the Council defer any decision relating to DA2022/0163 pending additional information.

This option is not recommended.

Councillors must record their votes on the matter.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

Community engagement surrounding the proposal has been outlined in the consultation section of the report.

**ATTACHMENTS**

1. Draft Conditions of Development Consent - 2022/0163 - Attachment 1 (Under separate cover)
2. Proposed Artisan Food and Drink Premises - Microdistillery - Floor Site and Elevation Plans Attachment 2 (Under separate cover)

## **11. MINUTES OF COMMITTEE MEETINGS**

### **11.1. MINUTES - FLOODPLAIN RISK MANAGEMENT COMMITTEE - 25 JANUARY 2023**

**REPORT AUTHOR: COORDINATOR GROWTH AND DEVELOPMENT**

**RESPONSIBLE DIRECTOR: MANAGER GROWTH AND ACTIVATION**

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#### **EXECUTIVE SUMMARY:**

Council was successful in 2021/22 in obtaining a grant to undertake a study on the Tumut River catchment, given the current development pressures being experienced within the catchment area. As part of the terms of the funding agreement, Council is required to form a steering committee to assist in providing direction to the Council on the proposed Tumut Flood Study. At Council's Ordinary Meeting of October 2022, Council resolved to formally establish a Floodplain Risk Management Committee, being an advisory committee of Council.

The Committee reports to Council after each meeting with the Committee's inaugural meeting held on 25 January 2023.

#### **RECOMMENDATION:**

##### **THAT COUNCIL:**

- 1. Note the Minutes of the Floodplain Risk Management Committee Meeting held on 25 January 2023.**
- 2. Adopt the following recommendations from the minutes:**
  - a. Amend the Title of the Committee to 'Tumut Floodplain Risk Management Committee' (SVC-TofR-037-01).**
  - b. Amend the Terms of Reference to identify that voting rights should only be for Councillors and local community representatives on the Committee.**
- 3. Endorse the appointment of Councillor Livermore as the Chairperson for the Tumut Floodplain Risk Management Committee.**

#### **BACKGROUND:**

In 2021, the then New South Wales Department of Planning, Industry and Environment (the Department) provided an opportunity for NSW Councils and public land managers to apply for grant funding to undertake flood studies and other mitigation works as part of a \$10 Million budget to address flood impacts on NSW communities. Council made application for funding to enable Council to undertake a flood study; the Tumut flood study was unsuccessful in the 2021/22 round of funding.

In compliance with the grant funding conditions issued by the Department, Council sought competitive tenders for the work by suitably qualified and professional flood hydrologists via the New South Wales Local Government Procurement Tender Panel (LGP). Council utilised price point, scale and capacity, experience and knowledge of the project in order to select a preferred consultancy. Based on these criteria and in consultation with the Department, Council appointed a preferred tender to undertake the Tumut Flood Study.

Council staff investigations with the studies will provide Council with a complete revised set of studies for the greater urbanised areas of the local government area.

Development pressures have continued to be experienced within the floodplain catchments of Tumut and Tumberumba and in the absence of revised flood studies, Council's ability to respond to development applications for housing, tourist and visitor accommodation, agricultural pursuits and other land uses is impaired. A number of community developments are occurring within the creek lands

precinct of Tumberumba and further pressures are being experienced to provide additional accommodation options at the Tumberumba Caravan Park which is situated on flood liable land. This study will assist in making more informed choices with respect to development of these lands.

## **REPORT:**

As part of the funding agreement issued by the New South Wales Department of Planning and Environment, Council is required to have the floodplain risk management committee to provide a level of support to the Council in the development of the Tumut Floodplain Management Study.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Delivery Program and Operation Plan Strategic Directions**

Theme 3 - Our Environment

#### **Community Strategic Plan Objectives**

CSP3 Our natural environment is cared for and protected to ensure future generations can experience and enjoy its beauty

CSP5 Our Civic leadership and organisation government fosters open and transparent partnership with our community

#### **Delivery Program Principal Activities**

3.1 Create climate resilience through our actions and advocacy

3.3 Provide a planning and development framework that enhances local amenity through sustainable growth

3.4 Partner with other agencies to protect our natural spaces and environment

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

It is not expected that any member of the Committee will receive any remuneration and therefore no budget allocation has been made towards the committee.

## **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

The *Local Government Act 1993*, Section 375 requires Council's to keep full and accurate minutes of meetings.

## **RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

N/A

## **OPTIONS:**

Option 1

THAT COUNCIL:

1. Receive and Note the Minutes of the Floodplain Risk Management Committee Meeting held on 25 January 2023.
2. Adopt the following recommendation/s from the minutes:
  - a. Amend the Title of the Committee to 'Tumut Floodplain Risk Management Committee' (SVC-TofR-037-01).

- b. Amend the Terms of Reference to identify that voting rights should only be for Councillors and local community representatives on the Committee.
3. Endorse the appointment of Councillor Livermore as the Chairperson for the Tumut Floodplain Risk Management Committee.

Option 2

THAT Council not adopt the minutes of the Floodplain Risk Management Committee Meeting held on 25th January 2023 and provide an alternate position.

**Option 1 is recommended.**

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

No

**ATTACHMENTS**

1. Minutes - Floodplain Risk Management Committee - 25 January 2023 (Under separate cover)

**11.2. MINUTES - LOCAL TRAFFIC COMMITTEE - 8 FEBRUARY 2023****REPORT AUTHOR: EXECUTIVE ASSISTANT INFRASTRUCTURE****RESPONSIBLE DIRECTOR: ACTING DIRECTOR INFRASTRUCTURE & WORKS**

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**EXECUTIVE SUMMARY:**

The Local Traffic Committee is an advisory committee with representatives from NSW Police, Transport for NSW, Local Members of Parliament, councillors and council staff.

The purpose of the Committee is to update Council on matters related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

This report seeks adoption of the Committee's minutes and recommendations.

**RECOMMENDATION:****THAT COUNCIL:**

1. **Note the Minutes of the Local Traffic Committee held on Wednesday, 8 February 2023;**
2. **Adopt the following recommendations from the minutes:**
  - a. **Endorse changes to the signage at Dowells Lane and Bombowlee Avenue, Tumut to allow improved flow of traffic**
  - b. **Support the request for Transport for New South Wales (TfNSW) to undertake appropriate assessment of a modification to the speed limit at Cider House, 4066 Batlow Road, Batlow**
  - c. **Review alternate options for signage in compliance with relevant standards for Maple and Birch Streets, Batlow**
  - d. **Further investigate traffic calming options for Travers Street and Grahamstown Road, Adelong**
  - e. **Approve the modification of the "No Stopping" signs with extended bus zone signs at Tumbarumba High School**
  - f. **Endorse the collection of speed traffic data for a speed reduction in Brungle and send data to both TfNSW and NSW Police for assessment**
  - g. **Support the Special Event Application for the 2023 Tumut Festival of the Falling Leaf to be held on 29 April 2023, subject to Council's standard conditions**
  - h. **Support the Special Event Application for the Tumbafest 2023 to be held on 25 - 26 February 2023, subject to Council's standard conditions**
  - i. **Document the support for the event of 2023 Zone 20 Pony Club Street Parade Tumbarumba retrospectively, noting the non-meeting approval in December 2022, subject to Council's standard conditions**
  - j. **Endorse an assessment of the pedestrian traffic on Batlow Road (pump station), Batlow and its usage with a report back to Council before the next Local Traffic Committee 10 May 2023 meeting and this report must also include a section 138 TfNSW for Council's approval**
  - k. **Endorse an assessment of pedestrian traffic on Kurrajong Avenue and Memorial Avenue, Batlow and its usage with a report back to the Local Traffic Committee next meeting 10 May 2023**
  - l. **Request TfNSW assess and replace the Herb Feint Bridge, Adelong sign due to vandalism**



- m. Request TfNSW assess or move large rocks from Herb Feint Bridge, Adelong to another location in the creekscape
- n. Note TfNSW advised the section of road between Yarrangobilly to Talbingo Mountain underwent heavy patching and the speed limit change has gone from 80km/hr back to 100km/hr. Furthermore, the section of road between Talbingo and Tumut is still undergoing heavy patching and the speed limit remains 80km/hr
- o. Note TfNSW has advised the non-standard signage at McAuley Catholic Central School, Tumut is still on their radar and an update will be provided in the Local Traffic Committee meeting on 10 May 2023.

## **BACKGROUND:**

The Local Traffic Committee is primarily a technical review committee with representatives from Transport for NSW, NSW Police, representatives of elected Members of Parliament and council representatives related to traffic control devices, facilities and events related to roads and transport within the Local Government Area that are not Federal, State, nor private roads.

## **REPORT:**

A copy of the Local Traffic Committee Minutes are attached to this report.

The next meeting of the Local Traffic Committee is scheduled for Wednesday, 10 May 2023. This meeting will be held in Tumbarumba.

## **LINK TO COMMUNITY STRATEGIC PLAN AND DELIVERY AND OPERATIONAL PLAN:**

### **Integrated Planning and Reporting Framework:**

#### **Community Strategic Plan Theme**

Theme 4 - Our Infrastructure

#### **Community Strategic Plan Strategic Objectives**

CSP4 Our infrastructure includes Council services that plan, manage, maintain and renew our community infrastructure and transport networks

#### **Delivery Program Principal Activities**

4.1 Plan and provide sustainable transport infrastructure, including footpaths, walking tracks and cycleways

4.3 Plan and provide a program to maintain the local road network

## **FINANCIAL AND RESOURCES IMPLICATIONS:**

Internal resources are utilised to prepare the reports for the Local Traffic Committee and the provision of executive staff of the committee.

The delivery of traffic safety initiatives proposed by the Local Traffic Committee are subject to the availability of funding. Council has an allocated budget for the commencement of agreed road safety initiatives. The items outlined in this report will be actioned as time and resources are available.

## **POLICY, LEGAL AND STATUTORY IMPLICATIONS:**

The requirements for Council to maintain a Local Traffic Committee are pertained within the *Roads Act 1993*, with Terms of Reference being provided by Transport for NSW (A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees) RTA 2009.)

**RISK MANAGEMENT / COST BENEFIT ANALYSIS:**

Risk Management Assessments are provided with Special Event applications.

Risk Management is considered as part of the roles of the Local Traffic Committee.

**OPTIONS:**

Council may choose to:

1. Endorse the recommendations made by the Local Traffic Committee as described in this report and the minutes as attached.
2. Endorse some of the recommendations made by the Local Traffic Committee as described in this report and the minutes as attached.
3. Not endorse the recommendations made by the Local Traffic Committee as described in this report and the minutes as attached.
4. Reject or defer the report.

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

The traffic management for events that occupy road reserves requires consultation with NSW Police, Transport for NSW, Snowy Valleys Council, road managers, event organisers and other stakeholders.

Changes to the road environment require communication with the community.

**ATTACHMENTS**

1. Minutes - Local Traffic Committee - 8 February 2023 (Under separate cover)

## 12. CONFIDENTIAL

Section 10D of the *Local Government Act 1993* provides that Council may close to the public that part of the meeting that deals with matters of a confidential nature. Section 10A(2) lists such matters.

The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.

### **RECOMMENDATION:**

That Council move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10A(2) of the *Local Government Act 1993* for the reasons specified:

### **12.1 HUME & HOVELL STRATEGIC PLAN PROJECT:**

Item 12.1 is confidential under the *Local Government Act 1993* Section 10A (2) (d)(i) as it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

## 13. MEETING CLOSURE